

2018 No. 0000

EXITING THE EUROPEAN UNION
PRIVATE INTERNATIONAL LAW

**The Law Applicable to Contractual Obligations and Non-
Contractual Obligations (Amendment) (EU Exit) Regulations
2018**

Made - - - -

Laid before Parliament

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 7 of the European Union (Withdrawal) Act 2018(a).

Citation and commencement

1. These Regulations may be cited as the Law Applicable to Contractual Obligations and Non-Contractual Obligations (Amendment) (EU Exit) Regulations 2018 and come into force on [...].

Amendment of the Rome I Regulation

2.—(1) Regulation (EC) No. 593/2008 of the European Parliament and of the Council on the law applicable to contractual obligations (Rome I) is amended as follows.

(2) In Article 1, for paragraph 4, substitute—

i4. In this Regulation, “relevant state” means the United Kingdom and—

- (a) in Article 3(4) and Article 7, all the Member States;
- (b) in all other Articles, the Member States to which Regulation (EC) No. 593/2008 of the European Parliament and of the Council on the law applicable to contractual obligations (Rome I), as it applies in the European Union and as amended from time to time, applies.î

(3) In Article 2, for “Member State”, substitute “relevant state”.

(4) In Article 3(4)—

- (a) for “Member States”, substitute “relevant states”;
- (b) for “Member State” (twice), substitute “relevant state”;
- (c) for “Community law, where appropriate as implemented in the Member State of the forum”, substitute “retained EU law”.

- (5) [*Amendments to Article 7 (Insurance contracts) to be confirmed*].
- (6) Omit Article 22(2).
- (7) In Article 23, and in the heading to that Article, for “Community law”, substitute “retained EU law”.
- (8) [*Amendments to Article 24 (Relationship with the Rome Convention) to be confirmed*].
- (9) In Article 25—
 - (a) in paragraph 1, for “one or more Member States are parties”, substitute “the United Kingdom is party”;
 - (b) in paragraph 2—
 - (i) after “as between”, insert “the United Kingdom and one or more”;
 - (ii) omit “two or more of”.
- (10) Omit Articles 26 and 27.
- (11) [*Amendments to Article 29 (Application in time) to be confirmed*].
- (12) After Article 29, omit the sentence beginning with the words “This Regulation shall be binding”.

Amendment of the Rome II Regulation

3.—(1) Regulation (EC) No. 864/2007 of the European Parliament and of the Council on the law applicable to non-contractual obligations (Rome II) is amended as follows.

- (2) In Article 1(4), for “‘Member State’ shall mean”, substitute “‘relevant state’ means the United Kingdom or”.
- (3) In Article 3, for “Member State”, substitute “relevant state”.
- (4) In Article 6(3)(b)—
 - (a) for “that Member State”, substitute “the United Kingdom”;
 - (b) for “Member State of that court”, substitute “United Kingdom”.
- (5) [*Amendments to Article 8 (Infringement of intellectual property rights) to be confirmed*].
- (6) In Article 14(3)—
 - (a) for “Member States”, substitute “relevant states”;
 - (b) for “Member State” (twice), substitute “relevant state”;
 - (c) for “Community law, where appropriate as implemented in the Member State of the forum,”, substitute “retained EU law”.
- (7) Omit Article 25(2).
- (8) In Article 27, and in the heading to that Article, for “Community law”, substitute “retained EU law”.
- (9) In Article 28—
 - (a) in paragraph 1, for “one or more Member States are parties”, substitute “the United Kingdom is party”;
 - (b) in paragraph 2—
 - (i) after “as between”, insert “the United Kingdom and one or more”;
 - (ii) omit “two or more of”.
- (10) Omit Articles 29 and 30.
- (11) [*Amendments to Article 31 (Application in time) to be confirmed*].
- (12) After Article 32, omit the sentence beginning with the words “This Regulation shall be binding”.

Signed by authority of the Secretary of State.

Date

Name
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 7 of the European Union (Withdrawal) Act 2018 (c. [**]) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 amends Regulation (EC) No. 593/2008 of the European Parliament and of the Council on the law applicable to contractual obligations (Rome I) and regulation 3 amends Regulation (EC) No. 864/2007 of the European Parliament and of the Council on the law applicable to non-contractual obligations (Rome II).

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