
STATUTORY INSTRUMENTS

1972 No. 1590

EUROPEAN COMMUNITIES

**The European Communities (Enforcement
of Community Judgments) Order 1972**

Made - - - - 23rd October 1972
Laid before Parliament 31st October 1972
Coming into Operation in accordance with Article 1

At the Court at Windsor Castle, the 23rd day of October 1972

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 2(2) of the European Communities Act 1972, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1. This Order may be cited as the European Communities (Enforcement of Community Judgments) Order 1972 and shall come into operation on the date on which the United Kingdom becomes a member of the European Communities.

Interpretation

2.—(1) In this Order—

“Community judgment” means any decision, judgment or order which is enforceable under or in accordance with Article 187 or 192 of the E.E.C. Treaty, Article 18, 159 or 164 of the Euratom Treaty or Article 44 or 92 of the E.C.S.C. Treaty;

“Euratom inspection order” means an order made by or in the exercise of the functions of the President of the European Court or by the Commission of the European Communities under Article 81 of the Euratom Treaty;

“order for enforcement” means an order by or under the authority of the Secretary of State that the Community judgment to which it is appended is to be registered for enforcement in the United Kingdom; and

“the High Court” means in England and in Northern Ireland the High Court and in Scotland the Court of Session.

(2) The Interpretation Act 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Registration of Community judgments and orders

3.—(1) The High Court shall, upon application duly made for the purpose by the person entitled to enforce it, forthwith register any Community judgment to which the Secretary of State has appended an order for enforcement or any Euratom inspection order.

(2) Where a sum of money is payable under a Community judgment which is to be registered, the judgment shall be registered as if it were a judgment for such sum in the currency of the United Kingdom as, on the basis of the rate of exchange prevailing at the date when the Community judgment was originally given, is equivalent to the sum so payable.

(3) Rules of court shall be made requiring notice to be given of the registration of a Community judgment or Euratom inspection order to the persons against whom the judgment was given or the order was made.

(4) Where it appears that a Community judgment under which a sum of money is payable has been partly satisfied at the date of the application for its registration, the judgment shall be registered only in respect of the balance remaining payable at that date.

(5) Where, after the date of registration of a Community judgment under which a sum of money is payable, it is shown that at that date the judgment had been partly or wholly satisfied, the registration shall be varied or cancelled accordingly with effect from that date.

Effect of registration of Community judgment

4. A Community judgment registered in accordance with Article 3 shall, for all purposes of execution, be of the same force and effect, and proceedings may be taken on the judgment, and any sum payable under the judgment shall carry interest, as if the judgment had been a judgment or order given or made by the High Court on the date of registration.

Suspension of enforcement of Community judgments

5. An order of the European Court that enforcement of a registered Community judgment be suspended shall, on production to the High Court, be registered forthwith and shall be of the same effect as if the order had been an order made by the High Court on the date of its registration staying or sisting the execution of the judgment for the same period and on the same conditions as are stated in the order of the European Court; and no steps to enforce the judgment shall thereafter be taken while such an order remains in force.

Effect of registration of Euratom inspection order

6. Upon registration of a Euratom inspection order in accordance with Article 3, the High Court may make such order as it thinks fit against any person for the purpose of ensuring that effect is given to the Euratom inspection order.

W.G. Agnew

EXPLANATORY NOTE

This Order, which is made under the European Communities Act 1972, concerns obligations of the United Kingdom which arise under the Community Treaties by virtue of provisions in those Treaties which make certain decisions, judgments and order of Community institutions enforceable in Member States in accordance with their national law.

The Order provides for the registration in the High Court in England and Northern Ireland and the Court of Session in Scotland of Community judgments and orders to which the Secretary of State has duly appended an order for enforcement. They are then enforceable, subject to the Treaties, as if they were judgments or orders of the Court in which they are registered.