



Contracts (Applicable Law) Act 1990

CHAPTER 36

CONTRACTS (APPLICABLE LAW) ACT 1990

- 1 Meaning of “the Conventions”
- 2 Conventions to have force of law
- 3 Interpretation of Conventions
- 4 Revision of Conventions etc
- 5 Consequential amendments
- 6 Application to Crown
- 7 Commencement
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SCHEDULES

- SCHEDULE 1 — The Rome Convention
Title I — SCOPE OF THE CONVENTION

Article 1

Scope of the Convention

- 1 The rules of this Convention shall apply to contractual obligations...
- 2 They shall not apply to: (a) questions involving the status...
- 3 The rules of this Convention do not apply to contracts...
- 4 The preceding paragraph does not apply to contracts of re-insurance....

Article 2

Application of law of non-contracting States

Title II — UNIFORM RULES

Article 3

Freedom of choice

- 1 A contract shall be governed by the law chosen by...
- 2 The parties may at any time agree to subject the...
- 3 The fact that the parties have chosen a foreign law,...
- 4 The existence and validity of the consent of the parties...

Article 4

Applicable law in the absence of choice

- 1 To the extent that the law applicable to the contract...
- 2 Subject to the provisions of paragraph 5 of this Article,...
- 3 Notwithstanding the provisions of paragraph 2 of this Article, to...
- 4 A contract for the carriage of goods shall not be...
- 5 Paragraph 2 shall not apply if the characteristic performance cannot...

Article 5

Certain consumer contracts

- 1 This Article applies to a contract the object of which...
- 2 Notwithstanding the provisions of Article 3, a choice of law...
- 3 Notwithstanding the provisions of Article 4, a contract to which...
- 4 This Article shall not apply to: (a) a contract of...
- 5 Notwithstanding the provisions of paragraph 4, this Article shall apply...

Article 6

Individual employment contracts

- 1 Notwithstanding the provisions of Article 3, in a contract of...
- 2 Notwithstanding the provisions of Article 4, a contract of employment...

Article 7

Mandatory rules

- 1 When applying under this Convention the law of a country,...
- 2 Nothing in this Convention shall restrict the application of the...

Article 8

Material validity

- 1 The existence and validity of a contract, or of any...
- 2 Nevertheless a party may rely upon the law of the...

Article 9

Formal validity

- 1 A contract concluded between persons who are in the same...
- 2 A contract concluded between persons who are in different countries...
- 3 Where a contract is concluded by an agent, the country...
- 4 An act intended to have legal effect relating to an...
- 5 The provisions of the preceding paragraphs shall not apply to...
- 6 Notwithstanding paragraphs 1 to 4 of this Article, a contract...

Article 10

Scope of the applicable law

- 1 The law applicable to a contract by virtue of Articles...
- 2 In relation to the manner of performance and the steps...

Article 11

Incapacity

Article 12

Voluntary assignment

- 1 The mutual obligations of assignor and assignee under a voluntary...
- 2 The law governing the right to which the assignment relates...

Article 13

Subrogation

- 1 Where a person (“the creditor”) has a contractual claim upon...
- 2 The same rule applies where several persons are subject to...

Article 14

Burden of proof, etc.

- 1 The law governing the contract under this Convention applies to...
- 2 A contract or an act intended to have legal effect...

Article 15

Exclusion of renvoi

Article 16

Ordre public

Article 17

No retrospective effect

Article 18

Uniform interpretation

Article 19

States with more than one legal system

- 1 Where a State comprises several territorial units each of which...
- 2 A State within which different territorial units have their own...

Article 20

Precedence of Community law

Article 21

Relationship with other conventions

Article 22

Reservations

- 1 Any Contracting State may, at the time of signature, ratification,...
- 2 Any Contracting State may also, when notifying an extension of...
- 3 Any Contracting State may at any time withdraw a reservation...

Title III — FINAL PROVISIONS

Article 23

- 1 If, after the date on which this Convention has entered...
- 2 Any signatory State may, within six months from the date...
- 3 If no signatory State has requested consultations within this period...

Article 24

- 1 If, after the date on which this Convention has entered...
- 2 The procedure referred to in the preceding paragraph need not...

Article 25

Article 26

Article 27

- 1 This Convention shall apply to the European territories of the...
- 2 Notwithstanding paragraph 1: (a) this Convention shall not apply to...
- 3 Such declarations may be made at any time by notifying...
- 4 Proceedings brought in the United Kingdom on appeal from courts...

Article 28

- 1 This Convention shall be open from 19 June 1980 for...
- 2 This Convention shall be subject to ratification, acceptance or approval...

Article 29

- 1 This Convention shall enter into force on the first day...
- 2 This Convention shall enter into force for each signatory State...

Article 30

- 1 This Convention shall remain in force for 10 years from...
- 2 If there has been no denunciation it shall be renewed...
- 3 A Contracting State which wishes to denounce shall, not less...
- 4 The denunciation shall have effect only in relation to the...

Article 31

Article 32

Article 33

SCHEDULE 2 — The Luxembourg Convention

Article 1

Article 2

Article 3

Article 4

Article 5

Article 6

SCHEDULE 3 — The Brussels Protocol

*Article 1**Article 2**Article 3*

- 1 The competent authority of a Contracting State may request the...
- 2 The interpretation given by the Court of Justice in response...
- 3 The Procurators-General of the Supreme Courts of Appeal of the...
- 4 The Registrar of the Court of Justice shall give notice...
- 5 No fees shall be levied or any costs or expenses...

Article 4

- 1 Except where this Protocol otherwise provides, the provisions of the...
- 2 The Rules of Procedure of the Court of Justice shall,...

*Article 5**Article 6*

- 1 To enter into force, this Protocol must be ratified by...
- 2 Any ratification subsequent to the entry into force of this...

*Article 7**Article 8**Article 9**Article 10**Article 11*

SCHEDULE 4 — Consequential Amendments

The Equal Pay Act 1970 (c. 41) The Equal Pay Act (Northern Ireland) 1970 (c. 32 (N.I.))

- 1 In Section 1(11) of the Equal Pay Act 1970 and...

The Consumer Credit Act 1974 (c. 39)

- 2 In sections 43(2)(c) and 145(3)(c) and (4)(b) of the Consumer...

The Patents Act 1977 (c. 37)

- 3 In section 82(5) and (6) of the Patents Act 1977,...

The Unfair Contract Terms Act 1977 (c. 50)

- 4 In section 27(1) of the Unfair Contract Terms Act 1977,...

The Aviation Security Act 1982 (c. 36)

- 5 In section 19(5) of the aviation security act 1982, for...

Status: This is the original version (as it was originally enacted).

The Income and Corporation Taxes Act 1988 (c. 1)

6 In section 347b(1)(a) of the Income and Corporation Taxes Act...