



Civil Jurisdiction and Judgments Act 1991

1991 CHAPTER 12

1 Implementation and interpretation of the Lugano Convention

- (1) The Civil Jurisdiction and Judgments Act 1982 (in this Act referred to as “the 1982 Act”) shall have effect with the insertion of the following after section 3—

“3A The Lugano Convention to have the force of law

- (1) The Lugano Convention shall have the force of law in the United Kingdom, and judicial notice shall be taken of it.
- (2) For convenience of reference there is set out in Schedule 3C the English text of the Lugano Convention.

3B Interpretation of the Lugano Convention

- (1) In determining any question as to the meaning or effect of a provision of the Lugano Convention, a court in the United Kingdom shall, in accordance with Protocol No. 2 to that Convention, take account of any principles laid down in any relevant decision delivered by a court of any other Lugano Contracting State concerning provisions of the Convention.
- (2) Without prejudice to any practice of the courts as to the matters which may be considered apart from this section, the report on the Lugano Convention by Mr. P. Jenard and Mr. G. Möller (which is reproduced in the Official Journal of the Communities of 28th July 1990) may be considered in ascertaining the meaning or effect of any provision of the Convention and shall be given such weight as is appropriate in the circumstances.”
- (2) In section 9 of that Act, after subsection (1) (which, as amended, will govern the relationship between other conventions and the 1968 and Lugano Conventions) there shall be inserted—

“(1A) Any question arising as to whether it is the Lugano Convention or any of the Brussels Conventions which applies in the circumstances of a particular case

falls to be determined in accordance with the provisions of Article 54B of the Lugano Convention.”

- (3) After Schedule 3B to that Act there shall be inserted the Schedule 3C set out in Schedule 1 to this Act.

2 Interpretation of the 1982 Act

- (1) Section 1 of the 1982 Act (interpretation of references to the Conventions and Contracting States) shall be amended in accordance with the following provisions of this section.

- (2) In subsection (1), in the definition of “the Conventions”, for the words “ “the Conventions” ” there shall be substituted the words “ “the Brussels Conventions” ”.

- (3) At the end of that subsection there shall be added—

““the Lugano Convention” means the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters (including the Protocols annexed to that Convention) opened for signature at Lugano on 16th September 1988 and signed by the United Kingdom on 18th September 1989.”

- (4) In subsection (2), for paragraph (b) (citation of Articles) there shall be substituted—

“(b) any reference in any provision to a numbered Article without more is a reference—

(i) to the Article so numbered of the 1968 Convention, in so far as the provision applies in relation to that Convention, and

(ii) to the Article so numbered of the Lugano Convention, in so far as the provision applies in relation to that Convention,

and any reference to a sub-division of a numbered Article shall be construed accordingly.”

- (5) In subsection (3) (definition of “Contracting State”) for the words “In this Act “Contracting State” means—” there shall be substituted the words—

“In this Act—

“Contracting State”, without more, in any provision means—

(a) in the application of the provision in relation to the Brussels Conventions, a Brussels Contracting State; and

(b) in the application of the provision in relation to the Lugano Convention, a Lugano Contracting State;

“Brussels Contracting State” means—”.

- (6) At the end of that subsection there shall be added—

“ “Lugano Contracting State” means one of the original parties to the Lugano Convention, that is to say—

Austria, Belgium, Denmark, Finland, France, the Federal Republic of Germany, the Hellenic Republic, Iceland, the Republic of Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United

Kingdom, being a State in relation to which that Convention has taken effect in accordance with paragraph 3 or 4 of Article 61.”

3 Other amendments of the 1982 Act

The 1982 Act shall have effect with the amendments specified in Schedule 2 to this Act, which are either consequential on the amendments made by sections 1 and 2 above or otherwise for the purpose of implementing the Lugano Convention.

4 Application to the Crown

The amendments of the 1982 Act made by this Act bind the Crown in accordance with the provisions of section 51 of that Act.

5 Short title, interpretation, commencement and extent

- (1) This Act may be cited as the Civil Jurisdiction and Judgments Act 1991.
- (2) In this Act—
 - “the 1982 Act” means the Civil Jurisdiction and Judgments Act 1982;
 - “the Lugano Convention” has the same meaning as it has in the 1982 Act by virtue of section 2(3) above.
- (3) This Act shall come into force on such day as the Lord Chancellor and the Lord Advocate may appoint in an order made by statutory instrument.
- (4) This Act extends to Northern Ireland.