Changes to legislation: *Civil Jurisdiction and Judgments Act 1982, Paragraph 1 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

[X1][F1]SCHEDULE 10

[M1]AMENDMENTS OF FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) ACT 1933

Editorial Information

X1 The text of ss. 15(4), 16(5), 23(2), 35(2)(3), 36(6), 37(2), 38, 40(3), 54, Schs. 10–12 and 14 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F1 Sch. 1 substituted (1.1.2001) by The Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000 (S.I. 2000/1824), arts. 1, 8(1), **Sch. 1**

Marginal Citations

M1 1933 c. 13.

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 shall 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

(b) that judgments of any such recognised court, or such judgments of any such 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 judgement 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 judgement debtor and the judgement creditor or requires the former to make an interim payment to the latter ; and

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(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 judgement given by that court on appeal from a court which is not a recognised court;

(b) a judgement or other instrument which is regarded for the purposes of its enforcement as a judgement of that court but which was given or made in another country ;

(c) a judgement given by that court in proceedings founded on a judgement of a court in another country and having as their object the enforcement of that judgement.”.

(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 the 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 judgement of that court, if within subsection (2) of this section, to be a judgement to which this Part of this Act applies.”.**]**

Changes to legislation:
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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

– Act applied (with modifications) by S.I. 2018/1125 reg. 8 (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– Sch. 8 rule 2(g) words substituted by 2024 asp 2 Sch. 1 para. 15