

SCHEDULE

Regulation 23

Amendments to the Civil Procedure Rules 1998

1. At the end of rule 6.31 (interpretation)(1) insert—
 - “(k) “the 2005 Hague Convention” means the Convention on Choice of Court Agreements concluded on 30th June 2005 at the Hague.”.
- 2.—(1) Rule 6.33 (service of the claim form where the permission of the court is not required – out of the United Kingdom)(2) 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”.
3. In rule 12.10(b)(i) (default judgment obtained by making an application)(3) for “or 6.33(2)” substitute “, 6.33(2) or 6.33(2B)”.
- 4.—(1) Rule 12.11 (supplementary provisions where applications for default judgment are made)(4) 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—

“,

 - (g) “the 2005 Hague Convention” means the Convention on Choice of Court Agreements concluded on 30th June 2005 at the Hague.”.
5. In rule 25.13(2)(a)(ii) (conditions to be satisfied)(5) after “Lugano Convention” insert “, a State bound by the 2005 Hague Convention”.
6. In rule 74.1(5) (scope of Part 74 and interpretation)(6) 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.”.
7. In rule 74.3(1) (applications for registration)(7) for subparagraph (c) substitute—

“(c) sections 4 and 4B of the 1982 Act; and”.

(1) Rule 6.31 was substituted by S.I. 2008/2178 and amended by S.I. 2009/3131 and 2014/2948.

(2) Rule 6.33 was substituted by S.I. 2008/2178 and amended by S.I. 2009/3131 and 2014/2948.

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

(4) 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.

(5) Rule 25.13 was inserted by S.I. 2000/221 and amended by S.I. 2002/3219 and 2009/3131.

(6) 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.

(7) Rule 74.3 was inserted by S.I. 2002/2058 and amended by S.I. 2009/3131 and S.I. 2014/2948.

Status: This is the original version (as it was originally made).

8. In rule 74.4 (evidence in support)(**8**) 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.”.

9.—(1) Rule 74.10 (recognition)(**9**) 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”.

10.—(1) In rule 74.11 (authentic instruments and court settlements)(**10**) 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.”.

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

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

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