



## WHITE BOOK 2015 ERRATUM

### Interpretation

*Delete rule 6.31(d) and substitute:*

- (d) “the Judgments Regulation” 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 (recast), as amended from time to time and as applied pursuant to the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters; (For application of the recast Judgments Regulation to Denmark, see also the Official Journal of the European Union at OJ L79, 21.3.2013. p.4) 6.31

### Service of the claim form where the permission of the court is not required—out of the United Kingdom

*Delete rule 6.33 and substitute:*

- 6.33—(1) The claimant may serve the claim form on the defendant out of the United Kingdom where each claim against the defendant to be served and included in the claim form is a claim which the court has power to determine under the 1982 Act or the Lugano Convention and—** 6.33
- (a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Convention territory; and
- (b) (i) the defendant is domiciled in the United Kingdom or in any Convention territory
- (ii) the proceedings are within article 16 of Schedule 1 to the 1982 Act or article 22 of the Lugano Convention; or
- (iii) the defendant is a party to an agreement conferring jurisdiction, within article 17 of Schedule 1 or article 23 of the Lugano Convention.
- (2) The claimant may serve the claim form on a defendant out of the United Kingdom where each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine under the Judgments Regulation and—
- (a) subject to paragraph (2A) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Member State; and
- (b) (i) the defendant is domiciled in the United Kingdom or in any Member State;
- (ii) the defendant is not a consumer, but is a party to a consumer contract within article 17 of the Judgments Regulation;
- (iii) the defendant is an employer and a party to a contract of employment within article 20 of the Judgments Regulation;
- (iv) the proceedings are within article 24 of the Judgments Regulation; or
- (v) the defendant is a party to an agreement conferring jurisdiction within article 25 of the Judgments Regulation.
- (2A) Paragraph (2)(a) does not apply if the jurisdiction conferred by the agreement referred to in paragraph (2)(b)(v) is exclusive.
- (3) The claimant may serve the claim form on a defendant out of the United Kingdom where each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine other than under the 1982 Act or the Lugano Convention or the Judgments Regulation, notwithstanding that—
- (a) the person against whom the claim is made is not within the jurisdiction; or
- (b) the facts giving rise to the claim did not occur within the jurisdiction.

## Costs consequences following judgment

*Delete the table in rule 36.17(4)(d)(ii) and substitute:*

<b>36.17</b>	<b><i>Amount awarded by the court</i></b>	<b><i>Prescribed percentage</i></b>
	<b>Up to £500,000</b>	<b>10% of the amount awarded</b>
	<b>Above £500,000</b>	<b>10% of the first £500,000 and (subject to the limit of £75,000) 5% of any amount above that figure.</b>

## Scope of this Part and interpretation

*Delete rule 74.1(5)(d) and substitute:*

- 74.1** (d) “the Judgments Regulation” 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 (recast), as amended from time to time and as applied pursuant to the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;  
(For application of the recast Judgments Regulation to Denmark, see also the Official Journal of the European Union at OJ L79, 21.3.2013. p.4)

*Delete the words in parentheses at the end of rule 74.1.*

## Procedure for enforcing judgments under the Judgments Regulation

*Delete rule 74.4A and substitute:*

- 74.4A** 74.4A A person seeking the enforcement of a judgment which is enforceable under the Judgments Regulation must, except in a case falling within article 43(3) of the Regulation (protective measures), provide the documents required by article 42 of the Regulation.

## Relief against enforcement under the Judgments Regulation

*Delete rule 74.7B and substitute:*

- 74.7B** 74.7B—(1) An application for relief under article 44 of the Judgments Regulation must be made—
- in accordance with Part 23; and
  - to the court in which the judgment is being enforced or, if the judgment debtor is not aware of any proceedings relating to enforcement, the High Court.
- (2) The judgment debtor must, as soon as practicable, serve copies of any order made under article 44 on—
- all other parties to the proceedings and any other person affected by the order;
  - any court in which proceedings relating to enforcement of the judgment are pending in England and Wales; and
  - any enforcement agent or enforcement officer (as defined in rule 83.1(2)) instructed by the judgment creditor,
- and any such order will not have effect on any person until it has been served.