STATUTORY INSTRUMENTS

2015 No. 1644

JUDGMENTS

The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015

Made - - - -	*3rd September 2015*
Laid before Parliament	*7th September 2015*
Coming into force - -	*1st October 2015*

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) in relation to private international law(**2**), makes the following Regulations in exercise of the power under section 2(2) of that Act.

Modifications etc. (not altering text)

C1 Regulations applied (with modifications) (31.12.2020) by The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) (EU Exit) Regulations 2018 (S.I. 2018/1124), regs. 1, **7(1)**(2); 2020 c. 1, Sch. 5 para. 1(1)

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015, and come into force on 1st October 2015.

(2) Subject to paragraphs (3) to (5), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(3) Regulations 13 and 21 extend to England and Wales and Northern Ireland only.

(**1**) 1972 c. 68. Section 2 was amended by section 27(1)(a) and (b) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3 of, and the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(**2**) The European Communities (Designation) (No. 2) Order 2008 (S.I. 2008/1792). Under section 57(1) of the Scotland Act 1998 (c. 46), despite the transfer to the Scottish Ministers of functions in relation to implementation of obligations under European Union law in respect of devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable by the Secretary of State as regards Scotland. Implementation of obligations under European Union law in respect of devolved matters is itself a devolved matter in Northern Ireland. However, the designation of the Secretary of State under the European Communities (Designation) (No. 2) Order 2008 in relation to private international law remains exercisable in relation to Northern Ireland. This is despite the designation of Northern Ireland Departments in relation to that matter by virtue of the European Communities (Designation) (No. 5) Order 2010 (S.I. 2010/2690) as that designation does not restrict the scope of other designations.

(4) Regulations 14, 15 and 22 extend to Scotland only.

(5) Regulation 23 extends to England and Wales only.

Commencement Information

I1 Reg. 1 in force at 1.10.2015, see **reg. 1(1)**

Amendments to the Civil Jurisdiction and Judgments Act 1982

2. The Civil Jurisdiction and Judgments Act 1982(**3**) is amended in accordance with regulations 3 to 20.

Commencement Information

I2 Reg. 2 in force at 1.10.2015, see **reg. 1(1)**

Interpretation of references to the Hague Convention on Choice of Court Agreements 2005 and its Contracting States

3.—(1) Section 1 (interpretation of references to the Conventions and Contracting States)(**4**) is amended as follows.

(2) In subsection (1), at the appropriate place insert—

""the 2005 Hague Convention" means the Convention on Choice of Court Agreements concluded on 30th June 2005 at the Hague(**5**);".

(3) In subsection (3)—

(a) at the appropriate place insert—

""2005 Hague Convention State", in any provision, in the application of that provision in relation to the 2005 Hague Convention, means a State bound by that Convention;"; and

(b) in the definition of "Contracting State"—

(i) at the end of paragraph (a) omit "and";

(ii) at the end of paragraph (b) insert "and"; and

(iii) after paragraph (b) insert—

"(c) in the application of the provision in relation to the 2005 Hague Convention, a 2005 Hague Convention State;".

(4) In subsection (4)—

(a) for "the Brussels Conventions, or the Lugano Convention" substitute "the Brussels Conventions, the Lugano Convention, or the 2005 Hague Convention";

(b) at the end of paragraph (a) omit "and";

(c) at the end of paragraph (b) insert "; and"; and

(d) after paragraph (b) insert—

(**3**) 1982 c. 27.

(**4**) Section 1 was amended by section 2 of the Civil Jurisdiction and Judgments Act 1991 (c. 12), S.I. 1989/1346, 1990/2591, 2000/1824, 2001/3929, 2007/1655, 2009/3131, 2011/1215, 2012/1770, 2012/1809 and 2014/2947.

(**5**) For the text of the Convention see Annex 1 to Council Decision 2009/397/EC of 26th February 2009 on the signing on behalf of the European Community of the Convention on Choice of Court Agreements OJ No. L 133, 29.5.2009, p1.

"(c) in accordance with Article 26 of the 2005 Hague Convention (which determines the relationship between the Brussels Conventions, the Lugano Convention, the Regulation and the 2005 Hague Convention).".

Commencement Information

I3 Reg. 3 in force at 1.10.2015, see **reg. 1(1)**

Registration and enforcement of judgments under the 2005 Hague Convention

4. After section 4A (enforcement of judgments, other than maintenance orders, under the Lugano Convention)(**6**) insert—

"**Registration and enforcement of judgments under the 2005 Hague Convention**

4B.—(1) A judgment which is required to be recognised and enforced under the 2005 Hague Convention in any part of the United Kingdom must be registered in the prescribed manner in the appropriate court, on the application of any interested party.

(2) In subsection (1) "the appropriate court" means—

(a) in England and Wales or Northern Ireland, the High Court;

(b) in Scotland, the Court of Session.

(3) A judgment which is required to be recognised and enforced under the 2005 Hague Convention must be registered without delay on completion of the formalities in Article 13 of the 2005 Hague Convention if the registering court considers that it meets the condition for recognition in Article 8(3) of the 2005 Hague Convention, without any review of whether a ground for refusal under Article 9 applies.

(4) The party against whom enforcement is sought shall not be entitled to make any submission on the application for registration.

(5) Where a judgment which is required to be recognised and enforced under the 2005 Hague Convention has been registered, the reasonable costs or expenses of and incidental to its registration shall be recoverable as if they were sums recoverable under the judgment.

(6) A judgment which is required to be recognised and enforced under the 2005 Hague Convention shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by the registering court and had (where relevant) been entered.

(7) Subsection (6) is subject to section 7 (interest on registered judgments) and to any provision made by rules of court as to the manner in which and conditions subject to which a judgment registered under the 2005 Hague Convention may be enforced.".

Commencement Information

I4 Reg. 4 in force at 1.10.2015, see **reg. 1(1)**

(**6**) Section 4A was inserted by S.I. 2009/3131.

Appeals in relation to registration of judgments under the 2005 Hague Convention

5. After section 6A (appeals under Article 44 and Annex IV of the Lugano Convention)(**7**) insert—

"**Appeals in relation to registration of judgments under the 2005 Hague Convention**

6B.—(1) A decision on the application for registration of a judgment required to be recognised and enforced under the 2005 Hague Convention may be appealed against by either party.

(2) The appeal referred to in subsection (1) lies—

(a) in England and Wales or Northern Ireland, to the High Court;

(b) in Scotland, to the Court of Session.

(3) The court to which an appeal referred to in subsection (1) is brought must refuse or revoke registration only if—

(a) the condition for recognition in Article 8(3) of the 2005 Hague Convention is not met;

(b) the ground for postponement or refusal of recognition in Article 8(4) of the 2005 Hague Convention applies; or

(c) one or more of the grounds specified in Article 9 of the 2005 Hague Convention apply.

(4) A single further appeal on a point of law against the judgment given on the appeal referred to in subsection (1) lies—

(a) in England and Wales or Northern Ireland, to the Court of Appeal or to the Supreme Court in accordance with Part II of the Administration of Justice Act 1969(**8**) (appeals direct from the High Court to the Supreme Court);

(b) in Scotland, to the Inner House of the Court of Session.

(5) Paragraph (a) of subsection (4) has effect notwithstanding section 15(2) of the Administration of Justice Act 1969 (exclusion of direct appeal to the Supreme Court in cases where no appeal to that Court lies from a decision of the Court of Appeal).".

Commencement Information

I5 Reg. 5 in force at 1.10.2015, see **reg. 1(1)**

Interest on registered judgments

6. In section 7(1) and (5) (interest on registered judgments)(**9**), after "4A," insert "4B,".

Commencement Information

I6 Reg. 6 in force at 1.10.2015, see **reg. 1(1)**

(**7**) Section 6A was inserted by S.I. 2009/3131 and amended by section 17(6) of, and Schedule 11 Part 1 paragraph 86(1) and (12) to, the Crime and Courts Act 2013 (c. 22).
(**8**) 1969 (c. 58).
(**9**) Section 7 was amended by section 17(6) of, and Schedule 11 Part 1 paragraph 86(1) and (13) to, the Crime and Courts Act 2013 and S.I. 2009/3131.

Provisions supplementary to Article 26 of the 2005 Hague Convention

7. In section 9 (provisions supplementary to Title VII of 1968 Convention)(**10**) after "Lugano Convention" insert "and Article 26 of the 2005 Hague Convention".

Commencement Information
I7 Reg. 7 in force at 1.10.2015, see **reg. 1(1)**

Proof and admissibility of certain judgments and related documents for the purposes of the 2005 Hague Convention

8. After section 11A (proof and admissibility of certain judgments and related documents for the purposes of the Lugano Convention)(**11**) insert—

"**Proof and admissibility of certain judgments and related documents for the purposes of the 2005 Hague Convention**

11B.—(1) For the purposes of the 2005 Hague Convention—

(a) a document, duly authenticated, which purports to be a copy of a judgment given by a court of a 2005 Hague Convention State other than the United Kingdom shall without further proof be deemed to be a true copy, unless the contrary is shown; and

(b) a certificate issued by the court of the 2005 Hague Convention State of origin, in the form recommended for use under the 2005 Hague Convention and published by the Hague Conference on Private International Law, as referred to in Article 13(3) of the 2005 Hague Convention, shall be evidence, and in Scotland sufficient evidence, as to whether the judgment has effect or is enforceable in the 2005 Hague Convention State of origin.

(2) A document purporting to be a copy of a judgment given by any such court as is mentioned in subsection (1)(a) is duly authenticated for the purposes of this section if it purports—

(a) to bear the seal of that court; or

(b) to be certified by any person in their capacity as judge or officer of that court to be a true copy of a judgment given by that court.

(3) Nothing in this section shall prejudice the admission in evidence of any document which is admissible apart from this section.".

Commencement Information
I8 Reg. 8 in force at 1.10.2015, see **reg. 1(1)**

(**10**) Section 9 was amended by sections 1 and 3 of, and Schedule 2 paragraph 4 to, the Civil Jurisdiction and Judgments Act 1991, S.I. 2001/3929 and 2009/3131.
(**11**) Section 11A was inserted by S.I. 2009/1313.