



# Debt Relief (Developing Countries) Act 2010

## 2010 CHAPTER 22

### *Supplementary and general*

#### **6 Exception where debtor fails to make offer to pay recoverable amount**

- (1) This Act does not apply to a relevant claim, a relevant foreign judgment or a relevant arbitration award if—
- (a) proceedings are brought in respect of the relevant claim, foreign judgment or arbitration award, and
  - (b) the debtor does not, before the relevant time, make an offer to compromise the proceedings on comparable Initiative terms.
- (2) For the purposes of this section an offer is made on “comparable Initiative terms” if the net present value of payments to be made in accordance with the offer is equal to or exceeds the net present value of the payment required to satisfy the relevant claim, foreign judgment or arbitration award (reduced in accordance with this Act).
- (3) In this section—
- “foreign judgment” has the meaning given by section 5(5),
  - “judgment” includes an order,
  - “proceedings” means proceedings in a part of the United Kingdom, and includes proceedings for—
    - (a) the registration of a foreign judgment or an arbitration award, or
    - (b) permission to enforce an arbitration award in the same manner as a judgment of the court,but does not include proceedings for the enforcement of a judgment or award,
  - “relevant arbitration award” means an award within section 5(1)(c),
  - “relevant claim” has the meaning given by section 5(2),

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*Changes to legislation:* There are currently no known outstanding effects for the Debt Relief (Developing Countries) Act 2010, Cross Heading: Supplementary and general. (See end of Document for details)

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“relevant foreign judgment” means a foreign judgment within section 5(1)(b), and

“the relevant time” means—

- (a) the time when a court first gives judgment on the relevant claim,
  - (b) the time when the foreign judgment or arbitration award is registered, or (as the case may be)
  - (c) the time when permission is given to enforce the arbitration award in the same manner as a judgment of the court.
- (4) This section applies to cases where the proceedings were brought before commencement (as well as cases where they are brought after commencement), but not to cases where the relevant time occurred before commencement.

## 7 Exception for overriding<sup>F1</sup> ... international obligations

- (1) Nothing in this Act applies to a foreign judgment or an arbitration award of a kind required by [<sup>F2</sup>an international obligation of the United Kingdom] to be enforced in full even in cases where such enforcement is contrary to the public policy of the United Kingdom.
- (2) Accordingly, this Act does not apply to—
- <sup>F3</sup>(a) .....
  - <sup>F3</sup>(b) .....
  - (c) an award to which section 1 of the Arbitration (International Investment Disputes) Act 1966 applies (awards made under the Convention on the settlement of investment disputes between States and nationals of other States).
- (3) “Foreign judgment” has the meaning given by section 5(5).

### Textual Amendments

- F1** Words in s. 7 heading omitted (31.12.2020) by virtue of [The European Enforcement Order, European Order for Payment and European Small Claims Procedure \(Amendment etc.\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1311), regs. 1, **3(2)(a)** (with Pt. 5) (as substituted by S.I. 2020/1493, regs. 1(1), 3); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 7(1) substituted (31.12.2020) by [The European Enforcement Order, European Order for Payment and European Small Claims Procedure \(Amendment etc.\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1311), regs. 1, **3(2)(b)** (with Pt. 5) (as substituted by S.I. 2020/1493, regs. 1(1), 3); 2020 c. 1, Sch. 5 para. 1(1)
- F3** S. 7(2)(a)(b) and word omitted (31.12.2020) by virtue of [The European Enforcement Order, European Order for Payment and European Small Claims Procedure \(Amendment etc.\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1311), regs. 1, **3(2)(c)** (with Pt. 5) (as substituted by S.I. 2020/1493, regs. 1(1), 3); 2020 c. 1, Sch. 5 para. 1(1)

## 8 Saving

Nothing in this Act enables a person to recover anything paid in (total or partial) satisfaction of any liability (whether arising under an agreement, judgment, order, award or otherwise).

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## **9 Duration of Act**

- (1) This Act expires at the end of the period of one year beginning with commencement; but this is subject to subsections (2) and (3).
- (2) The Treasury may by order provide that this Act (instead of expiring at the time it would otherwise expire) expires at the end of the period of one year from that time.
- (3) The Treasury may by order provide that this Act has permanent effect.
- (4) An order under this section is to be made by statutory instrument.
- (5) An order under this section may be made only if a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.
- (6) If this Act expires by virtue of this section—
  - (a) the Act is to be treated as never having been in force, and
  - (b) accordingly, where—
    - (i) a judgment was given, or order or arbitration award made, on a relevant claim (as defined by section 5(2)) while the Act was in force, and
    - (ii) the amount of the judgment, order or award is, as a result of section 3, less than it would be if that section had not applied in relation to the claim,the amount of the judgment, order or award is to be treated as equal to the amount it would be if the section had not applied in relation to the claim.

## **10 Commencement, extent and short title**

- (1) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.
- (2) This Act extends to each part of the United Kingdom.
- (3) This Act may be cited as the Debt Relief (Developing Countries) Act 2010.

**Changes to legislation:**

There are currently no known outstanding effects for the Debt Relief (Developing Countries) Act 2010, Cross Heading: Supplementary and general.