EXPLANATORY MEMORANDUM TO

THE RULES OF THE COURT OF JUDICATURE (NORTHERN IRELAND) (AMENDMENT) 2025

S.R. 2025 No. 4

1. Introduction

1.1. This Explanatory Memorandum has been prepared by th2 Department of Justice (DoJ) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made by the Northern Ireland Court of Judicature Rules Committee in exercise of the powers conferred by sections 55 and 55A of the Judicature (Northern Ireland) Act 1978 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule will amend the Rules of the Court of Judicature (Northern Ireland) 1980 to provide the process and procedure for applications under the 2019 Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (Hague 2019) in Northern Ireland. The Rules also contain a number of technical amendments to the process and procedure for applications under the Convention on Choice of Court Agreements concluded on 30 June 2005 at the Hague (Hague 2005) which entered into force in the UK on 1 October 2015

2.2. The Statutory Rule is made by the Court of Judicature Rules Committee and allowed by the Department of Justice.

3. Background

3.1 Hague 2019 is a Private International Law Convention that provides a framework of common rules to allow for a judgment in a civil/commercial case, given in one Contracting State, to be recognised and enforced in another. It was signed by the UK Government on 12 January 2024 and ratified on 27 June 2024

3.2 Hague 2005 establishes international rules to uphold exclusive choice of court agreements in civil or commercial cases, ensuring that judgment from chosen courts are recognise and enforced across contracting states.

3.3 A UK wide statutory Instrument (The Recognition and Enforcement of Judgments (2019 Hague Convention Etc.) Regulations 2024 (2024/713) (The 2024 Regulations) made amendments to the Civil Jurisdiction and Judgments Act 1982 (the 1982 Act) to give Hague 2019 force of law in the UK and make

provision for its implementation. The 2024 Regulations also made technical adjustments to the existing implementing provisions in the 1982 Act for the Hague 2005 Convention.

3.4 This statutory rule will amend The Rules of the Court of Judicature (Northern Ireland) 1980 to compliment the 2024 Regulations and is necessary to implement Hague 2019 and also make the necessary technical amendments to practice and procedure under Hague 2005 for reasons of clarity and consistency.

4. Consultation

4.1 The UK Government's decision to sign the Hague 2019 Convention followed public consultation from 15 December 2022 to 9 February 2023. Responses were overwhelmingly in favour of the UK joining Hague 2019. The Government response to the consultation set out the intention for amendments to rules of court to form part of the UK's implementation of Hague 2019.

4.2 Targeted consultation was also conducted in January 2024 with legal sector experts and the Lord Chancellor's Advisory Committee on Private International Law to seek input on details of proposals for implementation of Hague 2019. These included the decision to implement Hague 2019 using a registration model and the decision to use a 'set aside' route of challenge for a registration decision under Hague 2019 and Hague 2005.

5. Equality Impact

5.1. No impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998 has been identified as a result of this Statutory Rule

6. Regulatory Impact

6.1. There is no negative impact on business, charities, social economy enterprises or the voluntary sector. Any impact for business is likely to provide increased business confidence, reduce transaction costs and enhanced access to justice. A regulatory impact assessment is not, therefore, necessary.

7. Financial Implications

7.1. None.

8. Section 24 of the Northern Ireland Act 1998

8.1. It is the view of the Department that this Statutory Rule is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. It is the view of the Department that this Statutory Rule does not have any EU implications

10. Additional Information

10.1. Not applicable.