

**EXPLANATORY MEMORANDUM TO**  
**THE CIVIL JURISDICTION AND JUDGMENTS REGULATIONS 2007**  
**2007 No. 1655**

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

**2. Description**

- 2.1 These Regulations amend the Civil Jurisdiction and Judgments Act 1982, the Civil Jurisdiction and Judgments Order 2001 and the Civil Jurisdiction and Judgments (Authentic Instruments and Court Settlements) Order 2001 to reflect the Agreement made between the European Community and the Kingdom of Denmark applying, with modifications, the provisions of Council Regulation (EC) No. 44/2001 on jurisdiction and the recognition and enforcement of judgments to Denmark (the ‘Judgments Regulation’).
- 2.2 The Regulations make a number of other consequential amendment to primary and secondary legislation.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None

**4. Legislative Background**

- 4.1 These Regulations arise from the Agreement made between the European Community and Denmark applying, with modifications, the provisions of Council Regulation (EC) No. 44/2001 on jurisdiction and the recognition and enforcement of judgments to Denmark.
- 4.2 That Agreement is binding on the Member States. The Regulations are made in exercise of the powers conferred by section 2(2) and paragraph 1A of Schedule 2 to the European Communities Act 1972. The Lord Chancellor has been designated to in relation to jurisdiction and the recognition and enforcement of judgments.
- 4.3 In relation to the exercise of the power conferred by paragraph 1A of Schedule 2 to the European Communities Act, the Lord Chancellor is satisfied that it is expedient to make the reference to the Judgments Regulation, a reference to that instrument as amended from time to time.

**5. Extent**

- 5.1 The Regulations apply to England and Wales Scotland and Northern Ireland.

**6. European Convention on Human Rights**

The Right Honourable Baroness Ashton of Upholland has made the following statement regarding Human Rights:

In my view the provisions of the the Civil Jurisdiction and Rudgets Regulation2007 are compatible with the Convention rights.

## **7. Policy background**

- 7.1 The Agreement applying the provisions of the Judgments Regulation to Denmark has been approved on behalf of the European Community by a Council Decision of 27th April 2006, and enters into force on 1st July 2007.
- 7.2 It is necessary to amend the three instruments identified - the 1982 Act, the 2001 Order and the 2001 Authentic Instruments Order - to give effect to the Agreement. Consequential amendments are also required to primary and secondary legislation where there are references to the Judgments Regulation.
- 7.3 The draft Regulations have been approved by Parliamentary Counsel and by Scottish Parliamentary Counsel.

## **8. Impact**

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it does not have an impact on business, charities or voluntary bodies.
- 8.2 The impact on the public sector is generally limited to HM Courts Service.

## **9. Contact**

Michael Anima-Shaun at Her Majesty's Courts Service (Tel:020 7210 8832) or e-mail: Michael.animashaun@hmcourts-service.gsi.gov.uk) can answer any queries regarding the instrument.