
STATUTORY INSTRUMENTS

2019 No. 479

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

Part 6

Savings

Savings relating to jurisdiction, recognition and enforcement

92.—(1) Subject to paragraph (5) and to regulation 93, this regulation applies—

- (a) where one of the relevant instruments applies immediately before [^{F1}IP completion day] to determine questions relating to the jurisdiction of a court in any part of the United Kingdom to hear proceedings of which that court was seised before [^{F1}IP completion day] and which are not concluded before [^{F1}IP completion day];
- (b) in relation to recognition or enforcement by a court in any part of the United Kingdom of—
 - (i) a judgment or decision given in proceedings of which a court in a State bound by a relevant instrument was seised before [^{F1}IP completion day];
 - (ii) a court settlement concluded, or authentic instrument registered, before [^{F1}IP completion day] in a State bound by a relevant instrument,

where the question of recognition or enforcement has not arisen for consideration by the first mentioned court before [^{F1}IP completion day], or having so arisen, that court has not concluded its consideration before that day.

(2) The relevant instruments referred to in paragraph (1) are—

- (a) the Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial matters, signed at Brussels on 27 September 1968 [^{F2}except where it was superseded by Regulation (EU) No 1215/2012 in accordance with article 68 of that Regulation;]
- (b) the Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial matters, between the member States of the European Communities and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation, signed by the member States on 16 September 1988;

^{F3}(c)

(d) the 2007 Lugano Convention.

^{F4}(e)

^{F5}(f)

(3) Notwithstanding the provision made by these Regulations, and subject to regulation 93, on and after [^{F6}IP completion day]—

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 6. (See end of Document for details)

- (a) the relevant instruments, as they are incorporated or saved by sections 3 and 4 of the European Union (Withdrawal) Act 2018, continue to have effect in relation to questions of jurisdiction, or recognition or enforcement, mentioned in paragraph (1) as if those instruments had not been revoked by these Regulations and the United Kingdom remained a member State;
- (b) EU-derived domestic legislation relating to the relevant instruments, as it is saved by section 2 of the European Union (Withdrawal) Act 2018, continues to have effect in relation to questions of jurisdiction, or recognition or enforcement, mentioned in paragraph (1) as if the provision made by these Regulations in respect of that legislation had not been made and the United Kingdom remained a member State.
- (4) In this regulation, a reference to “recognition” includes non-recognition if the context so requires.
- (5) This regulation does not apply to a maintenance obligation or request to which the International Recovery of Maintenance (Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance 2007) (EU Exit) Regulations 2018 ^{M1} apply.

- F1** Words in reg. 92(1) 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)(g)
- F2** Words in reg. 92(2)(a) inserted (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(3)(a)
- F3** Reg. 92(2)(c) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Civil, Criminal and Family Justice \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1493\)](#), regs. 1(1), 5(3)(b)
- F4** Reg. 92(2)(e) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Civil, Criminal and Family Justice \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1493\)](#), regs. 1(1), 5(3)(c)
- F5** Reg. 92(2)(f) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Civil, Criminal and Family Justice \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1493\)](#), regs. 1(1), 5(3)(d)
- F6** Words in reg. 92(3) 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)(g)

Commencement Information

- I1** Reg. 92 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** [S.I. 2018/1125](#).

Modifications of relevant instruments and EU-derived domestic legislation saved by regulation 92

93.—(1) In any case where regulation 92 applies, the relevant instruments and EU-derived domestic legislation saved by regulation 92 apply with the following modifications.

(2) Where before [^{F7}IP completion day] a court in any part of the United Kingdom (the UK court) was seised of proceedings to which a relevant instrument applies, and a court in a State bound by that relevant instrument is subsequently seised of proceedings involving the same cause of action

and between the same parties, the UK court may after [^{F7}IP completion day] decline jurisdiction if, and only if, it considers that it would be unjust not to do so.

(3) If before [^{F8}IP completion day] a court in any part of the United Kingdom was seised of proceedings against a defendant domiciled in a State bound by a relevant instrument, and it has not been possible to transmit the document instituting the proceedings in accordance with Regulation (EC) No. 1393/2007 by reason of the exit of the United Kingdom from the European Union, then, if the defendant does not appear before the court, the court may apply whichever of the following provisions of that relevant instrument listed below as appears just—

- (a) Article 26(2) or (4) of Regulation (EC) No 44/2001;
- (b) Article 26(2) or (4) of the 2007 Lugano Convention;
- (c) Article 28(2) or (4) of Regulation (EU) No 1215/2012.

(4) Where regulation 92(1)(b) applies, any obligation to provide or serve a certificate under any of the following provisions does not apply—

- (a) Articles 54, 57 and 58 of Regulation (EC) No 44/2001;
- (b) Articles 54, 57 and 58 of the 2007 Lugano Convention;
- (c) Articles 53 and 60 of Regulation (EU) No 1215/2012.

(5) In this regulation, “Regulation (EC) No. 1393/2007” means Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) and repealing Council Regulation (EC) No. 1348/2000.

(6) In this regulation, references to “defendant” include “defender”.

- F7** Words in reg. 93(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)(h)**
- F8** Words in reg. 93(3) 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)(h)**

Commencement Information

- I2** Reg. 93 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)

[^{F9}Saving relating to jurisdiction, recognition and enforcement: application of Articles 67 and 69 of the withdrawal agreement

93A. Nothing in these Regulations affects the application of paragraphs 1(a) and 2(a) of Article 67 and paragraph 2 of Article 69 of the withdrawal agreement and legislation amended or revoked by these Regulations continues to have effect for the purposes of those paragraphs as if the amendments or revocations had not been made.

- F9** Regs. 93A, 93B inserted (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(4)**

Commencement Information

- I3** Reg. 93A 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.
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Saving for requests received before IP completion day through the European Judicial Network: application of Article 68 of the withdrawal agreement

93B. Nothing in these Regulations affects the application of paragraph (c) of Article 68 of the withdrawal agreement and Council Decision of 28 May 2001 establishing a European Judicial Network in civil and commercial matters (2001/470/EC) continues to have effect for the purposes of that paragraph.]

<p>F9 Regs. 93A, 93B inserted (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(4)</p> <hr/> <p>Commencement Information</p> <p>I4 Reg. 93B 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)</p>

PROSPECTIVE

Savings for European Enforcement Orders and European Orders for Payment applied for, and European Small Claims Procedures commenced, before exit day

F1094.

<p>F10 Reg. 94 omitted (31.12.2020 immediately before IP completion day) by virtue of The Civil, Criminal and Family Justice (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1493), regs. 1(1), 5(5)</p>
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Interpretation of this Part

95.—(1) In this Part—

- “relevant instrument” means an instrument mentioned in paragraph (2) of regulation 92;
- “Regulation (EU) No 1215/2012” means Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial matters, including as applied by virtue of the Agreement between the European Community and the Kingdom of Denmark on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial matters, of 19 October 2005;
- “Regulation (EC) No 44/2001” means Council Regulation (EC) No 44/2001 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial matters, including as applied by virtue of the Agreement between the European Community and the Kingdom of Denmark on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial matters, of 19 October 2005;
- “the 2007 Lugano Convention” means the Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark, signed on behalf of the Community on 30 October 2007.

(2) In this Part, a court shall be deemed to be seised—

- (a) at the time when the document instituting the proceedings or an equivalent document is lodged with the court, provided that the applicant has not subsequently failed to take the steps the applicant was required to take to have service effected on the respondent; or

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(b) if the document has to be served before being lodged with the court, at the time when it is received by the authority responsible for service (being the first authority receiving the document to be served), provided that the applicant has not subsequently failed to take the steps the applicant was required to take to have the document lodged with the court.

(3) In paragraph (2), references to “applicant” include “claimant” or “pursuer”, and references to “respondent” include “defendant” or “defender”.

(4) Nothing in this Part shall be interpreted as saving any obligation upon the United Kingdom under any of the relevant instruments to notify the Depository or the European Commission, as the case may be, of any matter, or update any such notification after [^{F11}IP completion day].

F11 Words in reg. 95(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)(i)

Commencement Information

I5 Reg. 95 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 6.