
STATUTORY INSTRUMENTS

2015 No. 1644

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

Citation, commencement and extent

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.

Amendments to the Civil Jurisdiction and Judgments Act 1982

2. The Civil Jurisdiction and Judgments Act 1982(1) is amended in accordance with regulations 3 to 20.

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

3.—(1) Section 1 (interpretation of references to the Conventions and Contracting States)(2) 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(3);”

(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—

(1) 1982 c. 27.

(2) 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.

(3) 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, p1.

- “(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).”.

Registration and enforcement of judgments under the 2005 Hague Convention

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

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

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

“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(6) (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).”

Interest on registered judgments

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

Provisions supplementary to Article 26 of the 2005 Hague Convention

7. In section 9 (provisions supplementary to Title VII of 1968 Convention)(8) after “Lugano Convention” insert “and Article 26 of the 2005 Hague Convention”.

(5) 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](#)).

(6) [1969 \(c. 58\)](#).

(7) 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](#).

(8) 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](#).

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

8. After section 11A (proof and admissibility of certain judgments and related documents for the purposes of the Lugano Convention)(9) 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.”

Provision for issue of copies of, and certificates in connection with, United Kingdom judgments

9. In section 12 (provision for issue of copies of, and certificates in connection with, UK judgments)(10), for “or the Lugano Convention” substitute “, the Lugano Convention or the 2005 Hague Convention”.

Interpretation of Part 1 of the Civil Jurisdiction and Judgments Act 1982

10.—(1) Section 15 (interpretation of Part 1 and consequential amendments)(11) 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,”.

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

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

(11) 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](#).

Allocation within United Kingdom of jurisdiction in certain civil proceedings

11. In section 16(4) (allocation within the UK of jurisdiction in certain civil proceedings)(**12**), for “and the Lugano Convention” substitute “, the Lugano Convention and the 2005 Hague Convention”.

Interim relief and protective measures in cases of doubtful jurisdiction

12. In section 24(1)(c) and (2)(c) (interim relief and protective measures in cases of doubtful jurisdiction)(**13**) after “the Lugano Convention” insert “or the 2005 Hague Convention”.

Interim relief in England and Wales and Northern Ireland in the absence of substantive proceedings

13.—(1) Section 25 (interim relief in England and Wales and Northern Ireland in the absence of substantive proceedings)(**14**) 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—

“(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.”

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

14.—(1) Section 27 (provisional and protective measures in Scotland in the absence of substantive proceedings)(**15**) 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

(12) 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](#).

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

(14) 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](#).

(15) 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](#).

(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”.

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

15. In section 28(1) (application of section 1 of the Administration of Justice (Scotland) Act 1979)(16) after “a Regulation State” insert “, in a 2005 Hague Convention State”.

Overseas judgments given in proceedings brought in breach of agreement for settlement of disputes

16. In section 32(4)(a) (overseas judgments given in proceedings brought in breach of agreement for settlement of disputes)(17) after “under” insert “the 2005 Hague Convention,”.

Certain steps not to amount to submission to jurisdiction of overseas court

17. At the end of section 33(2) (certain steps not to amount to submission to jurisdiction of overseas court)(18) insert “or the 2005 Hague Convention”.

Matters for which rules of court may provide

18. For section 48(1) (matters for which rules of court may provide)(19) 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.”.

Saving for powers to stay, sist, strike out or dismiss proceedings

19. At the end of section 49 (saving for powers to stay, sist, strike out or dismiss proceedings)(20) insert “or the 2005 Hague Convention”.

Interpretation: general

20. In section 50 (interpretation: general)(21), 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);”.

(16) 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](#).

(17) 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](#).

(18) 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](#).

(19) 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](#).

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

(21) 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](#).

Amendment to the Civil Jurisdiction and Judgments Act 1982 (Interim Relief) Order 1997

21. In article 2(a) of the Civil Jurisdiction and Judgments Act 1982 (Interim Relief) Order 1997(**22**) after “Lugano Convention” insert “, a 2005 Hague Convention State”.

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

22. In articles 2(a) and 3 of the Civil Jurisdiction and Judgments Act 1982 (Provisional and Protective Measures) (Scotland) Order 1997(**23**) for the words from “or” to “Convention” substitute “Contracting State, a State bound by the Lugano Convention or a 2005 Hague Convention State”.

Amendments to the Civil Procedure Rules 1998

23. The Civil Procedure Rules 1998(**24**) are amended in accordance with the Schedule.

Provisions relating to court settlements

24. The Civil Jurisdiction and Judgments (Authentic Instruments and Court Settlements) Order 1993(**25**) does not apply in relation to the 2005 Hague Convention.

Application of provisions of the Civil Jurisdiction and Judgments Act 1982 to judicial settlements

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(**26**), 6B(**27**), 7 and 11B(**28**) 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(**29**) 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(**30**) 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.

(22) [S.I. 1997/302](#). Article 2(a) was amended by [S.I. 2001/3929](#) and [2009/3131](#).

(23) [S.I. 1997/2780 \(S.174\)](#); amended by [S.I. 2009/3131](#).

(24) [S.I. 1998/3132](#).

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

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

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

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

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

(30) 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](#).

3rd September 2015

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