



# Foreign Judgments (Reciprocal Enforcement) Act 1933

1933 CHAPTER 13 23 and 24 Geo 5

## 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.

*Changes to legislation: There are currently no known outstanding effects for the Foreign Judgments (Reciprocal Enforcement) Act 1933, Part II. (See end of Document for details)*

## 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 <sup>F1</sup> . . . courts of the United Kingdom is substantially less favourable than that accorded by the courts of the United Kingdom to judgments of the <sup>F1</sup> . . . 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.

### Textual Amendments

- F1** Word repealed by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), ss. 35(1), 54, Sch. 10 para. 2, [Sch. 14](#)

## [<sup>F2</sup>10 Provision for issue of copies of, and certificates in connection with, U.K. judgments.

- (1) Rules may make provision for enabling any judgment creditor wishing to secure the enforcement in a foreign country to which Part I of this Act extends of a judgment to which this subsection applies, to obtain, subject to any conditions specified in the rules—
  - (a) a copy of the judgment; and
  - (b) a certificate giving particulars relating to the judgment and the proceedings in which it was given.
- (2) Subsection (1) applies to any judgment given by a court or tribunal in the United Kingdom 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.
- (3) In this section “rules”—
  - (a) in relation to judgments given by a court, means rules of court;
  - (b) in relation to judgments given by any other tribunal, means rules or regulations made by the authority having power to make rules or regulations regulating the procedure of that tribunal]

### Textual Amendments

- F2** [S. 10](#) substituted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), s. 35(1), [Sch. 10 para. 3](#)

## [<sup>F3</sup>10A Arbitration awards.

The provisions of this Act, except sections 1(5) and 6, shall apply, as they apply to a judgment, in relation to an award in proceedings on an arbitration which has, in

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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.]

**Textual Amendments**

**F3** S. 10A inserted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), s. 35(1), [Sch. 10 para. 4](#)

**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;

[<sup>F4</sup>“Court”, except in section 10 of this Act, includes a tribunal;]

“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;

<sup>F5</sup> .....

“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.

**Textual Amendments**

**F4** Definition inserted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), s. 35(1), [Sch. 10 para. 5\(2\)](#)

**F5** Definition repealed by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), s. 35(1), [Sch. 10 para. 5\(3\)](#)

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**Modifications etc. (not altering text)**

**C1** S. 11 extended by [Isle of Man Act 1979 \(c. 58, SIF 29:4\)](#), s. 4

**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 <sup>F6</sup> . . . 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:
- <sup>F7</sup>(d) . . . . .
- (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.

**Textual Amendments**

**F6** Words repealed by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), s. 35(1), **Sch. 14**

**F7** S. 12(d) repealed by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), s. 35(1), **Sch. 14**

**Modifications etc. (not altering text)**

**C2** S. 12 extended by [Isle of Man Act 1979 \(c. 58, SIF 29:4\)](#), s. 4

**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 <sup>F8</sup> . . . of the <sup>M1</sup>Supreme Court of Judicature (Consolidation) Act 1925, there shall be substituted [<sup>F9F8</sup> . . . , references to sections 55 <sup>F8</sup> . . . of the <sup>M2</sup>Judicature (Northern Ireland) Act 1978].

**Textual Amendments**

**F8** Words repealed by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), s. 35(1), **Sch. 14**

**F9** Words substituted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), s. 123(2), **Sch. 5 Pt. II**

**Modifications etc. (not altering text)**

**C3** S. 13 extended by [Isle of Man Act 1979 \(c. 58, SIF 29:4\)](#), s. 4

**Marginal Citations**

**M1** 1925 c. 49.

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**M2** [1978 c. 23.](#)

**14 Short title.**

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

**Changes to legislation:**

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