



Civil Jurisdiction and Judgments Act 1982

1982 CHAPTER 27

PART V

SUPPLEMENTARY AND GENERAL PROVISIONS

Domicile

41 Domicile of individuals.

- (1) ^{F1}... The following provisions of this section determine, for the purposes of ^{F2}...this Act, whether an individual is domiciled in the United Kingdom or in a particular part of, or place in, the United Kingdom ^{F3}....
- (2) An individual is domiciled in the United Kingdom if and only if—
 - (a) he is resident in the United Kingdom; and
 - (b) the nature and circumstances of his residence indicate that he has a substantial connection with the United Kingdom.
- (3) Subject to subsection (5), an individual is domiciled in a particular part of the United Kingdom if and only if—
 - (a) he is resident in that part; and
 - (b) the nature and circumstances of his residence indicate that he has a substantial connection with that part.
- (4) An individual is domiciled in a particular place in the United Kingdom if and only if he—
 - (a) is domiciled in the part of the United Kingdom in which that place is situated; and
 - (b) is resident in that place.
- (5) An individual who is domiciled in the United Kingdom but in whose case the requirements of subsection (3)(b) are not satisfied in relation to any particular part of the United Kingdom shall be treated as domiciled in the part of the United Kingdom in which he is resident.

Changes to legislation: There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, Cross Heading: Domicile. (See end of Document for details)

(6) In the case of an individual who—

- (a) is resident in the United Kingdom, or in a particular part of the United Kingdom; and
- (b) has been so resident for the last three months or more,

the requirements of subsection (2)(b) or, as the case may be, subsection (3)(b) shall be presumed to be fulfilled unless the contrary is proved.

^{F4}(7)

Textual Amendments

- F1** Words in s. 41(1) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **39(2)(a)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 41(1) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **39(2)(b)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 41(1) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **39(2)(c)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 41(7) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **39(3)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** S. 41 applied (S.) (10.6.2002) by [S.S.I. 2002/132](#), art. 2, **Sch. 1 Ch. 7 Rule 7.3(3)(a)** (with art. 3)
S. 41 applied (S.) (10.6.2002) by [S.S.I. 2002/133](#), art. 2, **Sch. 1 Ch. 8 Rule 8.3(3)(a)**
- C2** S. 41 applied by [1998 c. 41, s. 59\(1B\)](#) (as inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 8 para. 15(4)**; [S.I. 2015/1630](#), art. 3(j))
- C3** S. 41 applied (N.I.) by (7.6.2022) by [Defamation Act \(Northern Ireland\) 2022 \(c. 30\)](#), **ss. 6(4), 14**
- C4** Ss. 41, 42 applied (S.) (8.8.2022) by [Defamation and Malicious Publication \(Scotland\) Act 2021 \(asp 10\)](#), **ss. 19(5), 39(2)** (with s. 19(6)); [S.S.I. 2022/154](#), regs. 1(2), **2**
- C5** S. 41(2)(3) applied (1.8.2016) by [Third Parties \(Rights against Insurers\) Act 2010 \(c. 10\)](#), **ss. 13(1)(2), 21(2)**; [S.I. 2016/550](#), art. 2
- C6** S. 41(5)(6) applied (1.8.2016) by [Third Parties \(Rights against Insurers\) Act 2010 \(c. 10\)](#), **ss. 13(1)(2), 21(2)**; [S.I. 2016/550](#), art. 2

^{F5}41A

Textual Amendments

- F5** S. 41A omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **40** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)

42 Domicile and seat of corporation or association.

- (1) For the purposes of this Act the seat of a corporation or association (as determined by this section) shall be treated as its domicile.

Changes to legislation: There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, Cross Heading: Domicile. (See end of Document for details)

- (2) The following provisions of this section determine where a corporation or association has its seat—
- ^{F6}(a)
 - (b) for the purposes of this Act other than the provisions mentioned in section 43(1)(b) and (c).
- (3) A corporation or association has its seat in the United Kingdom if and only if—
- (a) it was incorporated or formed under the law of a part of the United Kingdom and has its registered office or some other official address in the United Kingdom; or
 - (b) its central management and control is exercised in the United Kingdom.
- (4) A corporation or association has its seat in a particular part of the United Kingdom if and only if it has its seat in the United Kingdom and—
- (a) it has its registered office or some other official address in that part; or
 - (b) its central management and control is exercised in that part; or
 - (c) it has a place of business in that part.
- [^{F7}(4A) For the purposes of sections 15A to 15E and rules 1, 2, 3, 5, 11(a)(ii) and 15(1) in Schedule 4, the requirement in subsection (4) that a corporation or association has its seat in the United Kingdom is to be treated as satisfied if the corporation or association satisfies the requirement in section 42A(2) for having its domicile in the United Kingdom.]
- (5) A corporation or association has its seat in a particular place in the United Kingdom if and only if it has its seat in the part of the United Kingdom in which that place is situated and—
- (a) it has its registered office or some other official address in that place; or
 - (b) its central management and control is exercised in that place; or
 - (c) it has a place of business in that place.
- (6) ^{F8}... A corporation or association has its seat in a state other than the United Kingdom if and only if—
- (a) it was incorporated or formed under the law of that state and has its registered office or some other official address there; or
 - (b) its central management and control is exercised in that state.
- [^{F9}(6A) Subsections (1), (3) and (6) are subject to section 42A.]
- ^{F10}(7)
- (8) In this section—
- “business” includes any activity carried on by a corporation or association, and “place of business” shall be construed accordingly;
 - “official address”, in relation to a corporation or association, means an address which it is required by law to register, notify or maintain for the purpose of receiving notices or other communications.

Changes to legislation: There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, Cross Heading: Domicile. (See end of Document for details)

Textual Amendments

- F6** S. 42(2)(a) and word omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/479), regs. 1(1), **41(2)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F7** S. 42(4A) inserted (31.12.2020) by [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/479), regs. 1(1), **41(3)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in s. 42(6) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/479), regs. 1(1), **41(4)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F9** S. 42(6A) inserted (31.12.2020) by [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/479), regs. 1(1), **41(5)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F10** S. 42(7) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/479), regs. 1(1), **41(6)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C4** Ss. 41, 42 applied (S.) (8.8.2022) by [Defamation and Malicious Publication \(Scotland\) Act 2021](#) (asp 10), **ss. 19(5), 39(2)** (with s. 19(6)); S.S.I. 2022/154, regs. 1(2), **2**
- C7** S. 42 applied (S.) (10.6.2002) by S.S.I. 2002/132, art. 2, **Sch. 1 Ch. 7 Rule 7.3(3)(a)** (with art. 3)
S. 42 applied (S.) (10.6.2002) by S.S.I. 2002/133, art. 2, **Sch. 1 Ch. 8 Rule 8.3(3)(a)**
- C8** S. 42 applied by 1998 c. 41, **s. 59(1B)** (as inserted (1.10.2015) by [Consumer Rights Act 2015](#) (c. 15), s. 100(5), **Sch. 8 para. 15(4)**; S.I. 2015/1630, **art. 3(j)**)
- C9** S. 42 applied by (N.I) (7.6.2022) by [Defamation Act \(Northern Ireland\) 2022](#) (c. 30), **ss. 6(4), 14**
- C10** S. 42(1) applied (1.8.2016) by [Third Parties \(Rights against Insurers\) Act 2010](#) (c. 10), **ss. 13(1)(2), 21(2)**; S.I. 2016/550, **art. 2**
- C11** S. 42(3)(4) applied (1.8.2016) by [Third Parties \(Rights against Insurers\) Act 2010](#) (c. 10), **ss. 13(1)(2), 21(2)**; S.I. 2016/550, **art. 2**
- C12** S. 42(8) applied (1.8.2016) by [Third Parties \(Rights against Insurers\) Act 2010](#) (c. 10), **ss. 13(1)(2), 21(2)**; S.I. 2016/550, **art. 2**

[^{F11}42A Domicile of corporation or association for purposes of certain civil proceedings

- (1) This section determines whether a corporation or association is domiciled in the United Kingdom for the purposes of—
- (a) sections 15A to 15E, and
 - (b) section 16(1)(b).
- (2) A corporation or association has its domicile in the United Kingdom if and only if—
- (a) its registered office is at a place in the United Kingdom,
 - (b) its place of incorporation is in the United Kingdom (in a case where it has no registered office),
 - (c) the place under the law of which its formation took place is a place in the United Kingdom (in a case where it has no registered office or place of incorporation),
 - (d) its central administration is in the United Kingdom, or
 - (e) its principal place of business is in the United Kingdom.]

Changes to legislation: There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, Cross Heading: Domicile. (See end of Document for details)

Textual Amendments

F11 S. 42A inserted (31.12.2020) by [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), 42 (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)

43 Seat of corporation or association for purposes of [^{F12}certain] provisions.

(1) The following provisions of this section determine where a corporation or association has its seat for the purposes of—

- ^{F13}(a)
- (b) [^{F14}rules 4 and 11(b)] in Schedule 4; and
- (c) [^{F15}rules 2(1) and 5(1)(b)] in Schedule 8.

(2) A corporation or association has its seat in the United Kingdom if and only if—

- (a) it was incorporated or formed under the law of a part of the United Kingdom; or
- (b) its central management and control is exercised in the United Kingdom.

(3) A corporation or association has its seat in a particular part of the United Kingdom if and only if it has its seat in the United Kingdom and—

- (a) subject to subsection (5), it was incorporated or formed under the law of that part; or
- (b) being incorporated or formed under the law of a state other than the United Kingdom, its central management and control is exercised in that part.

(4) A corporation or association has its seat in a particular place in Scotland if and only if it has its seat in Scotland and—

- (a) it has its registered office or some other official address in that place; or
- (b) it has no registered office or other official address in Scotland, but its central management and control is exercised in that place.

(5) A corporation or association incorporated or formed under—

- (a) an enactment forming part of the law of more than one part of the United Kingdom; or
- (b) an instrument having effect in the domestic law of more than one part of the United Kingdom,

shall, if it has a registered office, be taken to have its seat in the part of the United Kingdom in which that office is situated, and not in any other part of the United Kingdom.

^{F16}(6)

^{F17}(7)

(8) In this section “official address” has the same meaning as in section 42.

Changes to legislation: There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, Cross Heading: Domicile. (See end of Document for details)

Textual Amendments

- F12** Word in s. 43 heading substituted (31.12.2020) by [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **43(2)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F13** S. 43(1)(a) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **43(3)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in s. 43(1)(b) substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 16(a)**
- F15** Words in s. 43(1)(c) substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 16(b)**
- F16** S. 43(6) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **43(4)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F17** S. 43(7) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **43(5)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)

F18 43A Seat of companies or other legal persons, or of associations, for the purposes of Article 22(2) of the Lugano Convention

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Textual Amendments

- F18** S. 43A omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **44** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)

F19 44 Persons deemed to be domiciled in the United Kingdom for certain purposes.

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Textual Amendments

- F19** S. 44 omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **45** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)

F20 44A Persons deemed to be domiciled in the United Kingdom for certain purposes of the Lugano Convention

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Textual Amendments

- F20** S. 44A omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **46** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, Cross Heading: Domicile. (See end of Document for details)

45 Domicile of trusts.

- (1) The following provisions of this section determine, for the purposes of ^{F21}... this Act, where a trust is domiciled.
- (2) A trust is domiciled in the United Kingdom if and only if it is by virtue of subsection (3) domiciled in a part of the United Kingdom.
- (3) A trust is domiciled in a part of the United Kingdom if and only if the system of law of that part is the system of law with which the trust has its closest and most real connection.

Textual Amendments

F21 Words in s. 45(1) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), 47 (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

C13 S. 45 applied by 1998 c. 41, s. 59(1B) (as inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 8 para. 15\(4\)](#); [S.I. 2015/1630](#), art. 3(j))

C14 S. 45(2)(3) applied (1.8.2016) by [Third Parties \(Rights against Insurers\) Act 2010 \(c. 10\)](#), [ss. 13\(1\)\(2\), 21\(2\)](#); [S.I. 2016/550](#), art. 2

46 Domicile and seat of the Crown.

- (1) For the purposes of this Act the seat of the Crown (as determined by this section) shall be treated as its domicile.
- (2) The following provisions of this section determine where the Crown has its seat—
 - ^{F22}(a)
 - (b) for the purposes of this Act.
- (3) Subject to the provisions of any Order in Council for the time being in force under subsection (4)—
 - (a) the Crown in right of Her Majesty's government in the United Kingdom has its seat in every part of, and every place in, the United Kingdom;
 - ^{F23}(aa) the Crown in right of the Scottish Administration has its seat in, and in every place in, Scotland;] and
 - (b) the Crown in right of Her Majesty's government in Northern Ireland has its seat in, and in every place in, Northern Ireland.
- (4) Her Majesty may by Order in Council provide that, in the case of proceedings of any specified description against the Crown in right of Her Majesty's government in the United Kingdom, the Crown shall be treated for the purposes of ^{F24}... this Act as having its seat in, and in every place in, a specified part of the United Kingdom and not in any other part of the United Kingdom.
- (5) An Order in Council under subsection (4) may frame a description of proceedings in any way, and in particular may do so by reference to the government department or officer of the Crown against which or against whom they fall to be instituted.
- (6) Any Order in Council made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Changes to legislation: There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, Cross Heading: Domicile. (See end of Document for details)

- (7) Nothing in this section applies to the Crown otherwise than in right of Her Majesty's government in the United Kingdom [^{F25}, the Scottish Administration] or Her Majesty's government in Northern Ireland.

Textual Amendments

- F22** S. 46(2)(a) and word omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **48(2)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F23** S. 46(3)(aa) inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 18(2)**(with s. 126(3)); S.I. 1998/3178, art. 2(2), **Sch. 3**
- F24** Words in s. 46(4) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **48(3)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in s. 46(7) inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 18(2)** (with s. 126(3)); S.I. 1998/3179, art. 2(2), **Sch. 3**

Modifications etc. (not altering text)

- C15** S. 46 applied by 1998 c. 41, s. 59(1B) (as inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 8 para. 15(4)**; S.I. 2015/1630, art. 3(j))
- C16** S. 46(1) applied (1.8.2016) by [Third Parties \(Rights against Insurers\) Act 2010 \(c. 10\)](#), **ss. 13(1)(2)**, 21(2); S.I. 2016/550, art. 2
- C17** S. 46(3) applied (1.8.2016) by [Third Parties \(Rights against Insurers\) Act 2010 \(c. 10\)](#), **ss. 13(1)(2)**, 21(2); S.I. 2016/550, art. 2
- C18** S. 46(7) applied (1.8.2016) by [Third Parties \(Rights against Insurers\) Act 2010 \(c. 10\)](#), **ss. 13(1)(2)**, 21(2); S.I. 2016/550, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, Cross Heading: Domicile.