Preface Post Scriptum: The Latest News Table of Cases Table of Statutes Table of Statutory Instruments Table of Civil Procedure Rules Table of European Legislation	xxiii xxvii xxix lxxix lxxxiii lxxxvii xci
PART A THE LAW AND THIS BOOK	1
CHAPTER 1 GENERAL	3
1.01 Civil jurisdiction and judgments in the age of Brexit and Covid	3
1.02 General introduction	4
1.03 European law in English courts	6
1.04 The Brussels Conventions	7
1.05 The Lugano Conventions	8
1.06 The Brussels I Regulation: Regulation (EC) 44/2001	9
1.07 The Brussels I Regulation 'recast': Regulation (EU) 1215/2012	10
1.08 Secondary sources of law	10
1.09 References to the European Court for a preliminary ruling	11
1.10 The authority of decided cases	12
CHAPTER 2 BREXIT AND ITS EFFECT ON THE LAW	13
2.01 Brexit in a nutshell	13
2.02 The principal points of primary legislation directly resulting from Brexi	t 14
2.03 Secondary legislation: provisions ceasing to have legal effect	16
2.04 Laws which remain in effect despite the Brexit legislation	18
2.05 Non-retained EU Laws with temporary effect after Completion Day	19
2.06 Legal developments liable to take place on or after Completion Day	20
2.07 If the United Kingdom does not participate in the Lugano Convention	21
2.08 Disclaimer	24

PART B JURISDICTION ACCORDING TO THE	
LUGANO/BRUSSELS RULES	25
APTER 3 THE LUGANO CONVENTION AND ITS	
INTERPRETATION	27
Lugano rules or Brussels rules?	27
•	27
	28
	28
	29
-	31
	32
	32
	34
	34
	35
The risk of irreconcilable decisions must be minimised	36
Legal certainty, predictability, and proximity, should be supported	37
All Lugano courts are of equal authority	38
·	39
APTER 4 THE IURISDICTIONAL STRUCTURE OF THE	
	41
	41
	41
	45
	45
•	46
•	48
	48
	50
	50
	51
	52
, j	
APTER 5 MATERIAL AND OTHER SCOPE OF THE LUGANO	
	54
	54
	54
	55
	55
	56
*	58
-	59
	61
	62
	62
Proceedings brought against public bodies	66
	APTER 3 THE LUGANO CONVENTION AND ITS INTERPRETATION Lugano rules or Brussels rules? The Brussels Regulation in review Jurisdictional connections with other territories The Lugano II Convention Lugano and Brussels: interpretation and relationship Reconsideration of established interpretations? General principles of interpretation Technical terms bear an equal and uniform interpretation The nature of autonomous interpretation Purposive interpretation Exceptions to general rules are construed narrowly The risk of irreconcilable decisions must be minimised Legal certainty, predictability, and proximity, should be supported All Lugano courts are of equal authority Securing uniformity of interpretation of the Lugano Convention  APTER 4 THE JURISDICTIONAL STRUCTURE OF THE LUGANO CONVENTION The jurisdictional rules of the Lugano Convention The hierarchy of jurisdictional rules in the Lugano Convention The advantage of being first to commence proceedings Prospective claimant Prospective defendant The lack of other ways to prevent a court exercising jurisdiction Bringing substantive proceedings in spite of those in another court Injunction to restrain the bringing of proceedings in other Lugano State What a defendant should do if served with process What a claimant may do if the defendant does not enter an appearance The nature of the jurisdictional rules of the Lugano Convention  APTER 5 MATERIAL AND OTHER SCOPE OF THE LUGANO CONVENTION General Temporal scope Geographical scope Personal scope Personal scope International scope Material scope of the Convention: Article 1 Matters excluded from the Convention: general interpretation Civil and commercial matters: the meaning of 'matters' Proceedings between private parties Proceedings brought by public authorities against private parties

5.12	Private persons exercising public functions	68
	Civil and commercial matters: excluded issues arising incidentally	71
5.14	Civil and commercial matters: proceedings forming part of a greater whole	72
5.15	Matters specifically excluded by Article 1	74
5.16	Personal capacity and status, marital property, wills and succession	74
5.17	Bankruptcy and insolvency	76
5.18	Social security	79
5.19	Arbitration: the broad principle	80
5.20	Arbitration and Regulation 1215/2012	82
5.21	Conclusion	84
CHA	APTER 6 JURISDICTION UNDER ANOTHER CONVENTION	
	OR INSTRUMENT	85
	General	85
	Existing (and new) conventions on particular matters	85
	Incorporation by reference of jurisdiction from a particular convention	86
	Maritime and other conventions	89
	The 2005 Hague Convention on Choice of Court Agreements	90
	Relationship between Lugano Convention and the Brussels Regulation	92
0.07	Conclusion	92
CHA	APTER 7 EXCLUSIVE JURISDICTION, REGARDLESS	
	OF DOMICILE	93
	General	93
7.02	Title to and tenancies of immovable property in a Lugano State: Article 22(1)	94
7.03	Proceedings having as their object rights in rem in immovable property	95
7.04	Claims based on personal obligations relating to land	97
7.05	A dispute which requires the application of principles of land law	99
7.06	Proceedings having as their object tenancies of immovable property	100
7.07	Proceedings in which Article 22(1) is raised by the defence, not the claim	103
	Short private lettings: concurrent exclusive jurisdiction	104
	Immovable property in the United Kingdom	104
	Immovable property in a non-Lugano State	105
	Companies with their seat in a Lugano State: Article 22(2)	105
	Corporate validity as the principal element in the proceedings	106
	The jurisdictional effect of imperfections in corporate decision-taking	107
	The seat of the company for the purpose of Article 22(2)	110
	Company with seat in the United Kingdom	110
	Validity of entries in public registers in Lugano States: Article 22(3)	111
	Registers in the United Kingdom  Latellactual grants wights an interest in Lycona States. Article 22(4)	111
	Intellectual property rights registered in Lugano States: Article 22(4)	111
	Invalidity raised as a defence to an infringement claim Claims involving multiple national patents	<ul><li>112</li><li>114</li></ul>
	Deposit or registration in the United Kingdom	116
	Enforcement of judgments from Lugano States: Article 22(5)	116
	General	117
	Orders made in relation to judgments from other Lugano States	118

7.25	Enforcement orders made in aid of English judgments	118
7.26	Judgments from non-Lugano States	
7.27	Enforcement of judgments from Lugano States in the United Kingdom	
7.28	Article 22 and connections which would point to a non-Lugano State	121
	Conclusion	122
CHA	PTER 8 JURISDICTION BY ENTERING AN	
	APPEARANCE	123
8.01	General	123
8.02	Entering an appearance, rather than submission	124
8.03	Appearance to contest the jurisdiction of the court	125
8.04	Contesting the jurisdiction of the court: procedure	128
8.05	Appearance by insured, consumer, or employee	128
8.06	Conclusion	128
CHA	PTER 9 JURISDICTION IN MATTERS RELATING	
	TO INSURANCE	129
	General	129
9.02	Structure of and approach to Section 3 of Title II	130
9.03	Professional and 'insurance-professional' relationships	132
9.04	General jurisdictional rules for Section 3 cases: Articles 9 to 12	135
9.05	Agreements on choice of court: Articles 13 and 14	136
9.06	International jurisdiction in the courts of the United Kingdom	139
9.07	Conclusion	139
CHAI	PTER 10 JURISDICTION IN MATTERS RELATING	
CHA	TO CONSUMER CONTRACTS	140
10.01	General	140
	General scope and purpose of Section 4 of Title II	141
	The professional counter-party: Article 15	142
	Making a contract as consumer	143
	Making a contract for mixed purposes	145
	Matters relating to a contract: prize cases	145
	Matters relating to a contract: rescission and repayment claims	148
	Parties to the contract; parties to the proceedings	149
	The three kinds of consumer contract to which Section 4 applies	150
	Contracts of sale on instalment credit terms	150
	Contracts made to finance the sale of goods	150
10.12	Contracts with those who pursue activities in or direct activities to	1.51
10.12	a Lugano State	151
	Jurisdictional rules for contracts within Section 4: Article 16	154
	Agreements on choice of court: Article 17	155
	Additional legislative provision for small claims	156
	International jurisdiction in the courts of the United Kingdom Conclusion	156 157
111 1/	CONCINSION	13/

CHA	PTER 11 JURISDICTION IN RELATION TO INDIVIDUAL CONTRACTS OF EMPLOYMENT	158
11 0	General	158
	General scope and purpose of Section 5 of Title II	158
	Section 5 of Title II and powerful relationships	160
	Section 5 of Title II and powerful relationships  Section 5 and work relationships pretending not to be employment	162
	Former employment	164
	The relationship between the claim and the employment	164
	Jurisdictional rules under Section 5: Articles 18 to 21	166
	Employment and duties in more than one Lugano State	167
	Agreements on jurisdiction	170
	International jurisdiction in the courts of the United Kingdom	171
	Conclusion	172
11.1	Conclusion	1/2
CHA	PTER 12 JURISDICTION AGREEMENTS FOR A COURT	
OIII	IN A LUGANO STATE	173
12.0	General	173
	The function and effect of an agreement on jurisdiction	174
	Managing jurisdictional disputes arising from agreements	176
	The nature of agreement on the jurisdiction of courts	178
	Formal requirements for an agreement on jurisdiction: general	180
	Agreement of the party to be bound, in writing, or evidenced	
	in writing	181
12.07	Agreement according with the parties' established practices	185
	Agreement according with the practices of international trade	185
12.09	Jurisdiction agreement incorporated from one document	
	into another	186
12.10	Domicile requirements for an agreement on jurisdiction	188
	Article 23 and third parties: succession and substitution	189
12.12	Article 23 and third parties: subrogation and assignment	
	in national law	192
	Article 23 and the veil of incorporation	195
	Agreement for the courts of two Lugano States	197
	Agreeing to the non-exclusive jurisdiction of a Lugano State court	198
	Asymmetrical jurisdiction agreements	198
	Non-geographical designation of court agreed to	199
	Agreement for the courts of the United Kingdom	200
	Disputing the formal validity of the jurisdiction agreement	201
	Challenges to the substantive validity of the jurisdiction agreement	202
	Scope of the jurisdiction agreement	204
	Jurisdiction agreements in trust instruments	207
	Jurisdiction by agreement derived from other contractual terms	208
7	Agreements for non-Lugano courts: 2005 Hague Convention	208
	Agreements for non-Lugano, non-Hague, courts	209
12.26	Conclusion	210

CHA	PTER 13 GENERAL JURISDICTION OVER DEFENDANT	
	DOMICILED IN THE UNITED KINGDOM	211
13.01	General	211
13.02	Being sued	211
13.03	The determination of a defendant's domicile	213
13.04	Domicile in the United Kingdom: individuals	214
13.05	Domicile of corporations and associations	215
13.06	Seat of company or association for purpose of Article 22(2)	217
13,07	Deemed domicile of non-dom insurers, professionals, and employers	218
13.08	Domicile of trusts	218
13.09	Domicile of the Crown	219
13.10	Conclusions	219
CHA	PTER 14 SPECIAL JURISDICTION OVER DEFENDANT	
СПА	DOMICILED IN ANOTHER LUGANO STATE (1)	221
14.01	General	221
	Special jurisdiction in general	221
	Relationship to questions of applicable law	222
	Special jurisdiction in matters relating to a contract: Article 5(1)	223
	Matters relating to a contract: formulating an autonomous definition	225
	The decision in <i>Handte</i> : litigation involving strangers to the contract	228
	Claims against parties more remotely associated with a contract	230
	The decision in <i>Handte</i> : the nature of undertakings freely entered into	233
	Matters relating to a contract: disputing the existence of a contract	233
	Matters relating to a contract: disputing the existence of a contract:  Matters relating to a contract: voidable contracts and 'void contracts'	234
	Matters relating to a contract: voidable contracts and void contracts  Matters relating to a contract: tortious conduct by contracting parties	234
	Matters relating to a contract: tortious conduct by contracting parties  Matters relating to a contract: unjust enrichment and similar claims	238
	Contractual and non-contractual claims in the same proceedings	240
	The obligation in question which locates special jurisdiction	241
	The obligation in question which locates special jurisdiction  The obligation in question for contracts for the sale of goods	241
	The obligation in question for contracts for the provision of services	244
	The obligation in question for contracts falling under Article 5(1)(a)	246
	Place of performance of the obligation in question: Article 5(1)(a)	248
	Place of performance of the obligation in question: Article 5(1)(a)	250
		252
	Goods delivered under the contract in several places: Article 5(1)(b)	
	Services provided under the contract in several places: Article 5(1)(b)	253
	Place of performance of the obligation in other contexts: Article 5(1)(a)	255
	International jurisdiction in the United Kingdom	256
	Special jurisdiction in matters of maintenance: Article 5(2)	256
	Special jurisdiction in matters relating to tort and delict: Article 5(3)	258
	Matters relating to tort, delict or quasi-delict: introduction	258
	Matters relating to tort: <i>Kalfelis</i> and the meaning of 'liability'	259
	Matters relating to tort, delict or quasi-delict: cases since <i>Kalfelis</i>	260
	The relationship between Article 5(3) and the Rome II Regulation	264
	Pre-contractual liability and similar complaints of fault	265
14.31	The harmful event: general interpretation	267

14.32	The harmful event and proceedings for negative declaratory relief	268
14.33	The 'damage' limb: the damage which is relevant and that which is not	269
14.34	The damage limb of Bier: locating where the damage occurred	272
14.35	The damage limb of Bier: pure financial loss in bad investment cases	273
14.36	The damage limb of Bier: pure financial loss in other circumstances	276
14.37	The damage limb of Bier: loss or damage in several Lugano States	279
14.38	The 'causal event' limb of <i>Bier</i> : the event giving rise to the damage	281
14.39	The 'causal event' limb of <i>Bier</i> : the event at the beginning of the story	281
14.40	The 'causal event' limb of <i>Bier</i> : the person whose act is material	283
14.41	Special jurisdiction in respect of threatened or anticipated torts	284
14.42	International jurisdiction in the English court	284
14.43	Special jurisdiction over civil claims in criminal cases: Article 5(4)	285
14.44	Special jurisdiction over a defendant operating through branch	
	or agency: Article 5(5)	285
	Branch, agency or other establishment	287
14.46	Dispute arising from operations of the branch, agency or establishment	288
	International jurisdiction in the English court	289
14.48	Special jurisdiction over a trustee, beneficiary or settlor sued	
	as such: Article 5(6)	290
	The nature of the proceedings falling within Article 5(6)	291
14.50	Jurisdiction over payment in respect of salvage claims: Article 5(7)	292
CHA	PTER 15 SPECIAL JURISDICTION: OVER DEFENDANT	
	DOMICILED IN ANOTHER LUGANO STATE (2)	293
	Special jurisdiction under Article 6	293
15.02	Special jurisdiction over co-defendants where one is sued	
	at home: Article 6(1)	294
	Jurisdiction over the 'anchor' defendant	295
	The connection between the claims against the defendants	297
	The connection between claims in intellectual property cases	300
	Use and abuse of Article 6(1)	301
	International jurisdiction in the courts of the United Kingdom	305
	Special jurisdiction over claims involving third parties: Article 6(2)	305
	Jurisdiction over the third party	306
	Proceedings brought to deprive third party of the court of his domicile	307
	The types of proceedings falling within Article 6(2)	308
	The discretion to decline jurisdiction under Article 6(2)	309
	Proceedings in the English court	310
	Special jurisdiction over defendants to counterclaims: Article 6(3)	310
	The nature of a counterclaim	311
	Proceedings in the English court	312
15.17	Special jurisdiction in personal claims connected to	215
15 10	proceedings in rem relating to land: Article 6(4)	312
	Land in the United Kingdom	312
	Special jurisdiction to limit liability from use of ship: Article 7	313
15.20	Conclusion	313

CHA	APTER 16 RESIDUAL JURISDICTION OVER DEFENDANT WITH NO LUGANO S ARTICLE 4	TATE DOMICILE:	314
16.01	1 General		314
	2 Service of process on the defendant when the residu	al rules apply	315
CHA	APTER 17 THE COURT'S DUTY TO EXAMINE		216
45.04	ITS OWN JURISDICTION		316
	1 General		316
	2 Confirming that no court has Article 22 jurisdiction		316
	3 Confirming jurisdiction where the defendant is abse	nt: Article 26	317
17.04	4 Conclusion		319
	APTER 18 LIS PENDENS IN A LUGANO STATE		320
	1 The effect of a <i>lis pendens</i> in another Lugano State:		320
	2 Identical proceedings pending before court in Lugar	no State: Article 27	321
	3 General approach to Article 27		321
	4 General approach to Article 27: duty of the court se		323
	5 Comparison: duty of the court seised first under Re	_	324
	6 The same cause of action under Article 27: identity	5	325
18.07	7 More complex cases of identity of <i>objet</i> and identity	y of <i>cause</i>	327
	8 The same parties under Article 27: identity of partie	es	330
	9 Date on which a court is seised: background		332
	0 A uniform date of seisin for the purpose of the Con		334
	1 The date of seisin: multiple and additional defendar		336
	2 Court ceasing to be seised or staying its proceedings		340
18.13	3 Court seised second considers that it has jurisdiction that the court seised first does not	n and	344
18.14	4 Court seised second considers it has exclusive jurisd regardless of domicile	iction	344
18.15	5 Court seised second considers it has 'exclusive' juris by agreement	diction	345
18.16	6 Court seised first in another part of the United Kin	gdom	346
	7 Related action pending in another Lugano State: A		347
	8 Identifying actions as 'related'		348
	9 The relief which the court seised second may order		350
	0 The material date of seisin for the purpose of Article	e 28	352
	1 Concurrent exclusive jurisdictions: Article 29		353
CHA	APTER 19 JURISDICTIONAL CONNECTION T	O	
	A NON-LUGANO STATE		354
	1 Introduction		354
	2 Connections to a non-Lugano State: the backgroun	d and the answer	354
	3 Jurisdictional discretion and the Convention		356
	4 The nature of jurisdictional rules made by the Conv	rention	357
	5 More appropriate forum in another Lugano State		358
	6 More appropriate forum in non-Lugano State		358
19.07	7 Pointer to non-Lugano State corresponding to Artic	cles 22 and 23	360

19.08 Reflexive effect or remission to national law?	362
19.10 Jurisdiction agreement for non-Lugano State	362
19.10 Jurisdiction agreement for 2005 Hague Convention State	363
19.11 Land and other Article 22 pointers to non-Lugano State	364
19.12 Residual jurisdiction but connection to non-Lugano State	364
19.13 Residual jurisdiction but connection to Lugano State	365
19.14 Lis pendens in a non-Lugano State	365
19.15 Lis pendens in a non-Lugano State and the recast Regulation	366
PART B/C JURISDICTION WITHIN THE UNITED KINGDOM	371
CHAPTER 20 JURISDICTION WITHIN THE UNITED KINGDOM	373
20.01 The problem of jurisdiction in the United Kingdom	373
20.02 Domicile in and within the United Kingdom	375
20.03 The Schedule 4 rules for determining national or internal jurisdiction	376
20.04 The Schedule 4 rules: interpretation and operation in Lugano cases	379
20.05 The Schedule 4 rules: interpretation and operation in non-Lugano cases	379
20.06 Jurisdiction in claims by local consumers and employees	380
20.07 Jurisdiction in claims by and against a 'local' consumer	383
20.08 Jurisdiction in claims by and against a 'local' employee	384
PART C COMMON LAW AND STATUTORY JURISDICTION	387
CHAPTER 21 COMMON LAW PRINCIPLES OF JURISDICTION	389
21.01 Introduction	389
21.02 General	389
21.03 Consequence of service effected within the jurisdiction	391
21.04 Service out of the jurisdiction with permission	392
21.05 Cases where jurisdiction at common law does not and cannot exist	393
21.06 Claims depending on title to foreign land: the Moçambique rule	393
21.07 Equitable exception: personal obligations relating to foreign land	395
21.08 Statutory exception: claims based on tort or trespass to foreign land	396
21.09 Jurisdiction over claims which turn on the validity of foreign patents	397
21.10 Jurisdiction over claims which require a court to enforce	
a foreign penal, revenue or public law of an analogous kind	399
21.11 Jurisdiction denied by general principles of public international law	400
21.12 Jurisdiction in relation to international defamation	402
21.13 Subject matter jurisdiction: misuse and misunderstanding	404
CHA DEED AS CEANING PROCEEDINGS WITH STATE SOLVE	
CHAPTER 22 STAYING PROCEEDINGS WHEN THE COURT	100
IS FORUM NON CONVENIENS	406
22.01 General	406
22.02 Legislative limitations on the general power to stay proceedings	406
22.03 Staying proceedings: private interests and the public interest	409
22.04 Staying proceedings after service within the jurisdiction: general	410
22.05 Structure of the <i>Spiliada</i> test: two limbs to answer a single question	411

22.06	Nature and length of applications for a stay	413
	Time (limit) for applying for a stay	415
	First limb of the <i>Spiliada</i> test: the 'availability' of the foreign forum	416
	Availability and the claimant's prospects of success on the merits	417
22.10	Availability and the prospects of a fair trial	418
22.11	The first limb of the <i>Spiliada</i> test: 'natural or 'appropriate' forum	419
	The first limb of <i>Spiliada</i> : particular pointers to appropriateness	421
	Appropriateness (1): personal connections of the parties	421
	Appropriateness (2): events, and evidence in relation to the events	422
22.15	Appropriateness (3): the law which will be applied to the issues raised	423
22.16	Appropriateness (4): the effect of a lis alibi pendens	426
22.17	Appropriateness (5): standing back for a broader view	426
22.18	The first limb of the Spiliada test: the consequences	429
22.19	The second limb of Spiliada: is it unjust to stay the proceedings?	429
22.20	Reasons not to stay (1): differences in law and procedure	430
22.21	Reasons not to stay (2): differences in time bar rules	433
22.22	Reasons not to stay (3): differences in law and outcomes	434
22.23	Reasons not to stay (4): claimant may win in England but lose overseas	436
22.24	Reasons not to stay (5): direct attacks on the quality of foreign court	437
22.25	Further points: the strength of the claim or the defence	440
22.26	Further points: various responses to lis alibi pendens	440
22.27	The Spiliada principle: other views	443
22.28	Stay of proceedings on the ground of case management	446
	PTER 23 JURISDICTION AGREEMENTS	447
	Nature and effects of jurisdiction agreements	447
	Terminology	449
	Construction of the agreement: validity, scope, and nature	450
	Validity of jurisdiction agreement in admitted-but-voidable contract	451
23.05	Validity of jurisdiction agreement in 'void contract'; mandatory	151
22.06	invalidity of jurisdiction agreement	454
	Interpreting the jurisdiction agreement: the relevant law The influence of arbitration	455
		458
	Material scope of agreement governed by English law	458
23.09	Material scope of jurisdiction agreement: effect beyond the contract in which it is written	460
23 10	Jurisdiction agreement imported from another contract	463
	Personal scope of agreement: privity and related issues	465
	Effect of agreement after assignment, transfer, subrogation, and so on	467
	May sue or may sue only in the designated court? (Non-) exclusivity	469
	Varieties of non-exclusive jurisdiction agreement	471
	Staying proceedings brought in breach of contract: non-Hague cases	473
	Staying proceedings and non-exclusive jurisdiction agreements	476
	Staying proceedings brought in breach of contract: Hague cases	477
	Not staying English proceedings; claiming damages for breach	478
	Stavs sought and obtained on the basis of agreements on arbitration	479

CHA.	PROCEEDINGS COMMENCED BY SERVICE	
	OUT OF THE JURISDICTION	480
24.01	Statutory claims which allow service out to be made without permission	480
24.02	Service out where prior permission is required	481
24.03	Jurisdiction founded by service out: position of the defendant	482
24.04	04 Jurisdiction founded by service out: position of the claimant	
24.05	Legal basis for permission: CPR rule 6.36, and the	
	gateways to jurisdiction	485
24.06	Strictness in interpretation of the gateways to jurisdiction	487
24.07	Definition and interpretation of the gateways to jurisdiction	489
24.08	Claims against a defendant domiciled in England: Paragraph 3.1(1)	491
24.09	Claims for an injunction: Paragraph 3.1(2)	492
24.10	Claims made against someone who is a necessary or proper	
	party to a claim against another: Paragraph 3.1(3)	493
24.11	Claims made under CPR Part 20: Paragraph 3.1(4)	498
	Connected claims against the same defendant: Paragraph 3.1(4A)	499
24.13	Claims for interim remedies: Paragraph 3.1(5)	500
	Claims made in respect of a contract: Paragraph 3.1(6)-(8)	500
24.15	The contract and its connection to England under	
	sub-paragraphs (6) and (8)	503
	The contract and its connection to England under sub-paragraph (7)	507
	Claims made in tort: Paragraph 3.1(9)	508
	Damage sustained within the jurisdiction: sub-paragraph (9)(a)	512
	Act committed within the jurisdiction: sub-paragraph (9)(b)	515
	Claim made to enforce a judgment or arbitral award: Paragraph 3.1(10)	517
	Claim relating to property within the jurisdiction: Paragraph 3.1(11)	517
	Claims made about English law trusts: Paragraph 3.1(12)	518
	Claims made about trust with English jurisdiction: Paragraph 3.1(12A)	519
24.24	Claims made in administration proceedings: Paragraph 3.1(13)	520
24.25	Claims made in probate proceedings: Paragraph 3.1(14)	520
	Claims against constructive or resulting trustee: Paragraph 3.1(15)	520
	Claims made for restitution: Paragraph 3.1(16)	522
24.28	Claims made by HM Revenue and Customs: Paragraph 3.1(17)	523
24.29	Claims made for third party costs orders: Paragraph 3.1(18)	523
	Claims made in certain admiralty proceedings: Paragraph 3.1(19)	524
24.31	Claims made under other enactments: Paragraph 3.1(20)	524
24.32	Claims for breach of confidence or misuse of private	
	information: Paragraph 3.1(21)	526
	The standard of certainty needed for claimant to satisfy Paragraph 3.1	526
	Discretion to authorise service out of the jurisdiction: CPR rule 6.37	529
	England is the proper place to bring the claim: CPR rule 6.37(3)	529
24.36	England as the proper place: English law as the applicable law	530
24.37	England as the proper place for the trial of the claim: other factors	532
	England as the proper place when it may not be the natural forum	534
24.39	The overall shape of the 'proper place' or 'most appropriate forum' test	536
24.40	The claim raises a serious issue which ought to be tried on the merits	537

<ul> <li>24.41 Serious issue when elements of claim may be governed by foreign law</li> <li>24.42 Deciding issues once and for all on a balance of probability</li> <li>24.43 Disputing jurisdiction and the exercise of jurisdiction: CPR Part 11</li> </ul>	538 539 539
24.45 Disputing jurisdiction and the exclusive of jurisdiction. CITC Ture II	
CHAPTER 25 JURISDICTION UNDER THE HAGUE CONVENTION	
ON CHOICE OF COURT AGREEMENTS	541
25.01 Introduction	541
25.02 Interpretation of the Hague Convention	542
25.03 Scope of the 2005 Hague Convention: the cases it applies in	544
25.04 Scope of the 2005 Hague Convention: the agreements it applies to	548
25.05 'Exclusive' as a term of art in the Hague Convention	548 551
25.06 Formal requirements for validity under the Hague Convention 25.07 Detailed conditions for the choice of court agreement to be applicable	552
25.07 Detailed conditions for the choice of court agreement to be applicable 25.08 Duty of the chosen court to adjudicate	555
25.09 Duty of court not chosen to not adjudicate	556
25.10 Temporal scope of the Hague Convention	558
25.11 Withdrawal from the European Union	559
25.12 Relationship with the Lugano Convention	560
25.13 Methodology: English court chosen to have jurisdiction	562
25.14 Methodology: foreign court chosen to have jurisdiction	563
DARES DE CERVIDAY MATTERIO DEL ATINIC	
PART D PROCEDURAL MATTERS RELATING	565
TO JURISDICTION	565
CHAPTER 26 SERVICE OF PROCESS	567
26.01 Scope of Chapters 26 to 30	567
26.02 Serving the claim form within the jurisdiction	568
26.03 Service of claim form: period of validity for service	569
26.04 Service of the claim form within the jurisdiction: methods	570
26.05 Service of the claim form by personal service in England	571
26.06 Service by an alternative method or at an alternative place;	574
deeming failed attempts to serve to be sufficient	576
26.07 Service of claim form on companies: under the Companies Acts 26.08 Service of claim form in claims brought against partnerships	578
26.09 Service of Claim form in Claims brought against partnerships  26.09 Serving the claim form outside England and Wales without permission	579
26.10 Service of claim form out of the jurisdiction: uncertainty	317
over the need for permission	579
26.11 Service of claim form out of the jurisdiction	582
•	
CHAPTER 27 DISPUTING THE JURISDICTION OF THE	<b>50</b> 4
ENGLISH COURT	584
27.01 General	584
27.02 Making no response to service of the claim form	585
27.03 Disputing the basis for the court's jurisdiction	586
27.04 Disputing the jurisdiction when or where the Convention is decisive	587
27.05 Disputing the jurisdiction in non-Convention cases	590
27.06 Disputing the jurisdiction: the Hague Choice of Court Convention	592
27.07 Disputing the jurisdiction: procedure	593

27.08	Application to dispute the jurisdiction of the court: CPR rule 11(1)(a)	594	
27.09	Disputing the jurisdiction and the risk of submission by accident		
27.10	Disputing the jurisdiction under CPR rule 11(1)(a): other points	598	
-	Disputing the exercise of jurisdiction: CPR rule 11(1)(b)	600	
	Defendant applying to have claim struck out on substantive grounds	602	
	Application by the claimant for summary judgment	603	
27.12	7-44		
CHA	PTER 28 INJUNCTIONS TO RESTRAIN WRONGFUL		
OIII I	FOREIGN LITIGATION	605	
28.01	General	605	
000000000000000000000000000000000000000	Jurisdiction <i>in personam</i> over the respondent: the general principle	607	
	Jurisdiction over the respondent: effect of the Lugano Convention	607	
	Jurisdiction over the respondent: where the Convention does not speak	609	
	Granting the injunction: a cause of action for relief	610	
	Injunction to enforce legal right not to be sued in foreign court: general	613	
	Injunction to enforce legal right not to be sued in foreign court:	010	
20.07	where England is not the chosen court	617	
28.08	Injunction to enforce legal right: appropriateness of injunctive relief	618	
	Injunction to restrain commission of equitable wrong: general	620	
	Injunction to restrain equitable wrong: vexatious or oppressive	020	
20.10	conduct in bringing proceedings before a foreign court	621	
28 11	Injunction to restrain equitable wrong: undermining the jurisdiction	021	
20.11	of the English court	624	
28 12	Injunction to restrain equitable wrong: vexatious or oppressive		
20.12	conduct by invoking foreign procedural laws	626	
28.13	Injunction to restrain equitable wrong: vexatious or oppressive		
	conduct by wrongfully undermining an English judgment	627	
28.14	Injunctions in proceedings derived from agreement for resolution		
	of disputes	629	
28.15	Injunctions against parties standing in shoes of party		
	to jurisdiction agreement	629	
28.16	Injunction against enforcement of foreign judgment wrongly obtained	632	
28.17	Injunction to restrain enforcement of judgment not wrongly obtained	634	
28.18	Injunction to restrain an arbitration	637	
28.19	Restraining a party suing in Lugano State	639	
28.20	Restraining a party suing in Hague Convention State	642	
28.21	The exercise of discretion: comity, and the public interest	643	
28.22	If the respondent can win only by suing overseas	646	
28.23	Active case management as an alternative solution	647	
	Canadian and Australian authority and its very different approaches	648	
	Timing the application for an injunction	650	
	Measures ancillary to a final anti-suit injunction	652	
	Disobedience in face of anti-suit injunction	653	
ş)			
CHA	PTER 29 DAMAGES FOR LOSS CAUSED BY		
	WRONGFUL LITIGATION	654	
29.01	A cause of action for loss caused by wrongful litigation	654	
	Damages for breach of a jurisdiction agreement: principle	656	
	Damages for breach of jurisdiction agreement: assessment in principle	658	

29.04 Damages for breach of jurisdiction agreement: measure of damages	659
29.05 Wrongful litigation before the courts of a Lugano State	661
29.06 Damages claim after breach by suing in Lugano/Brussels/Hague State	662
29.07 Damages for breach of agreement on choice of law	665
29.08 Wrongful litigation which is not a breach of contract	666
CHAPTER 30 DECLARATORY JUDGMENT ON MERITS	
OF DISPUTE	668
30.01 General	668
30.02 Declaratory proceedings: jurisdiction in personam over the defendant	668
30.03 Declaratory proceedings: discretion to declare and not declare	670
CHAPTER 31 PROVISIONAL AND INTERIM RELIEF	673
31.01 General	673
31.02 Interim remedies: relief available from an English court	674
31.03 Interim measures: the freezing or <i>Mareva</i> injunction	674
31.04 Interim measures: the search, or Anton Piller, order	679
31.05 Interim measures: interlocutory injunctions	679
31.06 Obtaining an order granting an interim remedy: general	679
31.07 Jurisdiction to grant interim remedies: rules of English law	680
31.08 Jurisdiction to grant interim remedies: Brussels/Lugano/Hague issues	682
31.09 When English court has jurisdiction and case is pending before it	684
31.10 When the courts of another Lugano State have jurisdiction: general	686
31.11 Jurisdiction under English law in Article 31 cases	689
31.12 Granting relief in Article 31 cases: exercise of powers	690
31.13 When no Lugano State court has yet been seised	692
31.14 When court has Article 4 (residual) jurisdiction	693
31.15 When no court has jurisdiction under the Lugano Convention	694
31.16 When proceedings are in a 2005 Hague Convention State	694
31.17 When proceedings are in a matter which is not civil or commercial	695
31.18 When proceedings are before the courts of non-Lugano State	695
31.19 Interim remedies when pending English proceedings are stayed	698
31.20 Further points	699
31.21 Measures for the taking of evidence	700
31.22 Orders made after English judgments	701
31.23 Orders made after judgments from foreign courts	703
31.24 Recognition and enforcement of English orders in other Lugano States	703
31.25 Orders for relief granted by the courts of Lugano States	707
31.26 Orders for relief from the courts of a non-Lugano State	707
PART E FOREIGN JUDGMENTS	709
CHAPTER 32 SCHEMES FOR RECOGNITION AND	
ENFORCEMENT OF FOREIGN JUDGMENTS	711
32.01 The schemes by which effect is given in England to foreign judgments	711
32.02 Determining which scheme or schemes may be resorted to	712

CHA		CEIGN JUDGMENTS TAKING EFFECT	715
00.01		DER THE BRUSSELS AND LUGANO RULES	
	General		715
	Brexit		715
		in instrument applies?	716
		o rules and the recognition of judgments: general	716
		ugano rules and 'non-dom' judgment debtors	717
		judgments under the Brussels/Lugano rules	718
	A judgment from		719
		a civil or commercial matter	723
33.09	Judicial decisio	ns made in relation to arbitration: Lugano and 44/2001	724
33.10	Judicial decisio	ns made in relation to arbitration: Regulation 1215/2012	726
33.11	Permitted juris	dictional objections to recognition	727
33.12	Non-jurisdiction	onal objections to recognition: general	729
33.13	Recognition ma	anifestly contrary to English public policy	731
33.14	Public policy as	nd the overall fairness of foreign procedure	733
33.15	Public policy as	nd departures from the parties' agreement	735
33.16	Certain judgme	ents given in default of appearance	736
33.17	The documents	which serve to start the clock running	738
33.18	The time which	the defendant had to prevent default judgment	738
		regularity in service	739
33.20	Failing to chall	enge the default judgment after the event	740
	•	oncilable with court's own judgment	742
	•	oncilable with earlier, recognised, foreign judgment	743
	•	d the consequences of recognition	744
	-	the basis for issue estoppel	745
	-	Igment under the Convention or Regulation 44/2001	747
		nder the Lugano Convention or Regulation 44/2001	748
	Application for		749
		order that judgment be registered for enforcement	751
		concerning enforcement	753
		uments and court-approved settlements	754
33.31	Regulation 44/2	2001 and the European Enforcement Order	755
33.32	Recognition of	judgments to which Regulation 1215/2012 applies	756
		f 'judgment' in Regulation 1215/2012	756
		on of judgments under Regulation 1215/2012	758
	-	judgment obtained in breach of agreement to arbitrate	759
		judgments under Regulation 1215/2012	759
		refusal of enforcement under Regulation 1215/2012	760
	* *	points relating to Regulation 1215/2012	762
	*		
CHA		REIGN JUDGMENTS AND THE RULES	
47		COMMON LAW	763
		ules on the effect of foreign judgments	763
	General		764
34.03	Judgments from	n courts distinguished from other outputs	764

	Recognition of judgments in personam: connection to the foreign court	766
34.05	Defendant individual present within the jurisdiction of foreign court	767
	Defendant corporation present within the jurisdiction of foreign court	769
34.07	Presence in federal states and complex countries	772
34.08	Defendant agreeing to accept the adjudication of the	
	foreign court: voluntary submission	772
34.09	Voluntary submission ante litem: by agreement	773
34.10	Submission in implied or indirect form	776
34.11	Submission post litem: by voluntary appearance to the writ	776
34.12	Appearance discounted as submission: Section 33 of the 1982 Act	778
34.13	Submission and steps which may convey a mixed message	780
34.14	Submission post litem: by making a counterclaim or cross-claim	783
34.15	Submission followed by amendment of claim	784
34.16	Submission at a later point in proceedings	784
34.17	A more nuanced approach: submission by involvement?	785
34.18	No other connection to the foreign court is sufficient for recognition	788
34.19	Theory and impact of the doctrine of obligation	791
34.20	Recognition of judgments in rem: connection to the foreign court	793
34.21	Defences to recognition of a judgment as res judicata	795
34.22	Objections which are not defences to recognition as res judicata	796
34.23	Foreign judgment not final and conclusive on the merits	799
34.24	Judgment not final and conclusive on the merits: procedural disposals	801
34.25	Judgment not on the merits: judgments enforcing foreign judgments	803
34.26	Foreign judgment contrary to agreement about settlement of disputes	804
34.27	Foreign judgment departing from an agreement on applicable law	806
34.28	Foreign judgment obtained by fraud: the principle	809
34.29	Foreign judgment obtained by fraud: the basis for the objection	811
34.30	Curtailing the fraud defence as an abuse of process	814
34.31	Foreign proceedings contrary to natural or substantial justice	816
34.32	Recognition would be contrary to English public policy	818
34.33	Recognition of judgment barred by Human Rights Act 1998	821
34.34	Foreign judgment inconsistent with a prior judgment	823
34.35	Effect and consequences of foreign judgment entitled to recognition	824
34.36	Action to 'enforce the judgment' by obtaining English judgment	825
34.37	No enforcement of foreign penal, or revenue or other public law	828
34.38	Enforcement barred by Protection of Trading Interests Act 1980	830
34.39	Recognition of judgment to bar re-litigation by dissatisfied claimant	831
34.40	Recognition of judgment against unsuccessful claimant	833
34.41	Res judicata and foreign class actions	836
34.42	Issue estoppel: findings made against the claimant	838
	Issue estoppel: findings made against the defendant	838
34.44	Consequences of non-recognition of a foreign judgment	839
34.45	Judgments against States	840

CHA	PIER 35	FOREIGN JUDGMENTS REGISTERED UNDER	
		1920 AND 1933 ACTS	842
	General		842
_	_	on under the 1920 Act: countries and judgments	843
	-	on under the 1920 Act: jurisdiction of the foreign court	845
	-	on under the 1920 Act: substantive defences to registration	845
	_	on under the 1920 Act: procedural points	846
	Brexit		847
		on under the 1933 Act: countries and judgments	847
	-	on under the 1933 Act: jurisdiction of the foreign court	848
35.09	Registration	on under the 1933 Act: substantive defences to registration	850
35.10	Registration	on under the 1933 Act: procedural points	851
35.11	Brexit		851
CHA	PTER 36	FOREIGN JUDGMENTS REGISTRABLE UNDER	
		THE 1982 ACT	853
	_	on under the 1982 Act	853
	,	Northern Ireland, and Gibraltar	853
	0	s under the 2005 Hague Convention on Choice of Court	854
	_	on of 2005 Hague Convention judgments	855
		de the registration of 2005 Hague Convention judgments	857
		s to registration of 2005 Hague Convention judgments	861
36.07	The 2019	Hague Judgments Convention	862
APPE	ENDICES		865
		Lugano Convention	865
	_	gue Choice of Court Convention	902
Apper		of rulings of the European Court on the	
	inte	rpretation of the Lugano/Brussels rules	916
Index			923