

## SCHEDULES

### SCHEDULE 7

Section 18.

#### ENFORCEMENT OF U.K. JUDGMENTS (NON-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;

"non-money provision" means a provision for any relief or remedy not requiring payment of a sum of money ;

"prescribed" means prescribed by rules of court.

##### *Certified copies of judgments*

2 (1) Any interested party who wishes to secure the enforcement in another part of the United Kingdom of any non-money provisions contained in a judgment may apply for a certified copy of the judgment.

(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 within 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 certified copy of a judgment shall not be issued under this Schedule 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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*Status: This is the original version (as it was originally enacted).*

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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) a certified copy of the judgment (including any money provisions or excepted provisions which it may contain); and
  - (b) a certificate stating that the conditions specified in paragraph 3(a) and (b) are satisfied in relation to the judgment.
- (2) In sub-paragraph (1)(a) "excepted provision" means any provision of a judgment which is excepted from the application of section 18 by subsection (5) of that section.
- (3) There may be issued under this Schedule (simultaneously or at different times)—
- (a) more than one certified copy of the same judgment; and
  - (b) more than one certificate in respect of the same judgment.

#### *Registration of judgments*

- 5 (1) Where a certified copy of a judgment has been issued under this Schedule in any part of the United Kingdom, any interested party may apply in the prescribed manner to the superior court in any other part of the United Kingdom for the judgment 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) An application under this paragraph for the registration of a judgment must be accompanied by—
- (a) a certified copy of the judgment issued under this Schedule ; and
  - (b) a certificate issued under paragraph 4(1)(b) in respect of the judgment not more than six months before the date of the application.
- (4) Subject to sub-paragraph (5), where an application under this paragraph is duly made to a superior court, the court shall order the whole of the judgment as set out in the certified copy to be registered in that court in the prescribed manner.
- (5) A judgment shall not be registered under this Schedule by the superior court in any part of the United Kingdom if compliance with the non-money provisions contained in the judgment would involve a breach of the law of that part of the United Kingdom.

#### *General effect of registration*

- 6 (1) The non-money provisions contained in a judgment registered under this Schedule shall, for the purposes of their enforcement, be of the same force and effect, the registering court shall have in relation to their enforcement the same powers, and proceedings for or with respect to their enforcement may be taken, as if the judgment containing them had been 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 conditions subject to which the non-money provisions contained in a judgment registered under this Schedule may be enforced.

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*Status: This is the original version (as it was originally enacted).*

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*Costs or expenses*

- 7 (1) Where a judgment is registered under this Schedule, the reasonable costs or expenses of and incidental to—
- (a) the obtaining of the certified copy of the judgment and of the necessary certificate under paragraph 4(1)(b) in respect of it; and
  - (b) the registration of the judgment,
- shall be recoverable as if on the date of registration there had also been registered in the registering court a certificate under Schedule 6 in respect of the judgment and as if those costs or expenses were costs or expenses stated in that certificate to be payable under a money provision contained in the judgment.
- (2) All such sums as are recoverable by virtue of sub-paragraph (1) shall 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 judgment.

*Stay or sisting of enforcement in certain cases*

- 8 Where 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 judgment 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 judgment, 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 registered judgment must or may be set aside*

- 9 Where a judgment 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 was given had previously been the subject of a judgment by another court or tribunal having jurisdiction in the matter.