

## Case C-294/92

### George Lawrence Webb v Lawrence Desmond Webb

(Reference for a preliminary ruling  
from the Court of Appeal)

(Brussels Convention — Article 16(1) — Action concerning the existence of a trust  
attaching to immovable property)

Opinion of Advocate General Darmon delivered on 8 February 1994 ..... II - 0000  
Judgment of the Court, 17 May 1994 ..... II - 0000

#### Summary of the Judgment

*Convention on Jurisdiction and the Enforcement of Judgments — Exclusive jurisdiction — Proceedings which have as their object rights in rem in immovable property — Concept — Proceedings relating to the existence of a trust attaching to immovable property — Excluded  
(Convention of 27 September 1968, Art. 16(1))*

In order for Article 16(1) of the Convention on Jurisdiction and the Enforcement of Judgments in Civil Matters to apply, it is not sufficient that a right *in rem* in immovable property be involved in the action or that the action have a link with immovable property: the action must be based on a right *in rem* and not on a right *in personam*, save in the case of the exception concerning tenancies of immovable property.

It follows that an action for a declaration that a person holds immovable property as trustee and for an order requiring that person to execute such documents as should be required to vest the legal ownership in the plaintiff does not constitute an action *in rem* within the meaning of Article 16(1) of the Convention.

