Administration of Justice Act 1920

1920 CHAPTER 81 10 and 11 Geo 5

E+W

An Act to amend the law with respect to the administration of justice and . . . [F1]

to facilitate the reciprocal enforcement of judgments and awards in the United Kingdom and other parts of His Majesty's Dominions or Territories under His Majesty's protection . . . [F1]

[23rd December 1920]

Editorial Information

X1 The text of ss. 9–14, 21 was taken from S.I.F. Group 45:3 (Enforcement: External Judgements) and ss. 15, 21(1)(3) from S.I.F. Group 37 (Courts: Supreme Court, England and Wales); provisions omitted from S.I.F. have been dealt with as referred to in other commentary.

Textual Amendments

F1 Words omitted under authority of Statute Law Revision Act 1927 (c. 42), **Sch. Pt. I**

PART I E+W

TRIAL OF MATRIMONIAL CAUSES, TRIAL BY JURY, ADMIRALTY JURISDICTION OF HIGH COURT, AND AMENDMENTS OF JUDICATURE ACTS

1 . . . . . [F2] E+W

Textual Amendments

F2 S. 1 repealed by Supreme Court of Judicature (Consolidation) Act 1925 (c. 49), s. 226, **Sch. 6**

2 . . . . . [F3] E+W

Textual Amendments

F3 S. 2 repealed by Administration of Justice Act 1925 (c. 28), s. 29, **Sch. 5**

3 . . . . . [F4] E+W

Textual Amendments

F4 S. 3 repealed by Administration of Justice Act 1925 (c. 28), s. 29, **Sch. 5**; Statute Law Revision Act 1927 (c. 42); County Courts Act 1934 (c. 53), s. 193, **Sch. 5**; Courts Act 1971 (c. 23), s. 56(4), **Sch. 11 Pt. IV**

4 . . . . . [F5] E+W

Textual Amendments

F5 S. 4 repealed by Magistrates' Courts Act 1952 (c. 55), s. 132, **Sch. 6**

5—8. . . . . . [F6] E+W

Textual Amendments

F6 Ss. 5–8 repealed by Supreme Court of Judicature (Consolidation) Act 1925 (c. 49), s. 226, **Sch. 6**

PART II U.K.

RECIPROCAL ENFORCEMENT OF JUDGMENTS IN THE UNITED KINGDOM AND IN OTHER PARTS OF HIS MAJESTY'S DOMINIONS

Modifications etc. (not altering text)

C1 Pt. II excluded by Foreign Judgments (Reciprocal Enforcement) Act 1933 (c. 13), **s. 7(1)** and S.R. & O. 1933/1073 (Rev. XI, p. 163: 1933 p. 953)

C2 Pt. II (ss. 9–14) restricted by Protection of Trading Interests Act 1980 (c. 11, SIF 124:1), **s. 5**

C3 Pt. II (ss. 9–14) extended by S.I. 1980/701, art. 7, **Sch. para. 4(1)**; extended by S.I. 1984/129, **art. 2**

9 Enforcement in the United Kingdom of judgments obtained in superior courts in other British dominions. U.K.

(1) Where a judgment has been obtained in a superior court in any part of His Majesty's dominions outside the United Kingdom to which this Part of this Act extends, the

judgment creditor may apply to the High Court in England or **[**[F7]Northern Ireland**]** or to the Court of Session in Scotland, at any time within twelve months after the date of the judgment, or such longer period as may be allowed by the court, to have the judgment registered in the court, and on any such application the court may, if in all the circumstances of the case they think it just and convenient that the judgment should be enforced in the United Kingdom, and subject to the provisions of this section, order the judgment to be registered accordingly.

(2) No judgment shall be ordered to be registered under this section if—

(a) the original court acted without jurisdiction; or

(b) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit or agree to submit to the jurisdiction of that court; or

(c) the judgment debtor, being the defendant in the proceedings, was not duly served with the process of the original court and did not appear, notwithstanding that he was ordinarily resident or was carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court; or

(d) the judgment was obtained by fraud; or

(e) the judgment debtor satisfies the registering court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment; or

(f) the judgment was in respect of a cause of action which for reasons of public policy or for some other similar reason could not have been entertained by the registering court.

(3) Where a judgment is registered under this section—

(a) the judgment shall, as from the date of registration, be of the same force and effect, and proceedings may be taken thereon, as if it had been a judgment originally obtained or entered up on the date of registration in the registering court;

(b) the registering court shall have the same control and jurisdiction over the judgment as it has over similar judgments given by itself, but in so far only as relates to execution under this section;

(c) the reasonable costs of and incidental to the registration of the judgment (including the costs of obtaining a certified copy thereof from the original court and of the application for registration) shall be recoverable in like manner as if they were sums payable under the judgment.

(4) **[**[F8]Rules of court shall provide**][**[F8]Rules made under section seven of the [M1]Northern Ireland Act 1962 shall provide**]**—

(a) for service on the judgment debtor of notice of the registration of a judgment under this section; and

(b) for enabling the registering court on an application by the judgment debtor to set aside the registration of a judgment under this section on such terms as the court thinks fit; and

(c) for suspending the execution of a judgment registered under this section until the expiration of the period during which the judgment debtor may apply to have the registration set aside.

(5) In any action brought in any court in the United Kingdom on any judgment which might be ordered to be registered under this section, the plaintiff shall not be entitled

to recover any costs of the action unless an application to register the judgment under this section has previously been refused or unless the court otherwise orders.

Textual Amendments

F7 Words substituted by virtue of S.R. & O. 1921/1802 (Rev. XVI, p. 954: 1921, p. 1332), art. 2(1)

F8 Words from "Rules made" to "provide" substituted (N.I.) for words "Rules of court shall provide" by Northern Ireland Act 1962 (c. 30), **Sch. 1**

Marginal Citations

M1 1962 c.30.

[F9 10 Issue of certificates of judgments obtained in the United Kingdom. U.K.

(1) Where—

(a) a judgment has been obtained in the High Court in England or Northern Ireland, or in the Court of Session in Scotland, against any person; and

(b) the judgment creditor wishes to secure the enforcement of the judgment in a part of Her Majesty's dominions outside the United Kingdom to which this Part of this Act extends,

the court shall, on an application made by the judgment creditor, issue to him a certified copy of the judgment.

(2) The reference in the preceding subsection to Her Majesty's dominions shall be construed as if that subsection had come into force in its present form at the commencement of this Act.**]**

Textual Amendments

F9 S. 10 substituted by Civil Jurisdiction and Judgments Act 1982 (c. 27, SIF 45:3), **s. 35(2)**

[F10 11 Power to make rules. U.K.

[F11Provision may be made by rules of court**][**F11 Rules may be made under section seven of the M2Northern Ireland Act 1962 providing**]** for regulating the practice and procedure (including scales of fees and evidence), in respect of proceedings of any kind under this Part of this Act.**]**

Textual Amendments

F10 S. 11 repealed as it applies to Northern Ireland by Judicature (Northern Ireland) Act 1978 (c. 23), s. 123(2), **Sch. 7 Pt. I**

F11 Words from "Rules" to "providing" substituted (N.I.) for words from "provision" to "court"by Northern Ireland Act 1962 (c. 30), **Sch. 1**

Marginal Citations

M2 1962 c. 30

12 Interpretation. U.K.

(1) In this Part of this Act, unless the context otherwise requires—

The expression "judgment" means any judgment or order given or made by a court in any civil proceedings, whether before or after the passing of this Act, whereby any sum of money is made payable, and includes an award in proceedings on an arbitration if the award 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:

The expression "original court" in relation to any judgment means the court by which the judgment was given:

The expression "registering court" in relation to any judgment means the court by which the judgment was registered:

The expression "judgment creditor" means the person by whom the judgment was obtained, and includes the successors and assigns of that person:

The expression "judgment debtor" means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable in the place where it was given.

[[F12](2) Subject to **[**[F13]rules of court,**]**[F13]rules made under section seven of the [M3]Northern Ireland Act 1962**]** any of the powers conferred by this Part of this Act on any court may be exercised by a judge of the court.**]**

Textual Amendments

F12 S. 12(2) repealed as it applies to Northern Ireland by Judicature (Northern Ireland) Act 1978 (c. 23), s. 123(2), **Sch. 7 Pt. I**

F13 Words from "rules" to "1962" substituted (N.I.) for words "rules of court" by Northern Ireland Act 1962 (c. 30), **Sch. 1**

Marginal Citations

M3 1962 c. 30.

13 Power to apply Part II. of Act to territories under His Majesty's protection. U.K.

His Majesty may by Order in Council declare that this Part of this Act shall apply to any territory which is under His Majesty's protection, or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions, as if that territory were part of His Majesty's dominions, and on the making of any such Order this Part of this Act shall, subject to the provisions of the Order, have effect accordingly.

14 Extent of Part II. of Act. U.K.

(1) Where His Majesty is satisfied that reciprocal provisions have been made by the legislature of any part of His Majesty's dominions outside the United Kingdom for the enforcement within that part of His dominions of judgments obtained in the High Court in England, the Court of Session in Scotland, and the **[**[F14]High Court in Northern Ireland**]**, His Majesty may by Order in Council declare that this Part of this Act shall

extend to that part of His dominions, and on any such Order being made this Part of this Act shall extend accordingly.

(2) An Order in Council under this section may be varied or revoked by a subsequent Order.

[[F15](3) Her Majesty may by Order in Council under this section consolidate any Orders in Council under this section which are in force when the consolidating Order is made.**]**

Textual Amendments

F14 Words substituted by virtue of S.R. & O. 1921/1802 (Rev. XVI, p. 954: 1921, p. 1332), art. 2(1)

F15 S. 14(3) inserted by Civil Jurisdiction and Judgments Act 1982 (c. 27, SIF 45:3), **s. 35(3)**

PART III E+W

MISCELLANEOUS

[F16]15 Questions of foreign law to be decided by judge. E+W

Where, for the purpose of disposing of any action or other matter which is being tried by a judge with a jury in any court in England and Wales, it is necessary to ascertain the law of any other country which is applicable to the facts of the case, any question as to the effect of the evidence given with respect to that law shall, instead of being submitted to the jury, be decided by the judge alone.

Textual Amendments

F16 S. 15 repealed, so far as it relates to the High Court, by Supreme Court of Judicature (Consolidation) Act 1925 (c. 49), s. 226, **Sch. 6** and, so far as it relates to county courts, by County courtx act 1934 (c. 53), Sch. 5

16 . . . . . [F17] E+W

Textual Amendments

F17 S. 16 repealed by Arbitration Act 1934 (c. 14), s. 21, **Sch. 3**

17 . . . . . [F18] E+W

Textual Amendments

F18 S. 17 repealed by Administration of Estates Act 1925 (c. 23), s. 56, **Sch. 2 Pt. II**

18 . . . . . [F19] E+W

Textual Amendments

F19 S. 18 repealed by Administration of Justice Act 1925 (c. 28), s. 29, **Sch. 5**

19–20 . . . . . F20 E+W

Textual Amendments

F20 S. 19–20 repealed by Supreme Court of Judicature (Consolidation) Act 1925 (c. 49), s. 226, **Sch. 6**

21 †Short title, repeal and application. E+W

(1) This Act may be cited as the Administration of Justice Act 1920.

(2) F21

(3) This Act, except Part II. thereof, applies only to England and Wales.

Textual Amendments

F21 S. 21(2) repealed by Statute Law Revision Act 1927 (c. 42), **Sch. Pt. I**

Modifications etc. (not altering text)

C4 Unreliable marginal note.

Changes to legislation: *There are currently no known outstanding effects for the Administration of Justice Act 1920. (See end of Document for details)*

SCHEDULE E+W

. . . [F22]

Textual Amendments

F22 Sch. repealed by Statute Law Revision Act 1927 (c. 42)

Changes to legislation:
There are currently no known outstanding effects for the Administration of Justice Act 1920.