Rome I Regulation

Two Statutory Instruments have been promulgated in the UK implementing the 'Rome I' Regulation which comes into force on the 17 December 2009:

- The Law Applicable to Contractual Obligations (England and Wales and Northern Ireland) Regulations 2009 (SI 2009/3064), laid before Parliament on 24 November 2009, disapply the old law under the Contracts (Applicable Law) Act 1990 (which ratified the Rome Convention) as regards to contracts concluded on or after 17 December 2009. These contracts will now be dealt with under Rome I. The Regulations also implement the option, under Art. 22(2) of Rome I, of extending the scope of Rome I to conflicts solely between the laws of England and Wales, Scotland, Northern Ireland and Gibraltar.

- The Financial Services and Markets Act 2000 (Law Applicable to Contracts of Insurance) Regulations 2009 (SI 2009/3075) amending SI 2001/2635, also laid before Parliament on 24 November 2009, similarly limit the application of the provisions contained in the old Regulations to contracts entered into before 17 December 2009. In accordance with Art. 7(3) of Rome I, they also provide, in relation to contracts insuring risks other than large risks, for greater freedom of choice of law applicable than would otherwise be available to them under that Article where the risk is situated in the United Kingdom (Article 7(3)(a)), the policyholder has their habitual residence in the United Kingdom (Article 7(3)(b)) or the policyholder carries on a business, trade or profession and the insurance contract covers two or more risks which relate to that business which are situated in different Member States, and the United Kingdom is one of those States or the country of habitual residence of the policyholder (Article 7(3)(e)).