

“BREXIT BITES”

If the UK exits the EU, there could be implications for any dispute resolution process involving English law and English courts. Much will depend on the terms of the UK's exit. Naturally, there has been considerable focus on how judgments of English courts will be enforced by their EU counterparts, and vice versa. We provide below a top level summary of the critical issues which will be followed up next week with a more detailed analysis.

Preparing for Brexit: Dispute Resolution

CHOICE OF LAW

Largely unaffected, but courts in England and EU may reach different conclusions as to which law applies if the parties have not agreed that already

JURISDICTION

Largely unaffected where parties have agreed which court(s) have jurisdiction. If not, wait and see

SUING IN ENGLAND

Consider whether, post-Brexit, you will need permission to serve proceedings in the EU, and seek local advice on relevant service rules if so

INTERLOCUTORY PROCEEDINGS

Consider the possible availability once more of anti-suit injunctions and security for costs in the event of Brexit

ENFORCEMENT

Enforcing English judgments in the EU may become less straightforward than it is now

OTHER POINTS

Rules governing consumer, employment, insurance and other types of dispute may change

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K&L Gates Brexit Task Force

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