
STATUTORY INSTRUMENTS

2023 No. 1395

**RETAINED EU LAW REFORM
PRIVATE INTERNATIONAL LAW**

**The Civil Jurisdiction and Judgments
(Saving Provision) Regulations 2023**

Made - - - - 14th December 2023

Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 22(4) of the Retained EU Law (Revocation and Reform) Act 2023(1).

The Secretary of State is a relevant national authority for the purposes of section 22(4) of that Act(2).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Civil Jurisdiction and Judgments (Saving Provision) Regulations 2023 and come into force immediately before the end of 2023.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Interpretation

2. In these Regulations—

“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 30th October 2007;

“the 2018 Act” means the European Union (Withdrawal) Act 2018(3);

“the 2019 Regulations” means the Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019(4);

“the 2023 Act” means the Retained EU Law (Revocation and Reform) Act 2023.

(1) 2023 c. 28.

(2) See section 21(1) of that Act for the definition of “relevant national authority”.

(3) 2018 c. 16; section 4 was amended by section 25 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(4) S.I. 2019/479, amended by S.I. 2020/1493.

Saving provision

3. Notwithstanding the repeal of section 4 of the 2018 Act by section 2 of the 2023 Act, any rights, powers, liabilities, obligations, restrictions, remedies and procedures which—

- (a) are derived from the 2007 Lugano Convention, and
- (b) by virtue of section 4 of the 2018 Act and regulation 92 of the 2019 Regulations, are recognised and available in domestic law (and enforced, allowed and followed accordingly), and continue to have the effect specified in regulation 92(3) subject to regulation 93 of those Regulations,

continue to be recognised and available in domestic law (and enforced, allowed and followed accordingly) and continue to have such effect after the end of 2023.

14th December 2023

Bellamy
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations ensure that rights, powers, liabilities, obligations, restrictions, remedies and procedures (“rights etc”) derived from the 2007 Lugano Convention (“the Convention”) continue to have effect after the end of 2023 in certain circumstances, despite the repeal of section 4 of the European Union (Withdrawal) Act 2018 (“the 2018 Act”) by section 2 of the Retained EU Law (Revocation and Reform) Act 2023 (“the 2023 Act”).

Section 4 of the 2018 Act, together with regulations 92 and 93 of the Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019, provides that, despite the rights etc derived from the Convention being ceased by regulation 82, those rights etc continue to be recognised and available in domestic law in the circumstances specified in regulation 92 subject to the modifications made by regulation 93. Section 2 of the 2023 Act will revoke section 4 of the 2018 Act at the end of 2023, which would cause the saved rights etc derived from the Convention to cease. These Regulations make further saving provision so that these rights etc continue to have effect after the end of 2023.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.