

Court of Justice of the European Union judgment on Prorogation. 1 October 2014

1st October 2014

Today the CJEU handed down judgment on the Preliminary Reference made by the English Court of Appeal on the issue of whether parties could prorogue jurisdiction to a court for a child's minority or only for one set of proceedings.

The CJEU concluded that prorogation could only take place for a particular case and not for a child's minority. Whilst this re-affirms the importance of the child's best interests in jurisdiction decisions it does prevent parties who may be relocating abroad from including advance prorogation as a clause in an agreement still less agreeing that a particular country should hold long-term jurisdiction over a child notwithstanding they are habitually resident elsewhere. Prorogation must be on an application by application basis.

David Williams QC and Michael Gration acted for the Appellant and Henry Setright QC for the Respondent.

Read the full judgment [here](#).