



Jurisdiction and Enforcing judgments in the EU after Brexit

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Possible Outcomes

What change might happen?



**Extend/Revoke Article 50 – no change,
membership continues**



**Withdrawal Agreement – transition until
December 2020**



Disorderly Brexit on 29 March or later

Withdrawal Agreement

**What does it
provide?**

Retains status quo throughout the transition period

Jurisdiction rules remain unaltered throughout transition

Orders obtained in proceedings started in transition period enforceable under 1215/2012

UK courts will also recognise incoming judgments

What is a disorderly Brexit?

Regulation 1215/2012 Brussels Ia

Ceases to apply after Brexit day

Jurisdiction rules domestically governed solely
by common law CPR Part 6.36 and forum non
conveniens

Loss of special jurisdiction Odenbreit,
consumer and employment

Enforcement of Judgments post- Brexit

What regime?

- Bilateral agreements?
- The Brussels Convention 1968?
- A promise of Lugano?
- National law?

What the client needs
to know

Local court likely to re-litigate?

What is the cost and time taken to recognise
and enforce a judgment, including appeal?

Are the costs of enforcement
recoverable?

A case study

Spanish swimming pool case

Odenbreit claim – jurisdiction against insurer

Secondary claims - against hotel, building contractors, owners

Enforcement of the High Court judgment uncertain

Costs and delay of enforcement



PLEASE ASK ME YOUR
QUESTIONS

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