
STATUTORY INSTRUMENTS

1981 No. 735

JUDGMENTS

**The Reciprocal Enforcement of Foreign
Judgments (Suriname) Order 1981**

Made - - - - 13th May 1981

Coming into Operation 13th May 1981

At the Court at Buckingham Palace, the 13th day of May 1981

Present,

The Queen's Most Excellent Majesty in Council

Whereas an Exchange of Notes, a copy whereof is set out in Schedule 1 to this Order, took place on 2nd September 1970 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of the Netherlands⁽¹⁾ extending the Convention providing for the Reciprocal Recognition and Enforcement of Judgments in Civil Matters signed at The Hague on 17th November 1967⁽²⁾ to the territory of Suriname, then part of the Kingdom of the Netherlands:

And whereas on 25th November 1975 the territory of Suriname became the sovereign State of the Republic of Suriname and the Government of the Republic of Suriname declared in its communication of 29th November 1975 to the Secretary-General of the United Nations, a copy whereof is set out in Part I of Schedule 2 to this Order, that it be presumed that the Republic of Suriname has succeeded to the rights and obligations of the Kingdom of the Netherlands in respect of the said Convention:

And whereas by Note of 17th May 1980, a copy whereof is set out in Part II of Schedule 2 to this Order, the Government of the Republic of Suriname informed the Government of the United Kingdom that, in the event of a decision by the Government of the Republic of Suriname to make a declaration of non-succession in respect of the said Convention, it will take into account a six months' period of notice:

And whereas Her Majesty is satisfied that, in the event of Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933 being extended to judgments given in the superior courts of the Republic of Suriname, substantial reciprocity of treatment will, under the terms of the said Convention, be assured as respects the enforcement in the Republic of Suriname of judgments given in the superior courts of the United Kingdom; and is accordingly minded to direct that Part I of the said Act shall extend to the Republic of Suriname:

And whereas it is expedient to specify the courts in the Republic of Suriname which are, for the purposes of that Act, to be deemed to be superior courts, and necessary, in order to give effect to

(1) Cmnd. 4504.
(2) Cmnd. 4148.

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the said Convention, to make certain provisions in relation to matters with respect to which there is power to make rules of court for the purpose of Part I of the said Act:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by sections 1 and 3 of the said Act, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Reciprocal Enforcement of Foreign Judgments (Suriname) Order 1981 and shall come into operation on 13th May 1981.

2. Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933 shall extend to the Republic of Suriname.

3. The following courts of the Republic of Suriname shall be deemed superior courts of the Republic of Suriname for the purposes of Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933, that is to say:—

The Hof van Justitie van Suriname;

The Kantongerecht in het Eerste Kanton;

The Kantongerecht in het Derde Kanton.

4. No security for costs shall be required to be given by any person making application for the registration of a judgment of a superior court of the Republic of Suriname.

5. A judgment of a superior court of the Republic of Suriname shall, in the absence of proof to the contrary, be deemed to be capable of execution in the Republic of Suriname if a certified copy of the judgment is produced bearing the seal of the court and the executory formula “In naam van de Republiek”.

6. The rate of interest due under the law of the Republic of Suriname upon the sum in respect of which a judgment of a superior court of the Republic of Suriname is given shall be deemed to be that specified in the judgment or any certificate of the original court accompanying the judgment and, if no rate is so specified, no interest shall be deemed to be due thereon under the law of the Republic of Suriname.

7. A translation of the judgment of a superior court of the Republic of Suriname or of any other document accompanying an application for registration of such a judgment shall, if certified by a sworn translator or by a diplomatic or consular officer of either the United Kingdom or the Republic of Suriname, be accepted without further authentication.

N.E. Leigh
Clerk of the Privy Council

SCHEDULE 1

“Exchange of Notes

between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of the Netherlands extending to Suriname and the Netherlands Antilles the Convention of 17 November 1967 providing for the Reciprocal Recognition and Enforcement of Judgments in Civil Matters

No. 1

The Ambassador of the Netherlands to the Secretary of State for Foreign and Commonwealth Affairs

No. 15959

Royal Netherlands Embassy,

London, S.W.7.

2nd September, 1970.

Sir,

I have the honour to refer to the Convention between the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland providing for the Reciprocal Recognition and Enforcement of Judgments in Civil Matters, signed at The Hague on the 17th November, 1967.

I have been instructed by the Government of the Kingdom of the Netherlands to propose to the Government of the United Kingdom of Great Britain and Northern Ireland that the operation of the above-mentioned Convention be extended, at the request of the Government of Surinam and the Netherlands Antilles, to these parts of the Kingdom of the Netherlands outside Europe, in accordance with paragraph 1(b) of Article X of the Convention and under the following specification provided for in paragraph 2 of the said Article:

The courts to whose judgments the Convention shall apply are:

- (1) in the case of Surinam: the “Hof van Justitie van Suriname”, the “Kantongerecht in het Eerste Kanton” and the “Kantongerecht in het Derde Kanton”;
- (2) in the case of the Netherlands Antilles: the “Hoge Raad der Nederlanden”, the “Hof van Justitie der Nederlandse Antillen” and the “Gerecht in Eerste Aanleg”.

The courts to which application for registration of any judgment shall be made are:

- (1) in the case of Surinam: the “Hof van Justitie van Suriname”;
- (2) in the case of the Netherlands Antilles: the “Gerecht in Eerste Aanleg” having jurisdiction in the district where the judgment debtor has his domicile or has assets.

If the foregoing proposal is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour further to propose that the present Note together with your reply to that effect shall constitute an agreement between the two Governments in this matter, which shall enter into force, in accordance with paragraph 4 of Article X of the Convention, one month after the date of your reply and shall be subject to termination in conformity with paragraphs 5 and 6 of the said Article.

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I have the honour to be,
Sir,
Your obedient Servant,

J.L.R. HUYDECOPER

No. 2

The Secretary of State for Foreign and Commonwealth Affairs to the Ambassador of the Netherlands

Foreign and Commonwealth Office,
London, S.W.1.

2 September, 1970.

Sir,

I have the honour to acknowledge receipt of your Note No. 15959 of the 2nd of September, 1970, which reads as follows:

As in No. 1

In reply I have the honour to inform you that the proposals contained in the Note referred to above are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland. Your Note and the present reply shall therefore constitute an agreement between the two Governments in this matter, which shall enter into force, in accordance with paragraph 4 of Article X of the Convention, one month after the date of the present Note and shall be subject to termination in conformity with paragraphs 5 and 6 of the said Article.

I have the honour to be,
with high consideration,
Sir,
Your obedient Servant,
(For the Secretary of State)

H.V. RICHARDSON

SCHEDULE 2

“PART I

Declaration

addressed to the Secretary-General of the United Nations by the Republic of Suriname

No. 1475/Conf.

Paramaribo, 29th November 1975.

Your Excellency,

I have the honour to inform you that Suriname, the territory which was a part of the Kingdom of the Netherlands, has attained Independence on the 25th November 1975.

The Government of the Republic of Suriname, conscious of the desirability of maintaining existing legal relationship, and conscious of its obligation under International Law to honour its treaty commitments, acknowledges that treaty rights and obligations of the Government of the Kingdom of the Netherlands in respect of Suriname were succeeded by the Republic of Suriname upon Independence by virtue of customary International Law.

Since, however, it is likely that by virtue of customary International Law certain treaties may have lapsed at the date of Independence of Suriname, it seems essential that each treaty should be subjected to legal examination. It is proposed after this examination has been completed, to indicate which, if any, of the treaties which may have lapsed by customary International Law the Government of the Republic of Suriname wish to treat as having lapsed.

It is desired that it be presumed that each treaty has been legally succeeded to by the Republic of Suriname and that action be based upon this presumption until a decision is reached that it should be regarded as having lapsed. Should the Government of the Republic of Suriname be of the opinion it has legally succeeded to a treaty but subsequently wish to terminate its operation, the Government will in due course give notice of termination in the terms thereof.

The Government of the Republic of Suriname desires that this letter be circulated to all members of the United Nations and the United Nations' Specialised Agencies, so that they will be effected with notice of the attitude of the Government of the Republic of Suriname.

Yours sincerely,

H. ARRON
Prime Minister
Republic of Suriname

PART II

Note

addressed to the Government of the United Kingdom by the Government of the Republic of Suriname No. 2165

The Ministry for General and Foreign Affairs of the Republic of Suriname presents its compliments to the British Embassy in Guyana and with reference to its Note No. S4 of 19 February has the honour to inform as follows.

In the event of a decision by the Government of the Republic of Suriname to make a declaration of non-succession with respect to the Convention of 17 November 1967 between the Netherlands and the United Kingdom providing for the Reciprocal Recognition and Enforcement of Judgments, the Government will take into account a six months' period of notice, as provided in Article XI, being the period of notice for termination of said Convention.

The Ministry for General and Foreign Affairs of the Republic of Suriname avails itself of this opportunity to renew to the British Embassy the assurance of its highest consideration.

Paramaribo, 17 May 1980"

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EXPLANATORY NOTE

This Order extends Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933 to the judgments of the superior courts of the Republic of Suriname and makes certain provisions regarding the registration and enforcement of such judgments.

Relevant judgments given after the 12th May 1981 will be enforceable in the United Kingdom upon registration in the High Court, the Court of Session or the High Court in Northern Ireland.