

SCHEDULES

SCHEDULE 6

Section 18.

ENFORCEMENT OF U.K. JUDGMENTS (MONEY PROVISIONS)

Preliminary

- 1 In this Schedule—
- "judgment" means any judgment to which section 18 applies and references to the giving of a judgment shall be construed accordingly ;
 - " money provision " means a provision for the payment of one or more sums of money ;
 - " prescribed " means prescribed by rules of court.

Certificates in respect of judgments

- 2 (1) Any interested party who wishes to secure the enforcement in another part of the United Kingdom of any money provisions contained in a judgment may apply for a certificate under this Schedule.
- (2) The application shall be made in the prescribed manner to the proper officer of the original court, that is to say—
- (a) in relation to a judgment within paragraph (a) of the definition of "judgment" in section 18(2), the court by which the judgment or order was given or made ;
 - (b) in relation to a judgment within paragraph (b) of that definition, the court in which the judgment or order is entered ;
 - (c) in relation to a judgment within paragraph (c) of that definition, the court in whose books the document is registered ;
 - (d) in relation to a judgment within paragraph (d) of that definition, the tribunal by which the award or order was made ;
 - (e) in relation to a judgment with in paragraph (e) of that definition, the court which gave the judgment or made the order by virtue of which the award has become enforceable as mentioned in that paragraph.
- 3 A certificate shall not be issued under this Schedule in respect of a judgment unless under the law of the part of the United Kingdom in which the judgment was given—
- (a) either—
 - (i) the time for bringing an appeal against the judgment has expired, no such appeal having been brought within that time ; or
 - (ii) such an appeal having been brought within that time, that appeal has been finally disposed of; and
 - (b) enforcement of the judgment is not for the time being stayed or suspended, and the time available for its enforcement has not expired.

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- 4 (1) Subject to paragraph 3, on an application under paragraph 2 the proper officer shall issue to the applicant a certificate in the prescribed form—
- (a) stating the sum or aggregate of the sums (including any costs or expenses) payable under the money provisions contained in the judgment, the rate of interest, if any, payable thereon and the date or time from which any such interest began to accrue ;
 - (b) stating that the conditions specified in paragraph 3(a) and (b) are satisfied in relation to the judgment; and
 - (c) containing such other particulars as may be prescribed.
- (2) More than one certificate may be issued under this Schedule (simultaneously or at different times) in respect of the same judgment.

Registration of certificates

- 5 (1) Where a certificate has been issued under this Schedule in any part of the United Kingdom, any interested party may, within six months from the date of its issue, apply in the prescribed manner to the proper officer of the superior court in any other part of the United Kingdom for the certificate to be registered in that court.
- (2) In this paragraph " superior court" means, in relation to England and Wales or Northern Ireland, the High Court and, in relation to Scotland, the Court of Session.
- (3) Where an application is duly made under this paragraph to the proper officer of a superior court, he shall register the certificate in that court in the prescribed manner.

General effect of registration

- 6 (1) A certificate registered under this Schedule shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the certificate had been a judgment originally given in the registering court and had (where relevant) been entered.
- (2) Sub-paragraph (1) is subject to the following provisions of this Schedule and to any provision made by rules of court as to the manner in which and the conditions subject to which a certificate registered under this Schedule may be enforced.

Costs or expenses

- 7 Where a certificate is registered under this Schedule, the reasonable costs or expenses of and incidental to the obtaining of the certificate and its registration shall be recoverable as if they were costs or expenses stated in the certificate to be payable under a money provision contained in the original judgment.

Interest

- 8 (1) Subject to any provision made under sub-paragraph (2), the debt resulting, apart from paragraph 7, from the registration of the certificate shall carry interest at the rate, if any, stated in the certificate from the date or time so stated.
- (2) Provision may be made by rules of court as to the manner in which and the periods by reference to which any interest payable by virtue of sub-paragraph (1) is to be

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calculated and paid, including provision for such interest to cease to accrue as from a prescribed date.

- (3) All such sums as are recoverable by virtue of paragraph 7 carry interest as if they were the subject of an order for costs or expenses made by the registering court on the date of registration of the certificate.
- (4) Except as provided by this paragraph sums payable by virtue of the registration of a certificate under this Schedule shall not carry interest.

Stay or sisting of enforcement in certain cases

- 9 Where a certificate in respect of a judgment has been registered under this Schedule, the registering court may, if it is satisfied that any person against whom it is sought to enforce the certificate is entitled and intends to apply under the law of the part of the United Kingdom in which the judgment was given for any remedy which would result in the setting aside or quashing of the judgment, stay (or, in Scotland, sist) proceedings for the enforcement of the certificate, on such terms as it thinks fit, for such period as appears to the court to be reasonably sufficient to enable the application to be disposed of.

Cases in which registration of a certificate must or may be set aside

- 10 Where a certificate has been registered under this Schedule, the registering court—
 - (a) shall set aside the registration if, on an application made by any interested party, it is satisfied that the registration was contrary to the provisions of this Schedule ;
 - (b) may set aside the registration if, on an application so made, it is satisfied that the matter in dispute in the proceedings in which the judgment in question was given had previously been the subject of a judgment by another court or tribunal having jurisdiction in the matter.