
EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations make provision to facilitate the application of Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) (“the recast Judgments Regulation”) in the United Kingdom from 10th January 2015.

The recast Judgments Regulation replaces Council Regulation (EC) No. 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (“the original Judgments Regulation”). The recast Judgments Regulation contains revised provisions both on jurisdiction, and on recognition and enforcement of judgments.

These Regulations make amendments to various enactments, in particular the Civil Jurisdiction and Judgments Act 1982, the Civil Jurisdiction and Judgments Order 2001 and the Civil Jurisdiction and Judgments (Authentic Instruments and Court Settlements) Order 2001, which are consequential on the replacement of the original Judgments Regulation by the recast Judgments Regulation and the changes made by the recast Judgments Regulation.

The main change in the recast Judgment Regulation requiring such consequential amendment is in relation to recognition and enforcement of judgments, for which the recast Judgments Regulation removes the process known as *exequatur* which, under the original Judgments Regulation, requires a judgment of a court in another Member State which is to be enforced in one of the jurisdictions in the United Kingdom to undergo a process of registration and a declaration of enforceability in the relevant jurisdiction before it can be enforced there. Provisions which govern or refer to that process are accordingly amended or revoked to reflect the fact that it is no longer applicable for judgments which are enforceable under the recast Judgments Regulation.

Regulation 2 and Schedule 1 make amendments to the Civil Jurisdiction and Judgments Act 1982. Those amendments replace references to the original Judgments Regulation or to provisions of it, with references to the recast Judgments Regulation, or to the corresponding provisions of it, and to replace a reference to a judgment being registered under the Regulation with a reference to a judgment being enforceable under the Regulation, to reflect the removal of *exequatur*.

Regulation 3 and Schedule 2 make amendments to the Civil Jurisdiction and Judgments Order 2001. Those amendments—

- replace references to the original Judgments Regulation or to provisions of it with references to the recast Judgments Regulation or to the corresponding provisions of it;
- remove references to requirements for registration of a judgment for enforcement under the Regulation;
- replace references to registration of judgments under the Regulation with references to enforcement under the Regulation;
- remove provisions relating to enforcement of maintenance orders under the Regulation, since maintenance orders are not enforceable under the recast Judgments Regulation.

Regulation 4 and Schedule 3 make amendments to the Civil Jurisdiction and Judgments (Authentic Instruments and Court Settlements) Order 2001 to replace references to the original Judgments Regulation or to provisions of it, with references to the recast Judgments Regulation, or to the corresponding provisions of it.

Changes to legislation: *There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) Regulations 2014. (See end of Document for details)*

Regulation 5 and Schedule 4 make amendments to other enactments, to replace references to the original Judgments Regulation with references to the recast Judgments Regulation, and to make provision for jurisdiction in relation to “adaptation orders” pursuant to Article 54 of the recast Judgments Regulation.

Regulation 6 makes transitional and saving provision. The transitional provisions in article 66 of the recast Judgments Regulation have the effect that the original version of the Judgments Regulation will continue to apply, in relation to judgments arising from existing proceedings, for a significant period. Rather than have two sets of provisions in the various enactments which are amended, the approach adopted is to make amendments which remove from those enactments the provisions relating to the original version of the Judgments Regulation, but to provide (as regulation 6 does) for the amendments not to apply where the original version of the Judgments Regulation continues to apply, so that the provisions relating to the original version of the Judgments Regulation also continue to apply.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) Regulations 2014.