

Jurisdiction under Recast Brussels I

Scope: Is the claim a "civil and commercial matter"? – Art 1

No → **Reg does not apply**

Yes ↓
Exclusive Jurisdiction - Is this a special case where (regardless of domicile) the Court has exclusive jurisdiction? Art 24 (formerly Art 22)

Yes → **Court has JRN** (even if there are parallel/related proceedings abroad: *Speed Investments Ltd v Formula One Holdings Ltd* [2004] EWCA Civ 1512 at [36]-[39], Art 29(1))

No ↓
Jurisdiction Agreement - Is there a valid jurisdiction agreement? Art 25 (formerly Art 23)

Is Jrn Agreement exclusive?
Yes → **Court has JRN**
No → [to next step]

No ↓
Submission: Has the defendant submitted to the jurisdiction? Art 26 (formerly Art 24)

Yes → [to next step]
No → Is there an excl. JRN agreement or excl. basis for JRN in favour of a (seized) MS court? Art 31(3)/25(4)
Yes → **Court must stay claim**

No ↓
General Rule – Domicile: Is the defendant domiciled in England & Wales? Art 4 (formerly Art 2)

Yes → [to next step]
No → Was the English court first seised? Art 29/30
Yes → **Court has JRN**

No ↓
Special Rules: Do any of the special rules on jurisdiction confer jurisdiction on the English court? Art 7-8 (formerly Arts 5-6)

Yes → [to next step]
No → Are there parallel proceedings in another MS? Art 29
Yes → **Court must stay claim**

No ↓
Insurance/consumer/employment contract claims: Do any of the special rules on jurisdiction apply? Art 10-23 (formerly Arts 8-21)

Yes → [to next step]
No → Are there related proceedings in another MS? Art 30
Yes → **Court may stay claim**

No ↓
National Law: If D is not domiciled in a member state, does the court have jurisdiction under English law (e.g. at common law)? Art 6 (formerly Art 4)

Yes → [to next step]
No → Are there parallel/related proceedings in a non-MS? Art 33/34
Yes → **Court may stay claim**

No ↓
Court has JRN