
STATUTORY INSTRUMENTS

2015 No. 1644

JUDGMENTS

The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015

<i>Made</i>	- - - -	<i>3rd September 2015</i>
<i>Laid before Parliament</i>		<i>7th September 2015</i>
<i>Coming into force</i>	- -	<i>1st October 2015</i>

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁾ in relation to private international law⁽²⁾, makes the following Regulations in exercise of the power under section 2(2) of that Act.

Citation, commencement and extent **U.K.**

1.—(1) These Regulations may be cited as the Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015, and come into force on 1st October 2015.

(2) Subject to paragraphs (3) to (5), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(3) Regulations 13 and 21 extend to England and Wales and Northern Ireland only.

(4) Regulations 14, 15 and 22 extend to Scotland only.

(5) Regulation 23 extends to England and Wales only.

(1) 1972 c. 68. Section 2 was amended by section 27(1)(a) and (b) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3 of, and the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(2) The European Communities (Designation) (No. 2) Order 2008 (S.I. 2008/1792). Under section 57(1) of the Scotland Act 1998 (c. 46), despite the transfer to the Scottish Ministers of functions in relation to implementation of obligations under European Union law in respect of devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable by the Secretary of State as regards Scotland. Implementation of obligations under European Union law in respect of devolved matters is itself a devolved matter in Northern Ireland. However, the designation of the Secretary of State under the European Communities (Designation) (No. 2) Order 2008 in relation to private international law remains exercisable in relation to Northern Ireland. This is despite the designation of Northern Ireland Departments in relation to that matter by virtue of the European Communities (Designation) (No. 5) Order 2010 (S.I. 2010/2690) as that designation does not restrict the scope of other designations.

Status: Point in time view as at 01/10/2015.

Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015. (See end of Document for details)

Commencement Information

I1 Reg. 1 in force at 1.10.2015, see [reg. 1\(1\)](#)

Amendments to the Civil Jurisdiction and Judgments Act 1982 **U.K.**

2. The Civil Jurisdiction and Judgments Act 1982(3) is amended in accordance with regulations 3 to 20.

Commencement Information

I2 Reg. 2 in force at 1.10.2015, see [reg. 1\(1\)](#)

Interpretation of references to the Hague Convention on Choice of Court Agreements 2005 and its Contracting States **U.K.**

3.—(1) Section 1 (interpretation of references to the Conventions and Contracting States)(4) is amended as follows.

(2) In subsection (1), at the appropriate place insert—

““the 2005 Hague Convention” means the Convention on Choice of Court Agreements concluded on 30th June 2005 at the Hague(5);”

(3) In subsection (3)—

(a) at the appropriate place insert—

““2005 Hague Convention State”, in any provision, in the application of that provision in relation to the 2005 Hague Convention, means a State bound by that Convention;” and

(b) in the definition of “Contracting State”—

(i) at the end of paragraph (a) omit “and”;

(ii) at the end of paragraph (b) insert “and”; and

(iii) after paragraph (b) insert—

“(c) in the application of the provision in relation to the 2005 Hague Convention, a 2005 Hague Convention State;”

(4) In subsection (4)—

(a) for “the Brussels Conventions, or the Lugano Convention” substitute “the Brussels Conventions, the Lugano Convention, or the 2005 Hague Convention”;

(b) at the end of paragraph (a) omit “and”;

(c) at the end of paragraph (b) insert “; and”; and

(d) after paragraph (b) insert—

“(c) in accordance with Article 26 of the 2005 Hague Convention (which determines the relationship between the Brussels Conventions, the Lugano Convention, the Regulation and the 2005 Hague Convention).”

(3) [1982 c. 27.](#)

(4) Section 1 was amended by section 2 of the Civil Jurisdiction and Judgments Act [1991 \(c. 12\)](#), [S.I. 1989/1346](#), [1990/2591](#), [2000/1824](#), [2001/3929](#), [2007/1655](#), [2009/3131](#), [2011/1215](#), [2012/1770](#), [2012/1809](#) and [2014/2947](#).

(5) For the text of the Convention see Annex 1 to Council Decision [2009/397/EC](#) of 26th February 2009 on the signing on behalf of the European Community of the Convention on Choice of Court Agreements OJ No. L 133, 29.5.2009, p1.

Commencement Information

I3 Reg. 3 in force at 1.10.2015, see [reg. 1\(1\)](#)

Registration and enforcement of judgments under the 2005 Hague Convention **U.K.**

4. After section 4A (enforcement of judgments, other than maintenance orders, under the Lugano Convention)(6) insert—

“Registration and enforcement of judgments under the 2005 Hague Convention

4B.—(1) A judgment which is required to be recognised and enforced under the 2005 Hague Convention in any part of the United Kingdom must be registered in the prescribed manner in the appropriate court, on the application of any interested party.

(2) In subsection (1) “the appropriate court” means—

- (a) in England and Wales or Northern Ireland, the High Court;
- (b) in Scotland, the Court of Session.

(3) A judgment which is required to be recognised and enforced under the 2005 Hague Convention must be registered without delay on completion of the formalities in Article 13 of the 2005 Hague Convention if the registering court considers that it meets the condition for recognition in Article 8(3) of the 2005 Hague Convention, without any review of whether a ground for refusal under Article 9 applies.

(4) The party against whom enforcement is sought shall not be entitled to make any submission on the application for registration.

(5) Where a judgment which is required to be recognised and enforced under the 2005 Hague Convention has been registered, the reasonable costs or expenses of and incidental to its registration shall be recoverable as if they were sums recoverable under the judgment.

(6) A judgment which is required to be recognised and enforced under the 2005 Hague Convention shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by the registering court and had (where relevant) been entered.

(7) Subsection (6) is subject to section 7 (interest on registered judgments) and to any provision made by rules of court as to the manner in which and conditions subject to which a judgment registered under the 2005 Hague Convention may be enforced.”.

Commencement Information

I4 Reg. 4 in force at 1.10.2015, see [reg. 1\(1\)](#)

Appeals in relation to registration of judgments under the 2005 Hague Convention **U.K.**

5. After section 6A (appeals under Article 44 and Annex IV of the Lugano Convention)(7) insert—

(6) Section 4A was inserted by [S.I. 2009/3131](#).

(7) Section 6A was inserted by [S.I. 2009/3131](#) and amended by section 17(6) of, and Schedule 11 Part 1 paragraph 86(1) and (12) to, the Crime and Courts Act 2013 (c. 22).

Status: Point in time view as at 01/10/2015.

Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015. (See end of Document for details)

“Appeals in relation to registration of judgments under the 2005 Hague Convention

6B.—(1) A decision on the application for registration of a judgment required to be recognised and enforced under the 2005 Hague Convention may be appealed against by either party.

(2) The appeal referred to in subsection (1) lies—

- (a) in England and Wales or Northern Ireland, to the High Court;
- (b) in Scotland, to the Court of Session.

(3) The court to which an appeal referred to in subsection (1) is brought must refuse or revoke registration only if—

- (a) the condition for recognition in Article 8(3) of the 2005 Hague Convention is not met;
- (b) the ground for postponement or refusal of recognition in Article 8(4) of the 2005 Hague Convention applies; or
- (c) one or more of the grounds specified in Article 9 of the 2005 Hague Convention apply.

(4) A single further appeal on a point of law against the judgment given on the appeal referred to in subsection (1) lies—

- (a) in England and Wales or Northern Ireland, to the Court of Appeal or to the Supreme Court in accordance with Part II of the Administration of Justice Act 1969⁽⁸⁾ (appeals direct from the High Court to the Supreme Court);
- (b) in Scotland, to the Inner House of the Court of Session.

(5) Paragraph (a) of subsection (4) has effect notwithstanding section 15(2) of the Administration of Justice Act 1969 (exclusion of direct appeal to the Supreme Court in cases where no appeal to that Court lies from a decision of the Court of Appeal).”

Commencement Information

I5 Reg. 5 in force at 1.10.2015, see [reg. 1\(1\)](#)

Interest on registered judgments **U.K.**

6. In section 7(1) and (5) (interest on registered judgments)⁽⁹⁾, after “4A,” insert “4B.”

Commencement Information

I6 Reg. 6 in force at 1.10.2015, see [reg. 1\(1\)](#)

Provisions supplementary to Article 26 of the 2005 Hague Convention **U.K.**

7. In section 9 (provisions supplementary to Title VII of 1968 Convention)⁽¹⁰⁾ after “Lugano Convention” insert “and Article 26 of the 2005 Hague Convention”.

⁽⁸⁾ 1969 (c. 58).

⁽⁹⁾ Section 7 was amended by section 17(6) of, and Schedule 11 Part 1 paragraph 86(1) and (13) to, the Crime and Courts Act 2013 and [S.I. 2009/3131](#).

⁽¹⁰⁾ Section 9 was amended by sections 1 and 3 of, and Schedule 2 paragraph 4 to, the Civil Jurisdiction and Judgments Act 1991, [S.I. 2001/3929](#) and [2009/3131](#).

Commencement Information

17 Reg. 7 in force at 1.10.2015, see [reg. 1\(1\)](#)

Proof and admissibility of certain judgments and related documents for the purposes of the 2005 Hague Convention [U.K.](#)

8. After section 11A (proof and admissibility of certain judgments and related documents for the purposes of the Lugano Convention)(11) insert—

“Proof and admissibility of certain judgments and related documents for the purposes of the 2005 Hague Convention

11B.—(1) For the purposes of the 2005 Hague Convention—

- (a) a document, duly authenticated, which purports to be a copy of a judgment given by a court of a 2005 Hague Convention State other than the United Kingdom shall without further proof be deemed to be a true copy, unless the contrary is shown; and
- (b) a certificate issued by the court of the 2005 Hague Convention State of origin, in the form recommended for use under the 2005 Hague Convention and published by the Hague Conference on Private International Law, as referred to in Article 13(3) of the 2005 Hague Convention, shall be evidence, and in Scotland sufficient evidence, as to whether the judgment has effect or is enforceable in the 2005 Hague Convention State of origin.

(2) A document purporting to be a copy of a judgment given by any such court as is mentioned in subsection (1)(a) is duly authenticated for the purposes of this section if it purports—

- (a) to bear the seal of that court; or
- (b) to be certified by any person in their capacity as judge or officer of that court to be a true copy of a judgment given by that court.

(3) Nothing in this section shall prejudice the admission in evidence of any document which is admissible apart from this section.”

Commencement Information

18 Reg. 8 in force at 1.10.2015, see [reg. 1\(1\)](#)

Provision for issue of copies of, and certificates in connection with, United Kingdom judgments [U.K.](#)

9. In section 12 (provision for issue of copies of, and certificates in connection with, UK judgments)(12), for “or the Lugano Convention” substitute “, the Lugano Convention or the 2005 Hague Convention”.

(11) Section 11A was inserted by [S.I. 2009/1313](#).

(12) Section 12 was amended by section 3 of, and Schedule 2 paragraph 7 to, the Civil Jurisdiction and Judgments Act 1991.

Status: Point in time view as at 01/10/2015.

Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015. (See end of Document for details)

Commencement Information

I9 Reg. 9 in force at 1.10.2015, see [reg. 1\(1\)](#)

Interpretation of Part 1 of the Civil Jurisdiction and Judgments Act 1982 **U.K.**

10.—(1) Section 15 (interpretation of Part 1 and consequential amendments)(**13**) is amended as follows.

(2) In subsection (1) at the end of the definition of “judgment” insert “or Article 4(1) of the 2005 Hague Convention”.

(3) In subsection (2), after “4A,” insert “4B,”.

Commencement Information

I10 Reg. 10 in force at 1.10.2015, see [reg. 1\(1\)](#)

Allocation within United Kingdom of jurisdiction in certain civil proceedings **U.K.**

11. In section 16(4) (allocation within the UK of jurisdiction in certain civil proceedings)(**14**), for “and the Lugano Convention” substitute “, the Lugano Convention and the 2005 Hague Convention”.

Commencement Information

I11 Reg. 11 in force at 1.10.2015, see [reg. 1\(1\)](#)

Interim relief and protective measures in cases of doubtful jurisdiction **U.K.**

12. In section 24(1)(c) and (2)(c) (interim relief and protective measures in cases of doubtful jurisdiction)(**15**) after “the Lugano Convention” insert “or the 2005 Hague Convention”.

Commencement Information

I12 Reg. 12 in force at 1.10.2015, see [reg. 1\(1\)](#)

Interim relief in England and Wales and Northern Ireland in the absence of substantive proceedings **E+W+N.I.**

13.—(1) Section 25 (interim relief in England and Wales and Northern Ireland in the absence of substantive proceedings)(**16**) is amended as follows.

(2) In subsections (1)(a) and (3)(a) after “Lugano Convention” insert “or a 2005 Hague Convention State”.

(3) In subsection (1) for paragraph (b) substitute—

(13) Section 15 was amended by section 3 of, and Schedule 2 paragraph 10 to, the Civil Jurisdiction and Judgments Act 1991, section 17 of, and Schedule 11 Part 1 paragraph 86 to, the Crime and Courts Act 2013 and [S.I. 2009/3131](#).

(14) Section 16(4) was amended by section 3 of, and Schedule 2 paragraph 11 to, the Civil Jurisdiction and Judgments Act 1991 and [S.I. 2001/3929](#) and [2011/1484](#).

(15) Section 24 was amended by [S.I. 2001/3929](#), [2009/3131](#), [2011/1484](#) and [2012/1809](#).

(16) Section 25 was amended by section 3 of, and Schedule 2 paragraph 12 to, the Civil Jurisdiction and Judgments Act 1991, section 107 of, and Schedule 4 to, the Arbitration Act 1996 (c. 23), [S.I. 2001/3929](#), [2009/3131](#) and [2011/1484](#).

- “(b) they are or will be proceedings whose subject-matter is either within the scope of the Regulation, as determined by Article 1 of the Regulation, within the scope of the Maintenance Regulation as determined by Article 1 of that Regulation, within scope of the Lugano Convention as determined by Article 1 of the Lugano Convention or within scope of the 2005 Hague Convention as determined by Articles 1 and 2 of the 2005 Hague Convention (whether or not the Regulation, the Maintenance Regulation, the Lugano Convention or the 2005 Hague Convention has effect in relation to the proceedings).”.
- (4) In subsection (3)(b)—
- (a) for “or the Lugano Convention” substitute “, the Lugano Convention”; and
 - (b) at the end insert “or the 2005 Hague Convention as determined by Articles 1 and 2 of the 2005 Hague Convention.”.

Commencement Information

I13 Reg. 13 in force at 1.10.2015, see [reg. 1\(1\)](#)

Provisional and protective measures in Scotland in the absence of substantive proceedings **S**

14.—(1) Section 27 (provisional and protective measures in Scotland in the absence of substantive proceedings)(**17**) is amended as follows.

(2) In subsection (2)(a) after “Maintenance Regulation State” insert “, in another 2005 Hague Convention State”.

(3) In subsection (2)(b)—

- (a) for “or is within the scope of the Maintenance Regulation” substitute “, is within scope of the Maintenance Regulation”; and
- (b) after “that Regulation” insert “or is within the scope of the 2005 Hague Convention as determined by Articles 1 and 2 of that Convention”.

(4) In subsection (3)(a)—

- (a) for “or Lugano Contracting State” substitute “, Lugano Contracting State”; and
- (b) at the end insert “or a 2005 Hague Convention State”.

(5) In subsection (3)(b), at the end insert “or the 2005 Hague Convention as determined by Articles 1 and 2 of that Convention”.

(6) In subsection (3)(d)—

- (a) for “or Maintenance Regulation State” substitute “, Maintenance Regulation State”; and
- (b) at the end insert “or a 2005 Hague Convention State”.

Commencement Information

I14 Reg. 14 in force at 1.10.2015, see [reg. 1\(1\)](#)

(17) Section 27 was amended by section 3 of, and Schedule 2 paragraph 12 to, the Civil Jurisdiction and Judgments Act 1991, section 226 of, and Schedule 5 paragraph 12 to, the Bankruptcy and Diligence etc (Scotland) Act 2007 ([asp 3](#)), [S.I. 2001/3929](#) and [2011/1484](#).

Status: Point in time view as at 01/10/2015.

Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015. (See end of Document for details)

Application of section 1 of the Administration of Justice (Scotland) Act 1972 **S**

15. In section 28(1) (application of section 1 of the Administration of Justice (Scotland) Act 1979)(18) after “a Regulation State” insert “, in a 2005 Hague Convention State”.

Commencement Information

I15 Reg. 15 in force at 1.10.2015, see [reg. 1\(1\)](#)

Overseas judgments given in proceedings brought in breach of agreement for settlement of disputes **U.K.**

16. In section 32(4)(a) (overseas judgments given in proceedings brought in breach of agreement for settlement of disputes)(19) after “under” insert “the 2005 Hague Convention,”.

Commencement Information

I16 Reg. 16 in force at 1.10.2015, see [reg. 1\(1\)](#)

Certain steps not to amount to submission to jurisdiction of overseas court **U.K.**

17. At the end of section 33(2) (certain steps not to amount to submission to jurisdiction of overseas court)(20) insert “or the 2005 Hague Convention”.

Commencement Information

I17 Reg. 17 in force at 1.10.2015, see [reg. 1\(1\)](#)

Matters for which rules of court may provide **U.K.**

18. For section 48(1) (matters for which rules of court may provide)(21) substitute—

“(1) Rules of court may make provision for regulating the procedure to be followed in any court in connection with any provision of this Act, the Lugano Convention, the Brussels Conventions, the Regulation, the Maintenance Regulation, the 2007 Hague Convention or the 2005 Hague Convention.”.

Commencement Information

I18 Reg. 18 in force at 1.10.2015, see [reg. 1\(1\)](#)

(18) Section 28 was amended by section 3 of, and Schedule 2 paragraph 12 to, the Civil Jurisdiction and Judgments Act 1991, [S.I. 2001/3929](#) and [2011/1484](#).

(19) Section 32(4)(a) was amended by section 3 of, and Schedule 2, paragraph 14 to, the Civil Jurisdiction and Judgments Act 1991, [S.I. 2001/3929](#), [2011/1484](#) and [2012/2814](#).

(20) Section 33 was amended by section 3 of, and Schedule 2 paragraph 15 to, the Civil Jurisdiction and Judgments Act 1991, [S.I. 2001/3929](#), [2011/1484](#) and [2012/2814](#).

(21) Section 48(1) was amended by section 3 of, and Schedule 2 paragraph 23 to, the Civil Jurisdiction and Judgments Act 1991, [S.I. 2001/3929](#), [2011/1215](#) and [2012/1770](#).

Saving for powers to stay, sist, strike out or dismiss proceedings **U.K.**

19. At the end of section 49 (saving for powers to stay, sist, strike out or dismiss proceedings)(22) insert “or the 2005 Hague Convention”.

Commencement Information

I19 Reg. 19 in force at 1.10.2015, see [reg. 1\(1\)](#)

Interpretation: general **U.K.**

20. In section 50 (interpretation: general)(23), at the appropriate place insert—
“the 2005 Hague Convention” has the meaning given by section 1(1);
“2005 Hague Convention State” has the meaning given by section 1(3);”.

Commencement Information

I20 Reg. 20 in force at 1.10.2015, see [reg. 1\(1\)](#)

Amendment to the Civil Jurisdiction and Judgments Act 1982 (Interim Relief) Order

1997 **E+W+N.I.**

21. In article 2(a) of the Civil Jurisdiction and Judgments Act 1982 (Interim Relief) Order 1997(24) after “Lugano Convention” insert “, a 2005 Hague Convention State”.

Commencement Information

I21 Reg. 21 in force at 1.10.2015, see [reg. 1\(1\)](#)

Amendment to the Civil Jurisdiction and Judgments Act 1982 (Provisional and Protective Measures) (Scotland) Order 1997 **S**

22. In articles 2(a) and 3 of the Civil Jurisdiction and Judgments Act 1982 (Provisional and Protective Measures) (Scotland) Order 1997(25) for the words from “or” to “Convention” substitute “Contracting State, a State bound by the Lugano Convention or a 2005 Hague Convention State”.

Commencement Information

I22 Reg. 22 in force at 1.10.2015, see [reg. 1\(1\)](#)

Amendments to the Civil Procedure Rules 1998 **E+W**

23. The Civil Procedure Rules 1998(26) are amended in accordance with the Schedule.

(22) Section 49 was amended by section 3 of, and Schedule 2 paragraph 24 to, the Civil Jurisdiction and Judgments Act 1991.

(23) Section 50 was amended by section 3 of, and Schedule 2 paragraph 25 to, the Civil Jurisdiction and Judgments Act 1991, section 145 of, and Schedule 17 Part 2 paragraph 23 to, the Constitutional Reform Act 2005 (c. 4), section 17 of, and Schedule 11 Part 1 paragraph 86 to, the Crime and Courts Act 2013, S.I. 1990/2591, 2000/1824, 2001/3929, 2009/3131, 2011/1215 and 2012/1770.

(24) S.I. 1997/302. Article 2(a) was amended by S.I. 2001/3929 and 2009/3131.

(25) S.I. 1997/2780 (S.174); amended by S.I. 2009/3131.

(26) S.I. 1998/3132.

Status: Point in time view as at 01/10/2015.

Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015. (See end of Document for details)

Commencement Information

I23 Reg. 23 in force at 1.10.2015, see [reg. 1\(1\)](#)

Provisions relating to court settlements **U.K.**

24. The Civil Jurisdiction and Judgments (Authentic Instruments and Court Settlements) Order 1993(27) does not apply in relation to the 2005 Hague Convention.

Commencement Information

I24 Reg. 24 in force at 1.10.2015, see [reg. 1\(1\)](#)

Application of provisions of the Civil Jurisdiction and Judgments Act 1982 to judicial settlements **U.K.**

25.—(1) In this regulation—

- (a) “the Act” means the Civil Jurisdiction and Judgments Act 1982; and
- (b) “judicial settlements” means judicial settlements referred to in Article 12 of the 2005 Hague Convention.

(2) Subject to the modification specified in paragraph (3), sections 4B(28), 6B(29), 7 and 11B(30) of the Act apply to judicial settlements as if they were judgments.

(3) In the application of section 4B(6) of the Act to judicial settlements, for “as if the judgment had been originally given” substitute “as if it were a judgment which had been originally given”.

(4) The disapplication of section 18(31) of the Act (enforcement of United Kingdom judgments in other parts of the United Kingdom) by section 18(7) extends to judicial settlements enforceable in a 2005 Hague Convention State outside the United Kingdom which fall to be treated for the purposes of their enforcement as judgments of a court of law in the United Kingdom by virtue of registration under the Act.

(5) Section 48(32) of the Act (matters for which rules of court may provide) applies to judicial settlements as if they were judgments to which the 2005 Hague Convention applies.

Commencement Information

I25 Reg. 25 in force at 1.10.2015, see [reg. 1\(1\)](#)

(27) [S.I. 1993/604](#).

(28) Section 4B is inserted by regulation 4.

(29) Section 6B is inserted by regulation 5.

(30) Section 11B is inserted by regulation 8.

(31) Section 18 was amended by [S.I. 2011/1484](#) and [2012/2814](#). There are other amendments not relevant for the purposes of these Regulations.

(32) Section 48 was amended by section 3 of, and Schedule 2 paragraph 23 to, the Civil Jurisdiction and Judgments Act 1991, section 17 of, and Schedule 11 Part 1 paragraphs 16 and 86 to, the Crime and Courts Act 2013, [S.I. 2001/3929](#), [2011/1215](#), [2012/1770](#) and [2014/2947](#).

Dominic Raab
Parliamentary Under Secretary of State
Ministry of Justice

Status: Point in time view as at 01/10/2015.

Changes to legislation: There are currently no known outstanding effects for the *The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015*. (See end of Document for details)

SCHEDULE **U.K.**

Regulation 23

Amendments to the Civil Procedure Rules 1998

1. At the end of rule 6.31 (interpretation)(33) insert—

“(k) “the 2005 Hague Convention” means the Convention on Choice of Court Agreements concluded on 30th June 2005 at the Hague.”.

Commencement Information

I26 Sch. para. 1 in force at 1.10.2015, see [reg. 1\(1\)](#)

2.—(1) Rule 6.33 (service of the claim form where the permission of the court is not required – out of the United Kingdom)(34) is amended as follows.

(2) After paragraph (2A) insert—

“(2B) The claimant may serve the claim form on the defendant out of the United Kingdom where each claim against the defendant to be served and included in the claim form is a claim which the court has power to determine under the 2005 Hague Convention and the defendant is a party to an exclusive choice of court agreement conferring jurisdiction on that court within the meaning of Article 3 of the 2005 Hague Convention.”.

(3) In paragraph (3) for “or the Lugano Convention or the Judgments Regulation” substitute “, the Lugano Convention, the 2005 Hague Convention, or the Judgments Regulation”.

Commencement Information

I27 Sch. para. 2 in force at 1.10.2015, see [reg. 1\(1\)](#)

3. In rule 12.10(b)(i) (default judgment obtained by making an application)(35) for “or 6.33(2)” substitute “, 6.33(2) or 6.33(2B)”.

Commencement Information

I28 Sch. para. 3 in force at 1.10.2015, see [reg. 1\(1\)](#)

4.—(1) Rule 12.11 (supplementary provisions where applications for default judgment are made)(36) is amended as follows.

(2) For paragraph (4)(a) substitute—

“(a) the claim under the Civil Jurisdiction and Judgments Act 1982, the Lugano Convention, the Judgments Regulation or the 2005 Hague Convention was served in accordance with rules 6.32(1), 6.33(1), 6.33(2) or 6.33(2B) as appropriate;”.

(3) At the end of paragraph (6) insert—

“.

(33) Rule 6.31 was substituted by [S.I. 2008/2178](#) and amended by [S.I. 2009/3131](#) and [2014/2948](#).

(34) Rule 6.33 was substituted by [S.I. 2008/2178](#) and amended by [S.I. 2009/3131](#) and [2014/2948](#).

(35) Rule 12.10(b) was amended by [S.I. 2000/940](#), [2001/4015](#) and [2008/2178](#).

(36) Rule 12.11 was amended by [S.I. 2001/4015](#), [2008/2178](#) and [2009/3131](#). There are other amendments not relevant for the purposes of these Regulations.

Status: Point in time view as at 01/10/2015.

Changes to legislation: There are currently no known outstanding effects for the *The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015*. (See end of Document for details)

- (g) “the 2005 Hague Convention” means the Convention on Choice of Court Agreements concluded on 30th June 2005 at the Hague.”.

Commencement Information

I29 Sch. para. 4 in force at 1.10.2015, see [reg. 1\(1\)](#)

5. In rule 25.13(2)(a)(ii) (conditions to be satisfied)(**37**) after “Lugano Convention” insert “, a State bound by the 2005 Hague Convention”.

Commencement Information

I30 Sch. para. 5 in force at 1.10.2015, see [reg. 1\(1\)](#)

6. In rule 74.1(5) (scope of Part 74 and interpretation)(**38**) at the end insert—
“;

- (g) “the 2005 Hague Convention” means the Convention on Choice of Court Agreements concluded on 30th June 2005 at the Hague.”.

Commencement Information

I31 Sch. para. 6 in force at 1.10.2015, see [reg. 1\(1\)](#)

7. In rule 74.3(1) (applications for registration)(**39**) for subparagraph (c) substitute—
“(c) sections 4 and 4B of the 1982 Act; and”.

Commencement Information

I32 Sch. para. 7 in force at 1.10.2015, see [reg. 1\(1\)](#)

8. In rule 74.4 (evidence in support)(**40**) after paragraph (5) insert—
“(5A) Written evidence in support of an application under section 4B of the 1982 Act (registration and enforcement of judgments under the 2005 Hague Convention) must also include any other evidence required by Article 13 of the 2005 Hague Convention.”.

Commencement Information

I33 Sch. para. 8 in force at 1.10.2015, see [reg. 1\(1\)](#)

- 9.—(1) Rule 74.10 (recognition)(**41**) is amended as follows.
(2) In paragraph (1), for the words “and the Lugano Convention” substitute “, the Lugano Convention and the 2005 Hague Convention”.
(3) In paragraph (2), for “or the Lugano Convention” substitute “the Lugano Convention or the 2005 Hague Convention”.

(37) Rule 25.13 was inserted by [S.I. 2000/221](#) and amended by [S.I. 2002/3219](#) and [2009/3131](#).

(38) Rule 74.1 was inserted by [S.I.2002/2058](#) and amended by [S.I. 2005/2292](#), [S.I. 2009/3131](#), [S.I. 2014/2948](#) and [S.I. 2014/3299](#).

(39) Rule 74.3 was inserted by [S.I. 2002/2058](#) and amended by [S.I. 2009/3131](#) and [S.I. 2014/2948](#).

(40) Rule 74.4 was inserted by [S.I. 2002/2058](#) and amended by [S.I. 2009/3131](#) and [S.I. 2014/2948](#).

(41) Rule 74.10 was inserted by [S.I. 2002/2058](#), substituted by [S.I. 2009/3131](#) and amended by [S.I. 2014/2948](#).

Status: Point in time view as at 01/10/2015.

Changes to legislation: There are currently no known outstanding effects for the *The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015*. (See end of Document for details)

Commencement Information

I34 Sch. para. 9 in force at 1.10.2015, see [reg. 1\(1\)](#)

- 10.**—(1) In rule 74.11 (authentic instruments and court settlements)**(42)** in paragraph (b)—
- (i) at the end of subparagraph (ii) omit “and”; and
 - (ii) at the end of subparagraph (iii) insert—
 - “; and
 - (iv) article 12 of the 2005 Hague Convention.”.

Commencement Information

I35 Sch. para. 10 in force at 1.10.2015, see [reg. 1\(1\)](#)

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Convention on Choice of Court Agreements (the “Convention”) was concluded at the Hague on 30th June 2005 and signed on behalf of the European Union on 1st April 2009 (for the text of the Convention see Annex 1 to Council Decision [2009/397/EC](#) of 26th February 2009 on the signing on behalf of the European Community of the Convention on Choice of Court Agreements OJNo. L 133, 29.5.2009, p 1.). The Convention was ratified on behalf of the European Union on 11th June 2015 and will enter into force on 1st October 2015 for the Member States of the European Union and for Mexico, which is the only other State which has ratified the Convention to date.

The provisions of Article 25 of Regulation (EU) No. 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, which deal with choice of court agreements and of Article 23 of the 2007 Convention on jurisdiction and recognition and enforcement of judgments in civil and commercial matters (the “Lugano Convention” OJ L 339, 21.12.2007, p 3), shall continue to apply to the extent specified by Article 26 of the Convention.

These Regulations make amendments to United Kingdom legislation consequential on the entry into force of the Convention. Regulations 2 to 20 amend the Civil Jurisdiction and Judgments Act 1982 (c. 27) to provide, in particular, for foreign judgments required to be recognised and enforced under the Convention to be registered under that Act on the application of an interested party and for a decision on such an application to be appealable on the grounds set out in the Convention. Regulations 21 and 22 make consequential amendments to the Civil Jurisdiction and Judgments Act 1982 (Interim Relief) Order 1997 ([S.I.1997/302](#)) and the Civil Jurisdiction and Judgments Act 1982 (Provisional and Protective Measures) (Scotland) Order 1997 ([S.I. 1997/2780 \(S.174\)](#)). Regulation 23 and the Schedule amend the Civil Procedure Rules 1998 ([S.I.1998/3132](#)) to provide for service of claims to which the Convention applies out of the jurisdiction and to make further provision as to the procedure for registration and enforcement of foreign judgments in England and Wales

(42) Rule 74.11 was inserted by [S.I. 2002/2058](#), substituted by [S.I. 2009/3131](#) and amended by [S.I. 2014/2948](#).

in accordance with the Convention. Regulations 24 and 25 make provisions in relation to judicial settlements which generally mirror the provisions made by the Civil Jurisdiction and Judgments (Authentic Instruments and Court Settlement) Order 2001.

A regulatory impact assessment has not been prepared for this instrument as it has no significant impact on business, charities or voluntary bodies.

Status:

Point in time view as at 01/10/2015.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015.