

SCHEDULES

SCHEDULE 10

Section 35(1)

AMENDMENTS OF FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) ACT 1933

- 1 (1) Section 1 (power to extend Part I to foreign countries giving reciprocal treatment) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) If, in the case of any foreign country, Her Majesty is satisfied that, in the event of the benefits conferred by this Part of this Act being extended to, or to any particular class of, judgments given in the courts of that country or in any particular class of those courts, substantial reciprocity of treatment will be assured as regards the enforcement in that country of similar judgments given in similar courts of the United Kingdom, She may by Order in Council direct—
- (a) that this Part of this Act shall extend to that country ;
 - (b) that such courts of that country as are specified in the Order shall be recognised courts of that country for the purposes of this Part of this Act; and
 - (c) that judgments of any such recognised court, or such judgments of any class so specified, shall, if within subsection (2) of this section, be judgments to which this Part of this Act applies.
- (2) Subject to subsection (2A) of this section, a judgment of a recognised court is within this subsection if it satisfies the following conditions, namely—
- (a) it is either final and conclusive as between the judgment debtor and the judgment creditor or requires the former to make an interim payment to the latter; and
 - (b) there is payable under it a sum of money, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty ; and
 - (c) it is given after the coming into force of the Order in Council which made that court a recognised court.
- (2A) The following judgments of a recognised court are not within subsection (2) of this section—
- (a) a judgment given by that court on appeal from a court which is not a recognised court;
 - (b) a judgment or other instrument which is regarded for the purposes of its enforcement as a judgment of that court but which was given or made in another country ;
 - (c) a judgment given by that court in proceedings founded on a judgment of a court in another country and having as their object the enforcement of that judgment.”.

(3) After subsection (4) add—

“(5) Any Order in Council made under this section before its amendment by the Civil Jurisdiction and Judgments Act 1982 which deems any court of a foreign country to be a superior court of that country for the purposes of this Part of this Act shall (without prejudice to subsection (4) of this section) have effect from the time of that amendment as if it provided for that court to be a recognised court of that country for those purposes, and for any final and conclusive judgment of that court, if within subsection (2) of this section, to be a judgment to which this Part of this Act applies.”.

2 In section 9 (power to make foreign judgments unenforceable in United Kingdom if no reciprocity), in subsection (1) omit " superior " in both places where it occurs.

3 For section 10 (issue of certificates of judgments obtained in the United Kingdom) substitute—

“10 Provision for issue of copies of, and certificates in connection with, U. K. judgments.

(1) Rules may make provision for enabling any judgment creditor wishing to secure the enforcement in a foreign country to which Part I of this Act extends of a judgment to which this subsection applies, to obtain, subject to any conditions specified in the rules—

- (a) a copy of the judgment; and
- (b) a certificate giving particulars relating to the judgment and the proceedings in which it was given.

(2) Subsection (1) applies to any judgment given by a court or tribunal in the United Kingdom under which a sum of money is payable, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty.

(3) In this section " rules "—

- (a) in relation to judgments given by a court, means rules of court;
- (b) in relation to judgments given by any other tribunal, means rules or regulations made by the authority having power to make rules or regulations regulating the procedure of that tribunal.”.

4 After section 10 insert—

“10A Arbitration awards.

The provisions of this Act, except sections 1(5) and 6, shall apply, as they apply to a judgment, in relation to an award in proceedings on an arbitration which has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place.”.

5 (1) Section 11(1) (interpretation) is amended as follows.

(2) After the definition of " Country of the original court " insert—

“" Court", except in section 10 of this Act, includes a tribunal ;”.

- (3) Omit the definition of " Judgments given in the superior courts of the United Kingdom ".