

# **THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE**

**No. 5245 GIBRALTAR Thursday 31st July 2025**

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**B. 16/25**

## **CIVIL JURISDICTION AND JUDGMENTS (AMENDMENT) BILL 2025**

### **ARRANGEMENT OF CLAUSES**

Clause

#### **PART 1 PRELIMINARY**

1. Title.
2. Commencement.

#### **PART 2 AMENDMENT OF THE CIVIL JURISDICTION AND JUDGMENTS ACT 1993**

3. Amendment of the Civil Jurisdiction and Judgments Act 1993.

#### **PART 3 TREATY RIGHTS AND OBLIGATIONS.**

4. The 1968 Convention, the Lugano Conventions and the EC-Denmark Agreement.

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5. Council Decision of 28 May 2001.
6. Council Regulation (EC) No 44/2001.
7. Council Decision of 20 September 2005 (2005/790/EC).
8. Council Decision of 27 April 2006 (2006/325/EC).
9. Council Decision of 15 October 2007 (2007/712/EC).
10. Council Decision of 27 November 2008 (2009/430/EC).
11. Regulation (EU) No 1215/2012.
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#### **PART 5 TRANSITIONAL AND SAVINGS PROVISIONS**

14. Savings relating to jurisdiction, recognition and enforcement.
15. Modifications of relevant instruments and EU-derived domestic legislation saved by regulation 14.

16. Saving relating to jurisdiction, recognition and enforcement: application of Articles 67 and 69 of the EU withdrawal agreement.
17. Saving for requests received before IP completion day through the European Judicial Network: application of Article 68 of the EU withdrawal agreement.
18. Regulation (EU) No 1215/2012 - Savings relating to enforcement and judgments in proceedings commenced after IP completion day and before commencement of this Act.
19. Lugano Convention 2007 – domestic application – Savings relating to enforcement and judgments in proceedings commenced after IP completion day and before commencement of this Act.
20. Transitional and saving provision – Civil Procedure Rules 1998.
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# THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5245 GIBRALTAR Thursday 31st July 2025

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B. 16/25

## BILL

### FOR

**AN ACT** to amend the Civil Jurisdiction and Judgments Act 1993, to provide for the implementation of international agreements on private international law, and for connected purposes.

**ENACTED** by the Legislature of Gibraltar.

### PART 1 PRELIMINARY

#### Title.

1. This Act may be cited as the Civil Jurisdiction and Judgments (Amendment) Act 2025.

#### Commencement.

2. This Act comes into operation on the day of publication.

### PART 2 AMENDMENT OF THE CIVIL JURISDICTION AND JUDGMENTS ACT 1993

#### Amendment of the Civil Jurisdiction and Judgments Act 1993.

- 3.(1) The Civil Jurisdiction and Judgments Act 1993 is amended in accordance with this section.

- (2) In section 2-

- (a) in subsection (1) delete the definitions of –

“the 1968 Convention”;  
“the 1971 Protocol”;  
“The Accession Convention”;  
“the 1982 Accession Convention”;  
“the 1989 Accession Convention”;

“the Brussels Conventions”;  
“the Lugano Convention”;  
“the Regulation”,

and in the definition “the 2007 Hague Convention” for “;” substitute “.”;

(b) delete subsection (2);

(c) in subsection (3)-

- (i) in the definition of “Contracting State”, delete paragraphs (a) and (b) and for “relevant Convention” substitute “Convention”;
- (ii) delete the definition of “Brussels Contracting State”;
- (iii) delete the definition of “Lugano Contracting State”;
- (iv) delete the definition of “Regulation State”;
- (v) in the definition “the 2007 Hague Convention” for “;” substitute “.”.

(d) in subsection (4)-

- (i) in paragraph (a) delete “Article 25 of the 1968 Convention or”;
- (ii) in paragraph (b) for “6, 6A or 7” substitute “6A”;

(e) in subsection (5)-

- (i) delete the definitions of “maintenance order” and “payer”;
- (ii) in the definition of “tribunal” delete the words from “and in relation” to the end;

(f) delete subsection (6).

(3) In section 4, delete subsections (1) to (4).

(4) Delete sections 5, 6, 6B, 7, 7A, 7B and 8.

(5) In section 9-

(a) in subsection (1)-

- (i) for “Subject to sub-section (4), where” substitute “Where”;
- (ii) delete “(including a maintenance order)”;

- (iii) for “sections 6, 6A, 7 or 7B” substitute “section 6A”;
    - (iv) delete “, apart from Section 6(2),”;
  - (b) delete subsections (3) and (4);
  - (c) in subsection (5), for “sections 6, 6A, 7 or 7B” substitute “section 6A”.
- (6) Delete sections 10 and 11.
- (7) In section 11A-
- (a) in the section heading, delete “or Lugano Convention”;
  - (b) in subsection (1)-
    - (i) delete “or Lugano Convention”;
    - (ii) in paragraph (a), delete “or State bound by the Lugano Convention”;
    - (iii) in paragraph (b), delete “, or a certificate obtained in accordance with Article 54 and Annex V of the Lugano Convention,” and “or Lugano Convention State of origin”.
- (8) In section 12, delete “the 1968 Convention, the Lugano Convention or”.
- (9) Delete sections 13, 13A, 14 and 15.
- (10) For section 16(1) substitute –
- “(1) Any power of a court in Gibraltar to grant interim relief pending trial or pending the determination of an appeal shall extend to a case where the issue to be tried, or which is the subject of the appeal, relates to the jurisdiction of the court to entertain the proceedings.”.
- (11) In section 17-
- (a) in subsection (1), for paragraphs (a) and (b) substitute –
    - “(a) proceedings have been or are to be commenced in a 2005 Hague Convention State other than Gibraltar; and
    - (b) they are or will be proceedings whose subject-matter is within scope of the 2005 Hague Convention as determined by Articles 1 and 2 of the 2005 Hague Convention (whether or not the 2005 Hague Convention has effect in relation to the proceedings).”.

(b) in subsection (3A), for paragraphs (a) and (b) substitute-

- “(a) proceedings commenced or to be commenced otherwise than in a 2005 Hague Convention State;
- (b) proceedings whose subject-matter is not within the scope of the 2005 Hague Convention as determined by Articles 1 and 2 of the 2005 Hague Convention.”.

(12) Delete section 18(2).

(13) In section 21(4)(a), for “the 2005 Hague Convention, the 2007 Hague Convention, the 1968 Convention or the Lugano Convention or the Regulation” substitute “the 2005 Hague Convention or the 2007 Hague Convention”.

(14) In section 22(2), delete “the 1968 Convention or the Lugano Convention, or the Regulation, or”.

(15) In section 24 –

(a) for subsection (1) substitute -

“(1) The following provisions of this section determine for the purposes of this Act whether an individual is domiciled in Gibraltar.”;

(b) delete subsection (3).

(16) In section 25-

(a) in subsection (2) delete “for the purposes of Article 53 of the 1968 Convention or Article 60 of the Lugano Convention (which equate domicile of such a body with its seat) and, subject to section 26”;

(b) delete subsections (4) and (5).

(17) Delete sections 26 and 27.

(18) In section 28(1), delete “the 1968 Convention, the Lugano Convention and”.

(19) Delete section 30.

(20) In section 32-

(a) in subsection (1) delete “Lugano Convention, the Brussels Conventions, the Regulation,”;

(b) in subsection (2), delete “, the Lugano Convention, the Regulation”;

(c) in subsection (3)-

- (i) delete “the Lugano Convention, the Brussels Conventions, the Regulation,”;
- (ii) in paragraph (a) delete “Contracting State, Regulation State or” in both places it occurs;
- (iii) in paragraph (b) delete “Contracting States, Regulation States or”;
- (iv) in paragraph (e) delete “Contracting State, Regulation State or”;
- (v) in paragraph (g) delete “Contracting States, Regulation States or”.

(21) In section 33, delete “the 1968 Convention or, as the case may be, the Lugano Convention or”.

(22) Delete section 38.

(23) For Part V substitute –

## **“PART V**

### **JURISDICTION AND THE ENFORCEMENT OF JUDGMENTS BETWEEN THE UNITED KINGDOM AND GIBRALTAR**

#### **Arrangements between the United Kingdom and Gibraltar.**

39.(1) Provision corresponding to that made by the provisions of the 1968 Convention specified in subsection (2), as they had effect immediately before IP completion day, shall apply, so far as relevant, for the purpose of regulating, as between Gibraltar and the United Kingdom, the jurisdiction of courts and the recognition and enforcement of judgments.

(2) Those provisions are-

- (a) Titles I–V;
- (b) Articles 54 and 57; and
- (c) Article 65 and the Protocol referred to therein.

(3) For the purpose stated in subsection (1), Gibraltar and the United Kingdom shall be treated as if each were a separate Contracting State and the relevant provisions of the 1968 Convention shall be construed accordingly.

(4) In determining any question as to the meaning or effect of the provision (or any part of it) made by subsection (1)–

- (a) regard shall be had to any relevant principles laid down by the European Court in connection with Title II of the Convention and to any relevant decision of that court before IP completion day as to the meaning or effect of any provision of that Title; and
  - (b) without prejudice to the generality of paragraph (a), the expert reports relating to the 1968 Convention referred to in section 47 of the Act may be considered and shall, so far as relevant, be given such weight as is appropriate in the circumstances.
- (5) For ease of reference, the text of the provisions referred to in subsection (2) are set out in Schedule 1.

**Registration and enforcement of judgments from the United Kingdom pursuant to section 39.**

- 40.(1) A judgment, other than a maintenance order, which is the subject of an application under Article 31 for its enforcement in Gibraltar shall, to the extent that its enforcement is authorized by the Supreme Court, be registered in the prescribed manner in the Supreme Court.
- (2) Where a judgment is registered under this section, the reasonable costs or expenses of and incidental to its registration shall be recoverable as if they were sums recoverable under the judgment.
- (3) A judgment registered under this section –
- (a) shall be of the same force and effect, as if it had been originally made by the Supreme Court;
  - (b) may be enforced in the same way as if it had been originally made by the Supreme Court.
- (4) Subsection (3) is subject to–
- (a) Article 39 (restriction on enforcement where appeal pending or time for appeal unexpired);
  - (b) section 43; and
  - (c) any provision made by rules of court as to the manner in which and conditions subject to which a judgment registered under this section may be enforced.



**Recognition and enforcement of United Kingdom maintenance orders.**

- 41.(1) The function of transmitting to the appropriate court an application under Article 31 for the recognition or enforcement in Gibraltar of a United Kingdom maintenance order shall be discharged by the Minister responsible for justice.
- (2) In this section “the appropriate court” means the Magistrates’ Court.
- (3) Such an application shall be determined by the Magistrates’ Court.
- (4) Where on such an application the enforcement of the order is authorized to any extent, the order shall to that extent be registered in the prescribed manner in that court.
- (5) A maintenance order registered under this section shall, for the purposes of its enforcement-
- (a) be of the same force and effect as if the order had been originally made by the Magistrates’ Court; and
  - (b) may be enforced in the same way as if the order had originally been made by the Magistrates’ Court.
- (6) Subsection (5) is subject to Article 39 (restriction on enforcement where appeal pending or time for appeal unexpired), to section 43 and to any provision made by rules of court as to the manner in which and conditions subject to which an order registered under this section may be enforced.
- (7) The payer under a maintenance order registered under this section shall give notice of any change of address to the clerk of the Magistrates’ Court.
- (8) A person who without reasonable excuse fails to comply with subsection (7) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**Appeals.**

42. The single further appeal on a point of law referred to in Articles 37 and 41 in relation to the recognition or enforcement of a judgment lies to the Court of Appeal in accordance with the Court of Appeal Act, and in the case of a maintenance order, to the Supreme Court in accordance with section 62 of the Magistrates Court Act.

**Interest on registered judgments.**

- 43.(1) Where in connection with an application for a registration order in respect of a judgment (including a maintenance order) under this Part the applicant shows-

- (a) that the judgment provides for the payment of a sum of money; and
- (b) in accordance with the law of the relevant part of the United Kingdom in which the judgment was given interest on that sum is recoverable under the judgment from a particular date or time,

the rate of interest and the date or time from which it is so recoverable shall be declared enforceable with the judgment and, subject to any provision made under subsection (2), the debt resulting, apart from section 40(2), from the registration order in respect of the judgment shall carry interest in accordance with that order.

- (2) Provision may be made by rules of court as to the manner in which and the periods by reference to which any interest payable by virtue of subsection (1) is to be calculated and paid, including provision for such interest to cease to accrue as from a prescribed date.
- (3) Costs or expenses recoverable by virtue of section 6(2) shall carry interest as if they were the subject of an order for the payment of costs or expenses made by the court making the enforcement order on the date of that order.
- (4) Interest on arrears of sums payable under a maintenance order registered under section 41 in the Magistrate's Court shall be recoverable in that court as a civil debt notwithstanding the provisions of section 40(2)(a) of the Magistrates Court Act.
- (5) Debts under judgments registered under section 40 or 41 shall carry interest only as provided for by this section.

**Proof and admissibility of judgments and related documents.**

44.(1) For the purposes of this Part-

- (a) a document duly authenticated which purports to be a copy of a judgment given by a court of the United Kingdom shall without further proof be deemed to be a true copy, unless the contrary is shown; and
  - (b) the original or a copy of any such document as is mentioned in Article 46(2) or 47 (supporting documents to be produced by a party seeking recognition or enforcement of a judgment) shall be evidence of any matter to which it relates.
- (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 his capacity as a 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 submission in evidence of any document which is admissible apart from this section.

**Copies of, and certificates in connection with judgments to be enforced.**

- 45.(1) Rules of court may make provision for enabling any interested party wishing to secure under the provisions of this Part the recognition and enforcement in Gibraltar of a United Kingdom judgment.
- (2) Rules of court may make provision for enabling any interested party wishing to secure under the Civil Jurisdiction and Judgments Act 1982 (Gibraltar) Order 1997 the recognition and enforcement in the United Kingdom of a judgment given by a court in Gibraltar to obtain, subject to any conditions specified in the rules-
- (a) a certified copy of the judgment; and
  - (b) a certificate giving particulars relating to the judgment and the proceedings in which it was given.

**Modifications to cover authentic instruments and court settlements.**

46. The Minister responsible for justice may, by notice in the Gazette, provide that any provision of this Act relating to the recognition or enforcement in Gibraltar of judgments to which the provisions specified in section 39 apply shall apply, with such modifications as may be specified in the notice, in relation to documents and settlements within Title IV of the 1968 Convention as if they were judgments to which those provisions apply.

**Interpretation.**

- 47.(1) In this Part-

“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; and
- (c) the report by Professor Demetrios Evirigenis and Professor 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;

“the 1968 Convention” means the Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters (including the Protocol annexed to that Convention) signed at Brussels on 27th September 1968;

“the 1971 Protocol” means the Protocol on the interpretation of the 1968 Convention by the European Court signed, at Luxembourg on the 3rd June 1971;

“the Accession Convention” means the Convention on the accession to the 1968 Convention and the 1971 Protocol of Denmark, the Republic of Ireland and the United Kingdom signed at Luxembourg on the 9th October 1978;

“the 1982 Accession Convention” means the Convention on the accession of the Hellenic Republic to the 1968 Convention and the 1971 Protocol, with the adjustments made to them by the Accession Convention, signed at Luxembourg on the 25th October 1982;

“the 1989 Accession Convention” means the Convention on the accession of the Kingdom of Spain and the Portuguese Republic to the 1968 Convention and the 1971 Protocol with the adjustments made to them by the Accession Convention and the 1982 Accession Convention, signed at Donostia San Sebastian on 26th May 1989;

“judgment” has the meaning given by Article 25 of the 1968 Convention;

“maintenance order” means a maintenance judgment within the meaning of the 1968 Convention;

“payer”, in relation to a maintenance order, means the person liable to make the payment for which the order provides.

(2) A reference in this Part to a numbered Article is a reference to the Article so numbered of the 1968 Convention.”.

(24) After Part V insert-

## **“Part VI**

### **Private International Law - Implementation of Agreements**

#### **Regulations.**

48.(1) The Minister may make regulations for the purpose of, or in connection with-

- (a) implementing any international agreement as it has effect from time to time, so far as it relates to private international law (“a relevant international agreement”);
- (b) giving effect to any arrangements made between His Majesty’s Government in the United Kingdom and Gibraltar for applying a relevant

- international agreement, with or without modifications, as between the United Kingdom and Gibraltar;
  - (c) implementing any international obligations or standards concerned with the relevant international agreement; or
  - (d) implementing the recommendations (however described) of international bodies that are involved with the adoption, monitoring or promotion of any obligations or standards under a relevant international agreement.
- (2) Regulations under this section may amend this Act and its Schedules for any of the purposes in subsection (1)(a) to (d).
- (3) Regulations under this section may –
- (a) make consequential, supplementary, incidental, transitional or saving provision;
  - (b) make different provision for different purposes.
- (4) Regulations under this section may (among other things) be exercised by modifying any provision made by or under an enactment including this Act.
- (5) Regulations under this section may include provision about–
- (a) enforcement of obligations arising under or by virtue of the regulations;
  - (b) sharing of information;
  - (c) any international obligations or standards relating to the relevant international agreement.

## **Interpretation of Part VI.**

49. In this Part–

“Minister” means the Minister with responsibility for Justice;

“international agreement” means a convention, treaty or other agreement which is extended to Gibraltar, or in respect of which Gibraltar will be seeking extension;

“private international law” includes rules and provisions about –

- (a) jurisdiction and applicable law, or jurisdictional filters
- (b) recognition and enforcement in one country or territory of any of the following that originate in another country or territory –

- (i) a judgment, judicial settlement, order or arbitral award;
- (ii) an agreement, decision or authentic instrument determining or otherwise relating to rights and obligations;
- (c) co-operation between judicial or other authorities in different countries or territories in relation to –
  - (i) service of documents, taking of evidence and other procedures; or
  - (ii) anything within paragraph (a) or (b).

“relevant international agreement” has the meaning given in section 48(1).

**Rules of court.**

50. The Chief Justice may make rules of court in respect of a relevant international agreement on the same basis and to the same extent as described in section 12 and section 32.”.

(25) In Schedule 1, delete Articles 54A, 55, 56, 58, 59, 61, 62, 63, 64, 66, 67 and 68.

(26) Delete Schedules 2, 3, 4, 5, 6, and 10.

**PART 3  
TREATY RIGHTS AND OBLIGATIONS.**

**The 1968 Convention, the Lugano Conventions and the EC-Denmark Agreement.**

4.(1) Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which-

- (a) continue by virtue of section 7(1) of the European Union (Withdrawal) Act 2019; and
- (b) are derived from-
  - (i) the Brussels Conventions;
  - (ii) 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;
  - (iii) 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; or

- (iv) 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,

cease to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly) on IP completion day.

(2) In this section, “the Brussels Conventions” means –

- (i) the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters (including the Protocol annexed to that Convention), signed at Brussels on 27 September 1968;
- (ii) the Protocol on the interpretation of the 1968 Convention by the European Court, signed at Luxembourg on 9 October 1968;
- (iii) the Convention on the accession to the 1968 Convention and the 1971 Protocol of Denmark, the Republic of Ireland and the United Kingdom, signed at Luxembourg on 9 October 1968;
- (iv) the Convention on the accession of the Hellenic Republic to the 1968 Convention and the 1971 Protocol, with the adjustments made to them by the Accession Convention, signed at Luxembourg on 25 October 1982;
- (v) the Convention on the Accession of the Kingdom of Spain and the Portuguese Republic to the 1968 Convention and the 1971 Protocol, with the adjustments made to them by the Accession Convention and the 1982 Accession Convention, signed at Donostia, San Sebastián on 26 May 1989; and
- (vi) the Convention on the Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the 1968 Convention and the 1971 Protocol, with the adjustments made to them by the Accession Convention, the 1982 Accession Convention and the 1989 Accession Convention, signed at Brussels on 29 November 1996.

## **PART 4**

### **REVOCATION OF RETAINED DIRECT EU LEGISLATION**

#### **Council Decision of 28 May 2001.**

5. Council Decision of 28 May 2001 establishing a European Judicial Network in civil and commercial matters (2001/470/EC) is revoked.

#### **Council Regulation (EC) No 44/2001.**

6. Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters is revoked.

**Council Decision of 20 September 2005 (2005/790/EC).**

7. Council Decision of 20 September 2005 on the signing, on behalf of the Community, 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 (2005/790/EC) is revoked.

**Council Decision of 27 April 2006 (2006/325/EC).**

8. Council Decision of 27 April 2006 concerning the conclusion 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 (2006/325/EC) is revoked.

**Council Decision of 15 October 2007 (2007/712/EC).**

9. Council Decision of 15 October 2007 on the signing, on behalf of the Community, of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (2007/712/EC) is revoked.

**Council Decision of 27 November 2008 (2009/430/EC).**

10. Council Decision of 27 November 2008 concerning the conclusion of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (2009/430/EC) is revoked.

**Regulation (EU) No 1215/2012.**

11. 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 (recast) is revoked.

**Regulation (EU) No 542/2014.**

12. Regulation (EU) No 542/2014 of the European Parliament and of the Council of 15 May 2014 amending Regulation (EU) No 1215/2012 as regards the rules to be applied with respect to the Unified Patent Court and the Benelux Court of Justice is revoked.

**Commission Delegated Regulation (EU) No 2015/281.**

13. Commission Delegated Regulation (EU) No 2015/281 of 26 November 2014 replacing Annexes I and II of Regulation (EU) No 1215/2012 of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters is revoked.



## **PART 5**

### **TRANSITIONAL AND SAVINGS PROVISIONS**

#### **Savings relating to jurisdiction, recognition and enforcement.**

14.(1) Subject to section 15, this section applies –

- (a) where one of the relevant instruments applied immediately before IP completion day to determine questions relating to the jurisdiction of a court in Gibraltar to hear proceedings of which that court was seised before IP completion day and which are not concluded before IP completion day;
- (b) in relation to recognition or enforcement by a court in Gibraltar of-
  - (i) a judgment or decision given in proceedings of which a court in a State bound by a relevant instrument was seised before IP completion day;
  - (ii) a court settlement concluded, or authentic instrument registered, before 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 IP completion day, or having so arisen, that court has not concluded its consideration before that day.

(2) The relevant instruments referred to in subsection (1) are –

- (a) the Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial matters, signed at Brussels on 27 September 1968 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;
- (c) the 2007 Lugano Convention.

(3) Notwithstanding the provision made by this Act, and subject to section 15, on and after IP completion day-

- (a) the relevant instruments, as they are incorporated or saved by sections 6 and 7 of the European Union (Withdrawal) Act 2019, continue to have effect in relation to questions of jurisdiction, or recognition or enforcement, mentioned in subsection (1) as if those instruments had not been revoked by this Act and Gibraltar was a member State.

- (b) EU-derived domestic legislation relating to the relevant instrument, as it is saved by section 5 of the European Union (Withdrawal) Act 2019, continues to have effect in relation to questions of jurisdiction, or recognition or enforcement, mentioned in subsection (1) as if the provision made by this Act in respect of that legislation had not been made and Gibraltar was a member State.

(4) In this section, a reference to “recognition” includes non-recognition if the context so requires.

**Modifications of relevant instruments and EU-derived domestic legislation saved by regulation 14.**

15.(1) In any case where section 14 applies, the relevant instruments and EU-derived domestic legislation saved by section 14 apply with the following modifications.

(2) Where before IP completion day a court in Gibraltar (the Gibraltar 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 Gibraltar court may after IP completion day decline jurisdiction if, and only if, it considers that it would be unjust not to do so.

(3) If before IP completion day a court in Gibraltar 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 Gibraltar 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 14(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 section, “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.

**Saving relating to jurisdiction, recognition and enforcement: application of Articles 67 and 69 of the EU withdrawal agreement.**

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

**Saving for requests received before IP completion day through the European Judicial Network: application of Article 68 of the EU withdrawal agreement.**

17. Nothing in this Act affects the application of paragraph (c) of Article 68 of the EU 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.

**Regulation (EU) No 1215/2012 - Savings relating to enforcement and judgments in proceedings commenced after IP completion day and before commencement of this Act.**

18.(1) Regulation (EU) No 1215/2012 continues to apply as if it had not been revoked by this Act with the modifications set out in subsection (2) -

- (a) where Regulation (EU) No 1215/2012 applied immediately after IP completion day by virtue of section 6 of the European Union (Withdrawal) Act 2019 but before the commencement of this Act to determine questions relating to the jurisdiction of a court in Gibraltar to hear proceedings of which that court was seised before commencement and which are not concluded before commencement;
- (b) in relation to recognition or enforcement by a court in Gibraltar where one or more of the following has occurred -
  - (i) a judgment has been given by a Regulation State or the United Kingdom after IP completion day and before commencement of this Act;
  - (ii) a court settlement has been approved or concluded in a Regulation State or the United Kingdom after IP completion day and before commencement of this Act; or
  - (iii) an authentic settlement has been drawn up or registered in a Regulation State or the United Kingdom after IP completion day and before commencement of this Act.

(2) The modifications are that Regulation (EU) No 1215/2012 is to be read as if-

- (a) except in the phrase “Member State of origin”, references to “Member State” are to be taken to include Gibraltar and the United Kingdom where the context so permits;

- (b) the term “Member State addressed” in Chapters III and IV means Gibraltar;
- (c) references to “another Member State” are to “a Member State”.

(3) In this section-

- (a) “authentic instrument” means a document which has been formally drawn up or registered as an authentic instrument, and the authenticity of which –
  - (i) relates to the signature and the content of the instrument; and
  - (ii) has been established by a public authority or other authority empowered for that purpose by the member State in which it originates;
- (b) “court settlement” means a settlement which has been approved by a court of a Member State or concluded before a court of a Member State in the course of proceedings;
- (c) “judgment” means any judgment given by a court or tribunal of a member State, whatever the judgment may be called, including a decree, order, decision or writ of execution, as well as the determination of costs or expenses by an officer of the court. It includes provisional including protective measures ordered by a court or tribunal which, by virtue of Regulation (EU) 1215/2012 have jurisdiction as to the substance of the matter, but does not include a provisional, including protective measure which is ordered by such court, or tribunal without the defendant being summoned to appear, unless the judgment containing the measures is served on the defendant prior to enforcement.

(4) Where subsection (1) applies in relation to a United Kingdom judgment, the provisions of section 39 of the Civil Jurisdiction and Judgments Act 1993 apply as if that section had not been amended by this Act.

**Lugano Convention 2007 – domestic application – Savings relating to enforcement and judgments in proceedings commenced after IP completion day and before commencement of this Act.**

19.(1) The Lugano Convention 2007 as it applied in Gibraltar as a matter of domestic law by virtue of the Civil Jurisdiction and Judgments (Lugano Convention)(EU Exit) Regulations 2020 continues to apply as if it had not been revoked by this Act –

- (a) where the Lugano Convention 2007 as it applied domestically by virtue of the Civil Jurisdiction and Judgments (Lugano Convention)(EU Exit) Regulations 2020 applied immediately after IP completion day but before the commencement of this Act to determine questions relating to the jurisdiction of a court in Gibraltar to hear proceedings of which that court was seised before commencement and which are not concluded before commencement;

- (b) in relation to recognition or enforcement by a court in Gibraltar of –
  - (i) a judgment or decision given in proceedings of which a court in a State bound by the 2007 Lugano Convention was seised before commencement;
  - (ii) a court settlement concluded, or authentic instrument registered, before commencement in a State bound by the 2007 Lugano Convention,

where the question of recognition or enforcement has not arisen for consideration by the first mentioned court before commencement, or having so arisen, the court has not concluded its consideration before that day.

**Transitional and saving provision – Civil Procedure Rules 1998.**

20. Where section 18 or 19 applies, Rule 6.33 and Part 74 of the Civil Procedure Rules 1998 continues to apply on and after commencement as if no amendments had been made to them by the UK Civil Procedure 1998 (Amendment) (EU Exit) Regulations 2019.

**Interpretation of this Part.**

21.(1) In this Part-

“relevant instrument” means an instrument mentioned in regulation 14(2);

“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) 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

- (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 subsection (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 Gibraltar 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 IP completion day.

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## **EXPLANATORY MEMORANDUM**

The Bill will revoke the Brussels Ia Regulation (and the two EU Regulations that amend the Brussels Ia Regulation), the Brussels I Regulation and tertiary instruments, as those instruments are retained in Gibraltar law by virtue of the Withdrawal Act. The Bill will also revoke the Council Decision establishing the European Judicial Network in civil and commercial matters, extinguish the rights, powers, liabilities, obligations, restrictions, remedies and procedures that are derived from the Brussels Convention 1968 and Protocols (and subsequent accession Conventions), 2007 Lugano Convention, 1988 Lugano Convention, and the EU-Denmark Agreement.

This Bill would amend the Civil Jurisdiction and Judgments Act 1993 to reflect the fact that the Brussels regime no longer applies in Gibraltar. The Bill also expressly provides that a UK judgment can be enforced in Gibraltar relying on provisions equivalent to those in the Brussels 1968 Convention, and including in the Civil Jurisdiction and Judgments Act provisions equivalent to those in the (UK) Civil Jurisdiction and Judgments Act (Gibraltar) Order 1997.

The Bill also reflects the transitional provisions set out in the withdrawal agreement and preserves the Brussels Convention, 2007 and 1988 Lugano Conventions and the EU Denmark Agreement, and the domestic legislation that implements these instruments and treaties, for transitional purposes so they continue to apply in Gibraltar to determine jurisdiction for proceedings commenced in Gibraltar before IP completion day.

In addition, and given the time that has elapsed since IP completion day, the Bill makes transitional provisions for cases commenced after IP completion day but before this Act comes into force.

The Bill introduces a new regulation making power giving the Minister for justice power to amend the Civil Jurisdiction and Judgments Act 1993 for the purposes of implementing international agreements on private international law which the UK extends to Gibraltar.



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