
STATUTORY INSTRUMENTS

2009 No. 3131

The Civil Jurisdiction and Judgments Regulations 2009

Provisions relating to Authentic Instruments and Court Settlements

- 47.—**(1) —In this regulation “the Act” means the Civil Jurisdiction and Judgments Act 1982.
- (2) Subject to the modifications specified in paragraphs (3) and (4), sections 4A, 5A, 6A, 7 and 8 of the Act apply, as appropriate—
- (a) to authentic instruments and court settlements which do not concern maintenance as if they were judgments; and
 - (b) to authentic instruments and court settlements which do concern maintenance as if they were maintenance orders.
- (3) In the application of section 4A(2) of the Act to authentic instruments and court settlements, for “as if the judgment had been originally given” substitute “as if it were a judgment which had been originally given”.
- (4) In the application of section 5A(3) of the Act to authentic instruments and court settlements, for “as if the order had been made” substitute “as if it were an order which had been made”.
- (5) Section 11A of the Act applies to authentic instruments as if they were judgments and in its application—
- (a) in subsection (1) for paragraph (b) substitute—
 - “(b) a certificate obtained in accordance with Article 57 and Annex VI shall be evidence, and in Scotland sufficient evidence, that the authentic instrument is enforceable in the Contracting State of origin.”; and
 - (b) for subsection (2) substitute—
 - “(2) A document purporting to be a copy of an authentic instrument drawn up or registered, and enforceable, in a Contracting State other than the United Kingdom is duly authenticated for the purposes of this section if it purports to be certified to be a true copy of such an instrument by the person duly authorised in that Contracting State to do so.”.
- (6) Section 11A of the Act applies to court settlements as if they were judgments and in its application for “Article 54” substitute “Article 58”.
- (7) The disapplication of section 18 of the Act (enforcement of United Kingdom judgments in other parts of the United Kingdom) by section 18(7) extends to authentic instruments and court settlements enforceable in a Contracting State outside the United Kingdom which fall to be treated for the purposes of their enforcement as judgments of a court of law in the United Kingdom by virtue of registration under the Lugano Convention.
- (8) Section 48 of the Act (matters for which rules of court may provide) applies to authentic instruments and court settlements as if they were judgments or maintenance orders, as appropriate, to which the Lugano Convention applies.