



Norway No. 2 (2020)

Agreement

on the Continued Application and Amendment of the Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway Providing for the Reciprocal Recognition and Enforcement of Judgments in Civil Matters signed at London on 12 June 1961

Oslo, 13 October 2020

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign, Commonwealth and Development Affairs
by Command of Her Majesty
November 2020*



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**AGREEMENT ON THE CONTINUED APPLICATION AND
AMENDMENT OF THE CONVENTION BETWEEN THE GOVERNMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND AND THE GOVERNMENT OF THE KINGDOM OF NORWAY
PROVIDING FOR THE RECIPROCAL RECOGNITION AND
ENFORCEMENT OF JUDGMENTS IN CIVIL MATTERS SIGNED AT
LONDON ON 12 JUNE 1961**

The Government of the United Kingdom of Great Britain and Northern Ireland (the United Kingdom) and the Government of the Kingdom of Norway (Norway);

CONSIDERING that on 31 January 2020, the United Kingdom of Great Britain and Northern Ireland withdrew from the European Union and, under the terms of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, entered into a time-limited transition period,

TAKING INTO ACCOUNT that the Lugano Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters of 30 October 2007, hereafter the “Lugano Convention 2007”, superseded the Convention between the United Kingdom and Norway providing for the Reciprocal Recognition and Enforcement of Judgments in Civil Matters signed in London on June 1961, hereafter the “1961 Convention” save that in accordance with the terms of Articles 65 and 66 of the Lugano Convention 2007, the 1961 Convention continued to have effect in relation to matters to which the Lugano Convention 2007 does not apply,

RECOGNISING that the Lugano Convention 2007 will cease to apply to the United Kingdom at the end of the transition period, unless the United Kingdom has become an independent contracting party to the Lugano Convention 2007,

RECOGNISING the intention of the United Kingdom to become an independent contracting party to the Lugano Convention 2007 and the intention of Norway to support that application,

DESIRING to ensure that judgments in civil matters continue to be recognised and enforced between the Parties pending the outcome of the application, and therefore seeking to apply and amend the 1961 Convention should the United Kingdom not have become a party to the Lugano Convention 2007 by the end of the transition period,

Have agreed as follows:

ARTICLE 1

The 1961 Convention shall continue to apply between the United Kingdom and Norway with the following amendments:

- a) In Article II (1)(a):
 - (i) for “House of Lords” substitute “Supreme Court and tribunals”, and
 - (ii) after “for England and Wales”, for “the Supreme Court of Judicature (Court of Appeal and High Court of Justice) and the Courts of Chancery of the Counties Palatine of Lancaster and Durham” substitute “the Court of Appeal, the High Court of Justice, the County Court, Magistrates Court, Crown Court and tribunals”,
 - (iii) after “for Scotland”, for “the Court of Session and the Sheriff Court” substitute “the Court of Session, Justice of the Peace (JP) Courts, Sheriff Courts, the Scottish Land Court, the High Court of Justiciary and tribunals”, and
 - (iv) after “Northern Ireland”, for “the Supreme Court of Judicature” substitute “the Court of Judicature, Court of Appeal, County Court, Magistrates Court, Crown Court and tribunals”.
- b) In Article II (1)(b), for “the County Courts and City Courts” substitute “the District Courts and the Conciliation Boards”.
- c) In Article III (2)(b), after “the Convention on Legal Proceedings in Civil and Commercial Matters signed between the United Kingdom and Norway on January 30, 1931” insert “or under the provisions of Articles 3-6, 8 or 9 of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters concluded on 15 November 1965 (subject to any reservations or declarations made by either the United Kingdom or Norway)”.
- d) In Article V (a), delete “including Avsetning”.
- e) In Article VI (1)(c), for “Supreme Court of Judicature” substitute “High Court”.
- f) In Article VI (2)(a), for “a certified copy of the complete judgment authenticated by the court seal”, substitute “a certified copy of the judgment which satisfies the conditions necessary to establish its authenticity under the laws of the state of the original court”.

- g) In Article VI (2)(b):
 - (i) after “an affidavit” insert “or other written and sworn evidence (verified in accordance with the rules of the court applied to)”;
 - (ii) for “by Avsetning or ordinary execution”, substitute “and specifying whether at the date of the application the time for appeal has elapsed without any proceedings by way of appeal having been instituted against the judgment.”
- h) In Article VI (2)(c), after “any affidavit” insert “or verified and sworn written evidence”.
- i) In Article VII (2)(a), for “a certified copy of the judgment authenticated by the court seal”, substitute “a certified copy of the judgment which satisfies the conditions necessary to establish its authenticity under the laws of the state of the original court”.
- j) After Article XI, a new Article XII shall be inserted as follows: “This Convention is subject to and shall not affect the obligations of either party under the Lugano Convention 2007 or under any other Convention or Agreement governing the recognition and enforcement of judgments in particular matters. In particular, should any inconsistency arise between the operation of the Lugano Convention 2007 and this Convention, the provisions of the Lugano Convention 2007 shall take precedence”.

ARTICLE 2

1. The 1961 Convention as amended by this Amendment Agreement shall only apply to judgments given in proceedings that were instituted in a court of one of the Parties to the 1961 Convention after this Amendment Agreement enters into force or is provisionally applied;
2. The Parties shall continue to apply the rules of the Lugano Convention 2007 concerning recognition and enforcement of judgments, to the same extent that those rules applied immediately before the Lugano Convention 2007 ceased to apply to the United Kingdom and subject to the same limitations set out therein, to judgments given in proceedings that were instituted in a court of one of the Parties before the Lugano Convention 2007 ceased to apply between the Parties.
3. For the purposes of this Article –
 - (a) the date when proceedings are instituted shall be the date when the document instituting the proceedings is lodged with the court;

- (b) proceedings by way of an appeal are deemed to be instituted on the same date as the proceedings to which the appeal relates.

ARTICLE 3

1. Each of the Parties to this Amendment Agreement shall notify the other Party of the completion of the procedures required by its law for the entry into force of this Amendment Agreement.

2. This Amendment Agreement shall enter into force on the later of:

- (i) the date on which the Lugano Convention 2007 ceases to apply to the United Kingdom; and
- (ii) the date on which both the Parties have notified each other in accordance with paragraph (1).

3. Pending entry into force of this Amendment Agreement the Parties may agree to provisionally apply this Amendment Agreement, by an exchange of notifications through diplomatic channels. Such provisional application shall take effect on the later of:

- (i) the date on which the Lugano Convention of 2007 ceases to apply to the United Kingdom;
- (ii) the date of the later of the Parties' notifications.

4. A Party may terminate the provisional application of this Amendment Agreement by written notification to the other Party. Such termination shall take effect on the first day of the second month following that notification.

Done in duplicate in Oslo on 13 October 2020, in the English and Norwegian languages both texts being equally authoritative.

**For the Government of the United
Kingdom of Great Britain and Northern
Ireland:**

RICHARD WOOD

**For the Government of the
Kingdom of Norway:**

LARS JACOB HIIM

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