Making sense of enforcement post-Brexit:

How will the UK courts approach enforcement of judgments following a no-deal?

From where does the judgment originate?

EU judgment

Were proceedings issued before Exit Day?

YES

NO

Is judgment given by court named in an exclusive jurisdiction clause in the contract?

YES

NO

Is the jurisdiction clause asymmetrical?

NO

YES

Was contract entered into after Exit Day?

YES

NO

Was contract entered into between 1 October 2015 and Exit Day?

YES

NO

Has opponent successfully challenged application of Hague 2005?

NO

YES

EFTA judgment

Has UK acceded to Lugano in its own right?

YES

NO

Have both UK and EU ratified Hague 2019?

YES

NO

UK judgment

Scottish or NI judgment

E&W judgment

CPR Part 70

UK regime (CJJA 1982)

Non EU/EFTA country

Brussels Regime (c/o Civil Justice EU Exit Regs)

Hague 2005

Domestic law applies (E&W, Scottish or NI law)

Enforcement under Hague 2019

Lugano Convention

No change

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