



Contracts (Applicable Law) Act 1990

1990 CHAPTER 36

[^{F1}1] **Meaning of “the Rome Convention”**

In this Act, a reference to the Rome Convention is a reference to the provisions contained in Schedule 1 (which is derived from the Convention on the law applicable to contractual obligations opened for signature in Rome on 19th June 1980).]

Textual Amendments

F1 S. 1 substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

11 S. 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

2 [^{F2}Application of the Rome Convention]

[^{F3}(1) The Rome Convention applies to contracts made on or after 1st April 1991.]

[^{F4}(1A)]

[^{F5}(2)]

(3) [^{F6}The Rome Convention] shall apply in the case of conflicts between the laws of different parts of the United Kingdom.

[^{F7}(4)]

Textual Amendments

F2 S. 2 heading substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)

- F3** S. 2(1) substituted (31.12.2020) by The Law Applicable to Contractual Obligations and Non-Contractual Obligations (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/834), regs. 1, **3(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 2(1A) omitted (31.12.2020) by virtue of The Law Applicable to Contractual Obligations and Non-Contractual Obligations (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/834), regs. 1, **3(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** S. 2(2) omitted (31.12.2020) by virtue of The Law Applicable to Contractual Obligations and Non-Contractual Obligations (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/834), regs. 1, **3(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 2(3) substituted (31.12.2020) by The Law Applicable to Contractual Obligations and Non-Contractual Obligations (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/834), regs. 1, **3(3)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** S. 2(4) omitted (31.12.2020) by virtue of The Law Applicable to Contractual Obligations and Non-Contractual Obligations (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/834), regs. 1, **3(3)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I2** S. 2 partly in force; s. 2(1) in force for certain purposes at 1.4.1991 and s. 2(2)-(4) fully in force at 1.4.1991 see s. 7 and S.I. 1991/707, **art. 2**
- I3** S. 2(1) in force at 1.3.2005 for specified purposes by S.I. 2004/3448, **art. 2(a)**

3 Interpretation of [^{F8}the Rome Convention].

[^{F9}(1) Any question as to the meaning or effect of any provision of the Rome Convention is to be decided in accordance with section 6 of the European Union (Withdrawal) Act 2018 (interpretation of [^{F10}assimilated] law).]

^{F11}(2)

(3) Without prejudice to any practice of the courts as to the matters which may be considered apart from this subsection—

(a) the report on the [^{F12}Convention on the law applicable to contractual obligations] by Professor Mario Giuliano and Professor Paul Lagarde which is reproduced in the Official Journal of the ^{M1}Communities of 31st October 1980 may be considered in ascertaining the meaning or effect of any provision of [^{F13}the Rome Convention]; ^{F14}...

^{F14}(b)

Textual Amendments

- F8** Words in s. 3 heading substituted (31.12.2020) by The Law Applicable to Contractual Obligations and Non-Contractual Obligations (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/834), regs. 1, **3(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** S. 3(1) substituted (31.12.2020) by The Law Applicable to Contractual Obligations and Non-Contractual Obligations (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/834), regs. 1, **3(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Word in s. 3(1) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 28(2)**
- F11** S. 3(2) omitted (31.12.2020) by virtue of The Law Applicable to Contractual Obligations and Non-Contractual Obligations (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/834), regs. 1, **3(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)

- F12** Words in s. 3(3)(a) substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, [3\(4\)\(d\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in s. 3(3)(a) substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, [3\(4\)\(d\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F14** S. 3(3)(b) and word omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, [3\(4\)\(e\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I4** S. 3 partly in force; s. 3(a) in force 1.4.1991 by s. 7 and [S.I. 1991/707](#), [art. 2](#)
- I5** S. 3(1)(2)(3)(b) in force at 1.3.2005 by [S.I. 2004/3448](#), [art. 2\(b\)](#)

Marginal Citations

- M1** O.J.1980 No.C282/1.

^{F15} 4 Revision of Conventions etc.

.....

Textual Amendments

- F15** S. 4 omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, [3\(5\)](#); 2020 c. 1, Sch. 5 para. 1(1)

[^{F16}4A. Disapplication where the rules in the Rome I Regulations apply: England and Wales and Northern Ireland

(1) Nothing in this Act applies to affect the determination of issues relating to contractual obligations which fall to be determined under the Rome I Regulation.

[^{F17}(2) In this section “the Rome I Regulation” means Regulation ([EC](#)) No. 593/2008 of the European Parliament and of the Council on the law applicable to contractual obligations as that Regulation has effect as [^{F18}assimilated direct] legislation (including that Regulation as applied by regulation 5 of the Law Applicable to Contractual Obligations (England and Wales and Northern Ireland) Regulations 2009), unless the issues are ones in respect of which Regulation ([EC](#)) No. 593/2008 has effect by virtue of Article 66 of the EU withdrawal agreement, in which case it means that Regulation as it has effect by virtue of that Article.]

(3) This section extends to England and Wales and Northern Ireland only.]

Textual Amendments

- F16** S. 4A inserted (E.W.N.I.) (17.12.2009) by [The Law Applicable to Contractual Obligations \(England and Wales and Northern Ireland\) Regulations 2009 \(S.I. 2009/3064\)](#), regs. 1(1), [2](#)
- F17** S. 4A(2) substituted (31.12.2020) by [S.I. 2019/834](#), [reg. 3\(6\)](#) (as substituted by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, [6\(4\)\(a\)](#))

Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)

F18 Words in s. 4A(2) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 28(3)(a)**

[^{F19}4B. Disapplication where the rules in the Rome I Regulation apply: Scotland

(1) Nothing in this Act applies to affect the determination of issues relating to contractual obligations which fall to be determined by the Rome I Regulation.

[^{F20}(2) In this section—

“the Rome I Regulation” means Regulation [\(EC\) No. 593/2008](#) of the European Parliament and of the Council on the law applicable to contractual obligations as that Regulation has effect as [^{F21}assimilated direct] legislation (including that Regulation as applied by regulation 4 of the Law Applicable to Contractual Obligations (Scotland) Regulations 2009), unless the issues are ones in respect of which Regulation [\(EC\) No. 593/2008](#) has effect by virtue of Article 66 of the EU withdrawal agreement, in which case it means that Regulation as it has effect by virtue of that Article.]

(3) This section extends to Scotland only.]

Textual Amendments

F19 S. 4B inserted (S.) (17.12.2009) by [Law Applicable to Contractual Obligations \(Scotland\) Regulations 2009 \(S.S.I. 2009/410\)](#), regs. 1(1), **2(a)**

F20 S. 4B(2) substituted (31.12.2020) by [S.I. 2019/834](#), **reg. 3(7)** (as substituted by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, **6(4)(b)**)

F21 Words in s. 4B(2) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 28(3)(b)**

5 Consequential amendments.

The enactments specified in Schedule 4 to this Act shall have effect subject to the amendments specified in that Schedule.

Commencement Information

I6 S. 5 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

6 Application to Crown.

This Act binds the Crown.

Commencement Information

I7 S. 6 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)

7 Commencement.

This Act shall come into force on such day as the Lord Chancellor and the Lord Advocate may by order made by statutory instrument appoint; and different days may be appointed for different provisions or different purposes.

Subordinate Legislation Made

P1 S. 7 power of appointment conferred by s. 7 exercised by [S.I.1991/707](#)

Commencement Information

I8 S. 7 wholly in force at 1.4.1991 see S.I. 1991/707, art. 2

8 Extent.

(1) [^{F22}Except as provided by virtue of section 4B(3), this] Act extends to Northern Ireland.

^{F23}(2)

^{F24}(3)

Textual Amendments

F22 Words in s. 8(1) substituted (S.) (17.12.2009) by [Law Applicable to Contractual Obligations \(Scotland\) Regulations 2009 \(S.S.I. 2009/410\)](#), regs. 1(1), **2(b)**

F23 S. 8(2) omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(8)**; 2020 c. 1, Sch. 5 para. 1(1)

F24 S. 8(3) omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(8)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I9 S. 8 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

9 Short title.

This Act may be cited as the Contracts (Applicable Law) Act 1990.

Commencement Information

I10 S. 9 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990.