



# Foreign Judgments (Reciprocal Enforcement) Act 1933

## 1933 CHAPTER 13

### PART II

#### *Miscellaneous and General*

#### **8 General effect of certain foreign judgments**

- (1) Subject to the provisions of this section, a judgment to which Part I of this Act applies or would have applied if a sum of money had been payable thereunder, whether it can be registered or not, and whether, if it can be registered, it is registered or not, shall be recognised in any court in the United Kingdom as conclusive between the parties thereto in all proceedings founded on the same cause of action and may be relied on by way of defence or counter-claim in any such proceedings.
- (2) This section shall not apply in the case of any judgment—
  - (a) where the judgment has been registered and the registration thereof has been set aside on some ground other than—
    - (i) that a sum of money was not payable under the judgment; or
    - (ii) that the judgment had been wholly or partly satisfied; or
    - (iii) that at the date of the application the judgment could not be enforced by execution in the country of the original court; or
  - (b) where the judgment has not been registered, it is shown (whether it could have been registered or not) that if it had been registered the registration thereof would have been set aside on an application for that purpose on some ground other than one of the grounds specified in paragraph (a) of this subsection.
- (3) Nothing in this section shall be taken to prevent any court in the United Kingdom recognising any judgment as conclusive of any matter of law or fact decided therein if that judgment would have been so recognised before the passing of this Act.

## **9 Power to make foreign judgments unenforceable in United Kingdom if no reciprocity**

- (1) If it appears to His Majesty that the treatment in respect of recognition and enforcement accorded by the courts of any foreign country to judgments given in the superior courts of the United Kingdom is substantially less favourable than that accorded by the courts of the United Kingdom to judgments of the superior courts of that country, His Majesty may by Order in Council apply this section to that country.
- (2) Except in so far as His Majesty may by Order in Council under this section otherwise direct, no proceedings shall be entertained in any court in the United Kingdom for the recovery of any sum alleged to be payable under a judgment given in a court of a country to which this section applies.
- (3) His Majesty may by a subsequent Order in Council vary or revoke any Order previously made under this section.

## **10 Issue of certificates of judgments obtained in the United Kingdom**

Where a judgment 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, has been entered in the High Court against any person and the judgment creditor is desirous of enforcing the judgment in a foreign country to which Part I of this Act applies, the court shall, on an application made by the judgment creditor and on payment of such fee as may be fixed for the purposes of this section under section two hundred and thirteen of the Supreme Court of Judicature (Consolidation) Act, 1925, issue to the judgment creditor a certified copy of the judgment, together with a certificate containing such particulars with respect to the action, including the causes of action, and the rate of interest, if any, payable on the sum payable under the judgment, as may be prescribed :

Provided that, where execution of a judgment is stayed for any period pending an appeal or for any other reason, an application shall not be made under this section with respect to the judgment until the expiration of that period.

## **11 Interpretation**

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—
  - " Appeal " includes any proceeding by way of discharging or setting aside a judgment or an application for a new trial or a stay of execution;
  - " Country of the original court " means the country in which the original court is situated;
  - " Judgment " means a judgment or order given or made by a court in any civil proceedings, or a judgment or order given or made by a court in any criminal proceedings for the payment of a sum of money in respect of compensation or damages to an injured party;
  - " Judgment creditor " means the person in whose favour the judgment was given and includes any person in whom the rights under the judgment have become vested by succession or assignment or otherwise;
  - " Judgment debtor " means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable under the law of the original court;

" Judgments given in the superior courts of the United Kingdom " means judgments given in the High Court in England, the Court of Session in Scotland, the High Court in Northern Ireland, the Court of Chancery of the County Palatine of Lancaster or the Court of Chancery of the County Palatine of Durham, and includes judgments given in any courts on appeals against any judgments so given;

" Original court " in relation to any judgment means the court by which the judgment was given;

" Prescribed " means prescribed by rules of court;

" Registration " means registration under Part I of this Act, and the expressions "register" and "registered " shall be construed accordingly;

" Registering court " in relation to any judgment means the court to which an application to register the judgment is made.

- (2) For the purposes of this Act, the expression " action in personam " shall not be deemed to include any matrimonial cause or any proceedings in connection with any of the following matters, that is to say, matrimonial matters, administration of the estates of deceased persons, bankruptcy, winding up of companies, lunacy, or guardianship of infants.

## **12 Application to Scotland**

This Act in its application to Scotland shall have effect subject to the following modifications :—

- (a) For any reference to the High Court (except in section eleven of this Act) there shall be substituted a reference to the Court of Session:
- (b) The Court of Session shall, subject to the provisions of subsection (2) of section three of this Act, have power by Act of Sederunt to make rules for the purposes specified in subsection (1) of the said section:
- (c) Registration under Part I of this Act shall be effected by registering in the Books of Council and Session or in such manner as the Court of Session may by Act of Sederunt prescribe:
- (d) For any reference to section two hundred and thirteen of the Supreme Court of Judicature (Consolidation) Act, 1925, there shall be substituted a reference to the Courts of Law Fees (Scotland) Act, 1895:
- (e) For any reference to the entering of a judgment there shall be substituted a reference to the signing of the interlocutor embodying the judgment.

## **13 Application to Northern Ireland**

This Act in its application to Northern Ireland shall have effect subject to the following modifications :—

- (a) References to the High Court shall, unless the context otherwise requires, be construed as references to the High Court in Northern Ireland:
- (b) For the references to section ninety-nine and section two hundred and thirteen of the Supreme Court of Judicature (Consolidation) Act, 1925, there shall be substituted respectively references to section sixty-one and section eighty-four of the Supreme Court of Judicature Act (Ireland), 1877, as amended by any subsequent enactment.

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

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**14 Short title**

This Act may be cited as the Foreign Judgments (Reciprocal Enforcement) Act, 1933.