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STATUTORY INSTRUMENTS

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**2019 No. 479**

**The Civil Jurisdiction and Judgments  
(Amendment) (EU Exit) Regulations 2019**

**PART 2**

Amendment of primary legislation

**Administration of Justice Act 1970**

**2.** In the Administration of Justice Act 1970<sup>M1</sup>, in Schedule 8 (maintenance orders for the purpose of the Maintenance Orders Act 1958), omit paragraphs 13 and 13A.

**Commencement Information**

**I1** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**Marginal Citations**

**M1** [1970 c. 31](#).

**Attachment of Earnings Act 1971**

**3.** In the Attachment of Earnings Act 1971<sup>M2</sup>, in Schedule 1 (maintenance orders to which this Act applies)—

- (a) omit paragraph 13 (orders under Part 1 of the Civil Jurisdiction and Justice Act 1982);
- (b) omit paragraph 14 (orders under Council Regulation ([EC](#)) No 44/2001).

**Commencement Information**

**I2** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**Marginal Citations**

**M2** [1971 c. 32](#)

**Civil Jurisdiction and Judgments Act 1982**

**4.** The Civil Jurisdiction and Judgments Act 1982<sup>M3</sup> is amended as follows.

*Status: This version of this part contains provisions that are prospective.*  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)

**Commencement Information**

**I3** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**Marginal Citations**

**M3** 1982 c. 27.

PROSPECTIVE

<sup>F1</sup>5. ....

**F1** Reg. 5 omitted (31.12.2020) by virtue of [Private International Law \(Implementation of Agreements\) Act 2020 \(c. 24\)](#), s. 4(3), **Sch. 5 para. 5**

**6.—(1)** Section 1 (interpretation of references to the Brussels and other Conventions and Contracting States) is amended as follows.

(2) In subsection (1)—

(a) omit the definitions of—

- (i) “the 1996 Accession Convention”;
- (ii) “the Brussels Conventions”;
- (iii) “the Lugano Convention”;

(b) in the definition of “the Regulation”—

- (i) omit “as amended from time to time and”; and
- (ii) after “p4”, insert “as that Regulation had effect and was applied immediately before [<sup>F2</sup>IP completion day]”.

(3) Omit subsection (2).

(4) In subsection (3)—

- (a) in the definition of “Contracting State”, omit paragraphs (a) and (b);
- (b) omit the definition of “Brussels Contracting State”;
- (c) omit the definitions of—
  - (i) “State bound by the Lugano Convention”;
  - (ii) “Regulation State”.

(5) Omit subsection (4).

**F2** Words in [reg. 6\(2\)\(b\)\(ii\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Civil, Criminal and Family Justice \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1493\)](#), regs. 1(1), **5(2)(a)**

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)

**Commencement Information**

**I4** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

7. Omit section 2 (the Brussels Conventions to have the force of law).

**Commencement Information**

**I5** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

8. Omit section 3 (interpretation of the Brussels Conventions).

**Commencement Information**

**I6** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

PROSPECTIVE

**F39.** .....

**F3** Reg. 9 omitted (31.12.2020) by virtue of [Private International Law \(Implementation of Agreements\) Act 2020 \(c. 24\), s. 4\(3\), Sch. 5 para. 5](#)

10. Omit section 4 (enforcement of judgments, other than maintenance orders, under the 1968 Convention).

**Commencement Information**

**I7** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

11. Omit section 4A (enforcement of judgments, other than maintenance orders, under the Lugano Convention).

**Commencement Information**

**I8** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)*

12. Omit section 5 (recognition and enforcement of maintenance orders: applications under Article 31 of the 1968 Convention).

**Commencement Information**

**I9** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

13. Omit section 5A (recognition and enforcement of maintenance orders under the Lugano Convention).

**Commencement Information**

**I10** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

14. Omit section 6 (appeals under Articles 37(2) and 41 of the 1968 Convention).

**Commencement Information**

**I11** Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

15. Omit section 6A (appeals under Article 44 and Annex IV of the Lugano Convention).

**Commencement Information**

**I12** Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

16.—(1) Section 7 (interest on registered judgments) is amended as follows.

(2) In subsection (1)—

- (a) omit “Subject to subsection (4),”;
- (b) omit “4, 4A,”;
- (c) omit “, 5 or 5A”;
- (d) omit “apart from section 4(2),”.

(3) Omit subsection (3).

(4) Omit subsection (4).

(5) In subsection (5)—

- (a) omit “Except as mentioned in subsection (4),”;
- (b) omit “4, 4A,”;
- (c) omit “, 5 or 5A”.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)*

**Commencement Information**

**I13** Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

17. Omit section 8 (currency of payment under registered maintenance orders).

**Commencement Information**

**I14** Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

18.—(1) Section 9 (provisions supplementary to Title VII of the 1968 Convention) is amended as follows.

(2) In the heading, for “Provisions supplementary to Title VIII of 1968 Convention” substitute “Provisions supplementary to Article 26 of the 2005 Hague Convention”.

(3) In subsection (1)—

(a) omit the words from the beginning to “Lugano Convention and”;

(b) for “the Convention in question” substitute “the 2005 Hague Convention”.

**Commencement Information**

**I15** Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

19. Omit section 10 (allocation within UK of jurisdiction with respect to trusts and consumer contracts where section 16 does not apply).

**Commencement Information**

**I16** Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

20. Omit section 11 (proof and admissibility of certain judgments and related documents).

**Commencement Information**

**I17** Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

21. Omit section 11A (proof and admissibility of certain judgments and related documents for the purposes of the Lugano Convention).

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)*

**Commencement Information**

**I18** Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

22. In section 12 (provision for issue of copies of, and certificates in connection with, UK judgments), omit “the 1968 Convention, the Lugano Convention or”.

**Commencement Information**

**I19** Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

23. Omit section 13 (modifications to cover authentic instruments and court settlements).

**Commencement Information**

**I20** Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

24. Omit section 14 (modifications consequential on revision of the Brussels Conventions).

**Commencement Information**

**I21** Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

25.—(1) Section 15 (interpretation of Part 1 and consequential amendments) is amended as follows.

(2) In subsection (1)—

- (a) in the definition of “judgment”, omit the words from “Article 25” to “Lugano Convention or”;
- (b) omit the definition of “maintenance order”;
- (c) omit the definition of “payer”.

(3) In subsection (2)—

- (a) omit “4, 4A,”;
- (b) omit “, 5 or 5A”.

(4) In subsection (3), omit the words from “the 1968” to “Lugano Convention or”.

### **Commencement Information**

**I22** Reg. 25 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

26. Before section 16, insert—

#### *“Jurisdiction in consumer and employment matters*

#### **Scope of sections 15B to 15E**

**15A.**—(1) Sections 15B to 15E make provision about the jurisdiction of courts in the United Kingdom—

- (a) in matters relating to consumer contracts where the consumer is domiciled in the United Kingdom;
- (b) in matters relating to individual contracts of employment.

(2) Sections 15B and 15C apply only if the subject-matter of the proceedings and the nature of the proceedings are within the scope of the Regulation as determined by Article 1 of the Regulation (whether or not the Regulation would have had effect before [<sup>F4</sup>IP completion day] in relation to the proceedings).

(3) Sections 15B to 15E do not apply to proceedings of a description listed in Schedule 5 or to proceedings in Scotland under an enactment which confers jurisdiction on a Scottish court in respect of a specific subject-matter on specific grounds.

#### **Jurisdiction in relation to consumer contracts**

**15B.**—(1) This section applies in relation to proceedings whose subject-matter is a matter relating to a consumer contract where the consumer is domiciled in the United Kingdom.

(2) The consumer may bring proceedings against the other party to the consumer contract—

- (a) where the other party to the consumer contract is domiciled in the United Kingdom, in the courts of the part of the United Kingdom in which the other party to the consumer contract is domiciled, or
- (b) in the courts for the place where the consumer is domiciled (regardless of the domicile of the other party to the consumer contract).

(3) Proceedings may be brought against the consumer by the other party to the consumer contract only in the courts of the part of the United Kingdom in which the consumer is domiciled.

(4) Subsections (2) and (3) are subject to rule 11 of Schedule 4 (and rule 14 of Schedule 4 has effect accordingly).

(5) Subsections (2) and (3) do not affect—

- (a) the right (under rule 5(c) of Schedule 4 or otherwise) to bring a counterclaim in the court in which, in accordance with subsection (2) or (3), the original claim is pending,
- (b) the operation of rule 3(e) or (h)(ii) of Schedule 4, or

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*Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)*

- (c) the operation of any other rule of law which permits a person not domiciled in the United Kingdom to be sued in the courts of a part of the United Kingdom.
- (6) Subsections (2) and (3) may be departed from only by an agreement—
  - (a) which is entered into after the dispute has arisen,
  - (b) which allows the consumer to bring proceedings in courts other than those indicated in this section, or
  - (c) which is entered into by the consumer and the other party to the contract, both of whom are at the time of conclusion of the contract domiciled or habitually resident in the United Kingdom and in the same part of the United Kingdom, and which confers jurisdiction on the courts of that part of the United Kingdom, provided that such an agreement is not contrary to the law of that part of the United Kingdom.

(7) For the purposes of this section, where a consumer enters into a consumer contract with a party who is not domiciled in the United Kingdom, the other party to the contract is deemed to be domiciled in a particular part of the United Kingdom if that party has a branch, agency or establishment in that part of the United Kingdom and the dispute arose out of the operations of that branch, agency or establishment.

#### **Jurisdiction in relation to individual contracts of employment**

**15C.**—(1) This section applies in relation to proceedings whose subject-matter is a matter relating to an individual contract of employment.

- (2) The employer may be sued by the employee—
  - (a) where the employer is domiciled in the United Kingdom, in the courts for the part of the United Kingdom in which the employer is domiciled,
  - (b) in the courts for the place in the United Kingdom where or from where the employee habitually carries out the employee's work or last did so (regardless of the domicile of the employer), or
  - (c) if the employee does not or did not habitually carry out the employee's work in any one part of the United Kingdom [<sup>F5</sup>or any one overseas country], in the courts for the place in the United Kingdom where the business which engaged the employee is [<sup>F6</sup>or was] situated (regardless of the domicile of the employer).

(3) If the employee is domiciled in the United Kingdom, the employer may only sue the employee in the part of the United Kingdom in which the employee is domiciled (regardless of the domicile of the employer).

(4) Subsections (2) and (3) are subject to rule 11 of Schedule 4 (and rule 14 of Schedule 4 has effect accordingly).

- (5) Subsections (2) and (3) do not affect—
  - (a) the right (under rule 5(c) of Schedule 4 or otherwise) to bring a counterclaim in the court in which, in accordance with subsection (2) or (3), the original claim is pending,
  - (b) the operation of rule 3(e) of Schedule 4,
  - (c) the operation of rule 5(a) of Schedule 4 so far as it permits an employer to be sued by an employee, or
  - (d) the operation of any other rule of law which permits a person not domiciled in the United Kingdom to be sued in the courts of a part of the United Kingdom.
- (6) Subsections (2) and (3) may be departed from only by an agreement which—
  - (a) is entered into after the dispute has arisen, or



- (b) allows the employee to bring proceedings in courts other than those indicated in this section.

(7) For the purposes of this section, where an employee enters into an individual contract of employment with an employer who is not domiciled in the United Kingdom, the employer is deemed to be domiciled in the relevant part of the United Kingdom if the employer has a branch, agency or other establishment in that part of the United Kingdom and the dispute arose from the operation of that branch, agency or establishment.

### **Further provision as to jurisdiction**

**15D.**—(1) Agreements or provisions of a trust instrument conferring jurisdiction shall have no legal force if they are contrary to the provisions of section 15B(6) or 15C(6).

(2) Even if it would not otherwise have jurisdiction under section 15B or 15C, a court of a part of the United Kingdom before which a defendant enters an appearance has jurisdiction in those proceedings.

(3) Subsection (2) does not apply where —

- (a) appearance was entered to contest the jurisdiction, or
- (b) another court in the United Kingdom has exclusive jurisdiction by virtue of rule 11 of Schedule 4.

(4) Subsection (2) does not apply if the defendant is the consumer or employee in relation to the subject-matter of the proceedings, unless the defendant is informed by the court of—

- (a) the defendant's right to contest the jurisdiction, and
- (b) the consequences of entering or not entering an appearance.

(5) Subsection (6) applies where—

- (a) a defendant domiciled in the United Kingdom is sued in a court of a part of the United Kingdom other than the part in which the defendant is domiciled and does not enter an appearance, and
- (b) the subject-matter of the proceedings is a matter in relation to which section 15B or 15C applies.

(6) The court must—

- (a) declare of its own motion that it has no jurisdiction, unless it has jurisdiction by virtue of section 15B or 15C or a rule referred to in section 15B(4) or (5) or 15C(4) or (5);
- (b) stay the proceedings so long as it is not shown that—
  - (i) the defendant has been able to receive the document instituting the proceedings or an equivalent document in sufficient time to enable the defendant to arrange for the defendant's defence, or
  - (ii) all necessary steps have been taken to this end.

(7) Application may be made to the courts of a part of the United Kingdom for such provisional, including protective, measures as may be available under the law of that part, even if, by virtue of section 15B or 15C or this section, the courts of another part of the United Kingdom have jurisdiction as to the substance of the matter.

### **Interpretation**

**15E.**—(1) In sections 15A to 15D and this section—

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)*

“consumer”, in relation to a consumer contract, means a person who concludes the contract for a purpose which can be regarded as being outside the person’s trade or profession;

“consumer contract” means—

- (a) a contract for the sale of goods on instalment credit terms,
- (b) a contract for a loan repayable by instalments, or for any other form of credit, made to finance the sale of goods, or
- (c) a contract which has been concluded with a person who—
  - (i) pursues commercial or professional activities in the part of the United Kingdom in which the consumer is domiciled, or
  - (ii) by any means, directs such activities to that part or to other parts of the United Kingdom including that part,

and which falls within the scope of such activities,

but it does not include a contract of transport other than a contract which, for an inclusive price, provides for a combination of travel and accommodation or a contract of insurance,

“defendant” includes defender.

(2) In determining any question as to the meaning or effect of any provision contained in sections 15A to 15D and this section—

- (a) regard is to be had to any relevant principles laid down before [F7IP completion day] by the European Court in connection with Title II of the 1968 Convention or Chapter 2 of the Regulation and to any relevant decision of that court before [F7IP completion day] as to the meaning or effect of any provision of that Title or Chapter, and
- (b) without prejudice to the generality of paragraph (a), the expert reports relating to the 1968 Convention may be considered and are, so far as relevant, to be given such weight as is appropriate in the circumstances.”

- F4** Words in [reg. 26](#) substituted (31.12.2020 immediately before IP completion day) by [The Civil, Criminal and Family Justice \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1493\)](#), regs. 1(1), **5(2)(b)(i)**
- F5** Words in [reg. 26](#) inserted (17.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, **3(a)**
- F6** Words in [reg. 26](#) inserted (17.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, **3(b)**
- F7** Words in [reg. 26](#) substituted (31.12.2020 immediately before IP completion day) by [The Civil, Criminal and Family Justice \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1493\)](#), regs. 1(1), **5(2)(b)(ii)**

#### Commencement Information

- I23** [Reg. 26](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**27.** Before section 16, but after the provision inserted by regulation 26, insert— “ Jurisdiction in other civil proceedings ”.

**Commencement Information**

**I24** Reg. 27 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**28.**—(1) Section 16 (allocation within UK of jurisdiction in certain civil proceedings) is amended as follows.

(2) In subsection (1)(a), for “has effect” substitute “would have had effect before [<sup>F8</sup>IP completion day]”.

(3) After subsection (1), insert—

“(1A) This section and Schedule 4 do not apply for the purposes of determining jurisdiction in proceedings in relation to which section 15B, 15C or 15D(2) applies, except as specified in those sections.”.

(4) In subsection (3)(b), for “the reports mentioned in section 3(3)” substitute “the expert reports relating to the 1968 Convention”.

(5) After subsection (3) insert—

“(3A) The requirement in subsection (3)(a) applies only in relation to principles laid down, or decisions made, by the European Court before [<sup>F9</sup>IP completion day].”.

(6) In subsection (4)—

- (a) omit “the Regulation,”;
- (b) omit “the 1968 Convention, the Lugano Convention”;
- (c) for “section 17” substitute “sections 15B, 15C, 15D and 17”.

**F8** Words in reg. 28(2) substituted (31.12.2020 immediately before IP completion day) by [The Civil, Criminal and Family Justice \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1493\)](#), regs. 1(1), **5(2)(c)(i)**

**F9** Words in reg. 28(5) substituted (31.12.2020 immediately before IP completion day) by [The Civil, Criminal and Family Justice \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1493\)](#), regs. 1(1), **5(2)(c)(ii)**

**Commencement Information**

**I25** Reg. 28 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**29.** Before section 18, insert— “ Recognition of judgments ”.

**Commencement Information**

**I26** Reg. 29 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**30.** In section 18 (enforcement of UK judgments in other parts of the UK), in subsection (7), omit “or section 4 or 5 of this Act”.

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the *The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2*. (See end of Document for details)

#### Commencement Information

**I27** Reg. 30 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**31.—**(1) Section 20 (rules as to jurisdiction in Scotland) is amended as follows.

(2) In subsection (1), omit “the Regulation, to”.

(3) In subsection (5)(b), for “the reports mentioned in section 3(3)” substitute “the expert reports relating to the 1968 Convention”.

(4) After subsection (5) insert—

“(6) The requirement in subsection (5)(a) applies only in relation to principles laid down, or decisions made, by the European Court before [F<sup>10</sup>IP completion day].”

**F10** Words in **reg. 31(4)** substituted (31.12.2020 immediately before IP completion day) by **The Civil, Criminal and Family Justice (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1493)**, **regs. 1(1), 5(2)(d)**

#### Commencement Information

**I28** Reg. 31 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**32.—**(1) Section 24 (interim relief and protective measures in cases of doubtful jurisdiction) is amended as follows.

(2) In subsection (1)—

(a) omit paragraph (b), the “or” preceding it, and the “or” following it;

(b) omit paragraph (c) and the “or” following it.

(3) In subsection (2)—

(a) omit paragraph (b), the “or” preceding it, and the “or” following it;

(b) omit paragraph (c) and the “or” following it.

#### Commencement Information

**I29** Reg. 32 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**33.—**(1) Section 25 (interim relief in England and Wales and Northern Ireland in the absence of substantive proceedings) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a)—

(i) omit “a Brussels Contracting State or a State bound by the Lugano Convention or”;

(ii) omit “or a Regulation State”;

(b) in paragraph (b)—

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)*

- (i) omit “either within the scope of the Regulation, as determined by Article 1 of the Regulation,”;
  - (ii) omit “within scope of the Lugano Convention as determined by Article 1 of the Lugano Convention or”;
  - (iii) omit “the Regulation” in the third place it occurs;
  - (iv) omit “the Lugano Convention or” in the second place it occurs.
- (3) In subsection (3)—
- (a) in paragraph (a)—
    - (i) omit “a Brussels Contracting State or a State bound by the Lugano Convention or”;
    - (ii) omit “or Regulation State”;
  - (b) in paragraph (b)—
    - (i) omit “the Regulation as determined by Article 1 of the Regulation,”;
    - (ii) omit “the Lugano Convention as determined by Article 1 of the Lugano Convention or”.

#### **Commencement Information**

**I30** Reg. 33 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**34.—**(1) Section 27 (provisional and protective measures in Scotland in the absence of substantive proceedings) is amended as follows.

- (2) In subsection (2)—
- (a) in paragraph (a), omit “in another Brussels or Lugano Contracting State, in another Regulation State,”;
  - (b) in paragraph (b), omit “is within the scope of the Regulation as determined by Article 1 of the Regulation,”.
- (3) In subsection (3)—
- (a) in paragraph (a), omit “a Brussels, Lugano Contracting State, Regulation State or”;
  - (b) in paragraph (b), omit “the Regulation as determined by Article 1 of the Regulation or”;
  - (c) in paragraph (d), omit “a Brussels or Lugano Contracting State, Regulation State,”.

#### **Commencement Information**

**I31** Reg. 34 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**35.** In section 28 (application of section 1 of Administration of Justice (Scotland) Act 1972), in subsection (1), omit “in another Brussels or Lugano Contracting State, in a Regulation State,”.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)*

**Commencement Information**

**I32** Reg. 35 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**36.** In section 30 (proceedings in England and Wales or Northern Ireland for torts to immovable property), in subsection (2), omit the words from “the 1968” to “and to”.

**Commencement Information**

**I33** Reg. 36 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**37.** In section 32 (overseas judgments given in proceedings brought in breach of agreement for settlement of disputes), in subsection (4)(a), omit the words from “, the 1968” to “the Regulation”.

**Commencement Information**

**I34** Reg. 37 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**38.** In section 33 (certain steps not to amount to submission to jurisdiction of overseas court), in subsection (2), omit the words from “the 1968” to “the Regulation or”.

**Commencement Information**

**I35** Reg. 38 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**39.—(1)** Section 41 (domicile of individuals) is amended as follows.

(2) In subsection (1)—

- (a) omit the words from the beginning to “in a Contracting State,”;
- (b) omit “the 1968 Convention and”;
- (c) omit “or in a state other than a Contracting State”.

(3) Omit subsection (7).

**Commencement Information**

**I36** Reg. 39 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**40.** Omit section 41A (domicile of individuals for the purposes of the Lugano Convention).

**Commencement Information**

**I37** Reg. 40 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**41.**—(1) Section 42 (domicile and seat of corporation or association) is amended as follows.

(2) Omit subsection (2)(a) and the “and” following it.

(3) After subsection (4) insert—

“(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.”.

(4) In subsection (6), omit “Subject to subsection (7),”.

(5) After subsection (6) insert—

“(6A) Subsections (1), (3) and (6) are subject to section 42A.”.

(6) Omit subsection (7).

**Commencement Information**

**I38** Reg. 41 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**42.** After section 42 insert—

**“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.”.

**Commencement Information**

**I39** Reg. 42 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

*Status: This version of this part contains provisions that are prospective.*  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)

**43.**—(1) Section 43 (seat of corporation or association for the purposes of Article 16(2) of the 1968 Convention and related provisions) is amended as follows.

- (2) In the heading, for “Article 16(2) and related” substitute “ certain ”.
- (3) Omit subsection (1)(a).
- (4) Omit subsection (6).
- (5) Omit subsection (7).

**Commencement Information**

**I40** Reg. 43 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**44.** Omit section 43A (seat of companies or other legal persons, or of associations, for the purposes of Article 22(2) of the Lugano Convention).

**Commencement Information**

**I41** Reg. 44 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**45.** Omit section 44 (persons deemed to be domiciled in the United Kingdom for certain purposes of the 1968 Convention).

**Commencement Information**

**I42** Reg. 45 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**46.** Omit section 44A (persons deemed to be domiciled in the United Kingdom for certain purposes of the Lugano Convention).

**Commencement Information**

**I43** Reg. 46 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**47.** In section 45 (domicile of trusts), in subsection (1), omit the words from “the 1968” to “Convention and”.

**Commencement Information**

**I44** Reg. 47 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)



48.—(1) Section 46 (domicile and seat of the Crown) is amended as follows.

(2) In subsection (2), omit paragraph (a) and the “and” following it.

(3) In subsection (4), omit “the 1968 Convention and”.

**Commencement Information**

**I45** Reg. 48 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

49. Omit section 47 (modifications occasioned by decisions of European Court as to meaning or effect of the Brussels Conventions).

**Commencement Information**

**I46** Reg. 49 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

50.—(1) Section 48 (matters for which rules of court may provide) is amended as follows.

(2) In subsection (1), omit the words from “the Lugano” to “the Regulation,”.

(3) In subsection (2), omit paragraph (aa).

(4) In subsection (3)—

(a) omit the words from “the Lugano” to “the Regulation,”;

(b) in paragraph (a), omit “Contracting State, Regulation State,” in both places it occurs,

(c) in paragraph (b), omit “Contracting States, Regulation States,”;

(d) in paragraph (e), omit “Contracting State, Regulation State,”;

(e) in paragraph (g), omit “Contracting States, Regulation States,”.

**Commencement Information**

**I47** Reg. 50 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

51.—(1) In section 49 (saving for powers to stay, sist, strike out or dismiss proceedings), omit the words from “the 1968” to “Lugano Convention or”.

**Commencement Information**

**I48** Reg. 51 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

52.—(1) Section 50 (interpretation: general) is amended as follows.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)*

(2) In the definition of “the Accession Convention” “the 1982 Accession Convention”, “the 1989 Accession Convention” and “the 1996 Accession Convention”, for “, “the 1989 Accession Convention” and “the 1996 Accession Convention”” substitute “and “the 1989 Accession Convention””.

(3) At the appropriate place insert—

““the expert reports relating to the 1968 Convention” means—

- (a) the reports by Mr. P. Jenard on the 1968 Convention and the 1971 Protocol;
- (b) the report by Professor Peter Schlosser on the Accession Convention;
- (c) the report by Professor Demetrios I. Evrigenis and Professor K. D. Kerameus on the 1982 Accession Convention; and
- (d) the report by Mr. Martinho de Almeida Cruz, Mr. Manuel Desantes Real and Mr. P. Jenard on the 1989 Accession Convention;”.

(4) Omit the definitions of—

- (a) “Article”;
- (b) “Brussels Contracting State”;
- (c) “the Brussels Conventions”;
- (d) “the Lugano Convention”;
- (e) “Regulation State”;
- (f) “State bound by the Lugano Convention”.

(5) In the definition of “tribunal”, omit paragraph (b).

#### Commencement Information

**I49** Reg. 52 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**53.** Omit Schedule 1 (text of 1968 Convention, as amended).

#### Commencement Information

**I50** Reg. 53 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**54.** Omit Schedule 2 (text of 1971 Protocol, as amended).

#### Commencement Information

**I51** Reg. 54 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**55.** Omit Schedule 3 (text of Titles V and VI of the Accession Convention, as amended).

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)*

**Commencement Information**

**I52** Reg. 55 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

56. Omit Schedule 3A (text of Titles V and VI of the 1982 Accession Convention).

**Commencement Information**

**I53** Reg. 56 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

57. Omit Schedule 3B (text of Titles V and VI of the 1989 Accession Convention).

**Commencement Information**

**I54** Reg. 57 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

58. Omit Schedule 3BB (text of Titles V and VI of the 1996 Accession Convention).

**Commencement Information**

**I55** Reg. 58 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

59. In Schedule 4—

- (a) omit rules 7, 8, 9 and 10;
- (b) in rule 12(3), omit “if they are contrary to the provisions of rule 9, or”.

**Commencement Information**

**I56** Reg. 59 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

60. In Schedule 5 (proceedings excluded from Schedule 4), in paragraph 6, for the words from “Article 57” to “rules” substitute “the United Kingdom is or may become a party and which governs jurisdiction or recognition and enforcement of judgments in relation to a particular matter”.

**Commencement Information**

**I57** Reg. 60 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)*

61. In Schedule 8 (rules as to jurisdiction in Scotland), in paragraph 3, omit sub-paragraph (6) (c) and the “or” preceding it.

**Commencement Information**

**I58** Reg. 61 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

62. In Schedule 9 (proceedings excluded from Schedule 8), in paragraph 14, for the words from “Article 57” to “rules)” substitute “ the United Kingdom is or may become a party and which governs jurisdiction or recognition and enforcement of judgments in relation to a particular matter ”.

**Commencement Information**

**I59** Reg. 62 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

**Matrimonial and Family Proceedings Act 1984**

63. In the Matrimonial and Family Proceedings Act 1984 <sup>M4</sup>—
- (a) in section 15 (financial relief after overseas proceedings: jurisdiction of the court) omit subsection (2);
  - (b) in section 28 (circumstances in which a Scottish court may entertain application for financial provision) omit subsection (4);
  - (c) in section 31L (enforcement), in subsection (8)(c)—
    - (i) for “1958,” substitute “ 1958 or ”;
    - (ii) omit “or Part 1 of the Civil Jurisdiction and Judgments Act 1982”.

**Commencement Information**

**I60** Reg. 63 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

**Marginal Citations**

**M4** 1984 c 42.

**The Matrimonial and Family Proceedings (Northern Ireland) Order 1989**

64. In the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 <sup>M5</sup>, omit article 19(2).

**Commencement Information**

**I61** Reg. 64 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

#### **Marginal Citations**

**M5** [S.I. 1989/677 \(N.I. 4\)](#), amended by [S.I. 2001/3929](#), [S.I. 2011/1484](#).

### **The Companies (No. 2) (Northern Ireland) Order 1990**

**65.** In the Companies (No. 2) (Northern Ireland) Order 1990 <sup>M6</sup>, in article 104(3), omit the words from “or Regulation” to the end.

#### **Commencement Information**

**I62** Reg. 65 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

#### **Marginal Citations**

**M6** [S.I. 1990/1504 \(N.I. 10\)](#). Relevant amendments were made by [S.I. 2014/2947](#).

### **Social Security Administration Act 1992**

**66.** In the Social Security Administration Act 1992 <sup>M7</sup> in section 108 (reduction of expenditure on income support: certain maintenance orders to be enforceable by the Secretary of State)—

- (a) after subsection (4)(a)(i), insert “ or ”;
- (b) omit subsection (4)(a)(iii) and the “or” preceding it.

#### **Commencement Information**

**I63** Reg. 66 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

#### **Marginal Citations**

**M7** [1992 c.5](#)

### **Social Security Administration (Northern Ireland) Act 1992**

**67.** In the Social Security Administration (Northern Ireland) Act 1992 <sup>M8</sup> in section 103 (reduction of expenditure on income support: certain maintenance orders to be enforceable by the Department)—

- (a) after subsection (4)(a)(i), insert “ or ”;
- (b) omit subsection (4)(a)(iii) and the “or” preceding it.

#### **Commencement Information**

**I64** Reg. 67 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

#### **Marginal Citations**

**M8** [1992 c.8](#)

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)*

## Civil Partnership Act 2004

**68.** In the Civil Partnership Act 2004 <sup>M9</sup>, in Part 2 of Schedule 11 (circumstances in which court in Scotland may entertain application for financial provision after overseas proceedings), omit paragraph 2(4).

### Commencement Information

**I65** Reg. 68 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

### Marginal Citations

**M9** 2004 c. 33.

## Defamation Act 2013

**69.—(1)** In the Defamation Act 2013 <sup>M10</sup>, section 9 (action against a person not domiciled in the UK or a Member State etc) is amended as follows.

(2) In the heading, omit “or a Member State etc”.

(3) In subsection (1)—

(a) omit paragraph (b);

(b) omit paragraph (c) and the “or” preceding it.

(4) For subsection (4) substitute—

“(4) Sections 41 and 42 of the Civil Jurisdiction and Judgments Act 1982 apply for the purpose of determining whether an individual, corporation or association is regarded as “domiciled in the United Kingdom” for the purposes of this section.”.

(5) Omit subsection (5).

### Commencement Information

**I66** Reg. 69 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

### Marginal Citations

**M10** 2013 c. 26.

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, PART 2.