
EXPLANATORY NOTE

(This note is not part of the Order)

This Order replaces the Reciprocal Enforcement of Judgments (Australian Capital Territory) Order 1955 and the arrangements under Part II of the Administration of Justice Act 1920 which applied to the rest of Australia. Pursuant to an agreement between the governments of the United Kingdom and of Australia, it provides for the extension of Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933 to the judgments of designated courts of Australia, so as to enable such judgments to be registered and enforced in the United Kingdom. Substantial reciprocity will be accorded in Australia to judgments of designated courts of the United Kingdom. The Order also (in article 8(b)) gives effect to an undertaking given by the United Kingdom in Article 3 of the Agreement that it will not recognise or enforce judgments given against Australian residents by other States parties to the convention on jurisdiction and the enforcement of judgments in civil and commercial matters signed at Brussels on 27th September 1968 if the judgment could only have been based on a ground of jurisdiction specified in the second paragraph of Article 3 of that convention (which specifies certain exorbitant jurisdictions).

Relevant judgments given after the coming into force of this Order will be enforced in the United Kingdom upon registration in the High Court, the Court of Session or the High Court of Justice in Northern Ireland, as the case may be.