

## SCHEDULE 1

### RSC ORDER 71

#### RECIPROCAL ENFORCEMENT OF JUDGMENTS AND ENFORCEMENT OF EUROPEAN COMMUNITY JUDGMENTS AND RECOMMENDATIONS ETC. UNDER THE MERCHANT SHIPPING (LINER CONFERENCES) ACT 1982(1)

#### **I. Reciprocal Enforcement: the Administration of Justice Act 1920(2) and the Foreign Judgments (Reciprocal Enforcement) Act 1933(3)**

##### **Powers under relevant Acts exercisable by judge or master**

**Rule 1** The powers conferred on the High Court by Part II of the Administration of Justice Act 1920 (in this Part of this Order referred to as the “Act of 1920”) or Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933 (in this Part of this Order referred to as the “Act of 1933”) may be exercised by a judge and a master of the Queen’s Bench Division sitting in private.

##### **Application for registration**

**Rule 2.**—(1) An application—

- (a) under section 9 of the Act of 1920, in respect of a judgment obtained in a superior court in any part of Her Majesty’s dominions or other territory to which Part II of that Act applies; or
- (b) under section 2 of the Act of 1933, in respect of a judgment to which Part I of that Act applies,

to have the judgment registered in the High Court may be made without notice being served on any other party, but the Court hearing the application may direct that a claim form be filed and served.

##### **Evidence in support of application**

**Rule 3.**—(1) An application for registration must be supported by a witness statement or affidavit—

- (a) exhibiting the judgment or a verified or certified or otherwise duly authenticated copy thereof, and where the judgment is not in the English language, a translation thereof in that language certified by a notary public or authenticated by witness statement or affidavit;
- (b) stating the name, trade or business and the usual or last known place of abode or business of the judgment creditor and the judgment debtor respectively, so far as known to the witness;
- (c) stating to the best of the information or belief of the witness—
  - (i) that the judgment creditor is entitled to enforce the judgment;
  - (ii) as the case may require, either that at the date of the application the judgment has not been satisfied, or the amount in respect of which it remains unsatisfied;

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(1)

1982 c. 37.

(2) 1920 c. 81.

(3) 1933 c. 13, section 2 was amended by the Administration of Justice Act 1977 (c. 38), section 4, 32(4), schedule 5, Part 1; section 4 was amended by the Civil Jurisdiction and Judgments Act 1982 (c. 27), section 54, schedule 14.

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- (iii) where the application is made under the Act of 1920, that the judgment does not fall within any of the cases in which a judgment may not be ordered to be registered under section 9 of that Act;
- (iv) where the application is made under the Act of 1933, that at the date of the application the judgment can be enforced by execution in the country of the original court and that, if it were registered, the registration would not be, or be liable to be, set aside under section 4 of that Act;
- (d) specifying, where the application is made under the Act of 1933, the amount of the interest, if any, which under the law of the country of the original court has become due under the judgment up to the time of registration;
- (e) verifying that the judgment is not a judgment to which section 5 of the Protection of Trading Interests Act 1980(4) applies.

(2) Where a judgment sought to be registered under the Act of 1933 is in respect of different matters, and some, but not all, of the provisions of the judgment are such that if those provisions had been contained in separate judgments, those judgments could properly have been registered, the witness statement or affidavit must state the provisions in respect of which it is sought to register the judgment.

(3) In the case of an application under the Act of 1933, the witness statement or affidavit must be accompanied by such other evidence with respect to the enforceability of the judgment by execution in the country of the original court, and of the law of that country under which any interest has become due under the judgment, as may be required having regard to the provisions of the Order in Council extending that Act to that country.

### **Security for costs**

**Rule 4** Save as otherwise provided by any relevant Order in Council, the Court may order the judgment creditor to give security for the costs of the application for registration and of any proceedings which may be brought to set aside the registration.

### **Order for registration**

**Rule 5.**—(1) An order giving permission to register a judgment must be drawn up by, or on behalf of, the judgment creditor.

(2) Except where the order is made by claim form, no such order need be served on the judgment debtor.

(3) Every such order shall state the period within which an application may be made to set aside the registration and shall contain a notification that execution on the judgment will not issue until after the expiration of that period.

(4) The Court may, on an application made at any time while it remains competent for any party to apply to have the registration set aside, extend the period (either as originally fixed or as subsequently extended) within which an application to have the registration set aside may be made.

### **Register of judgments**

**Rule 6.**—(1) There shall be kept in the Central Office of the Supreme Court under the direction of the Senior Master a register of the judgments ordered to be registered under the Act of 1920 and a register of the judgments ordered to be registered under the Act of 1933.

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(4) 1980 c. 11.

(2) There shall be included in each such register particulars of any execution issued on a judgment ordered to be so registered.

### **Notice of registration**

**Rule 7.**—(1) Notice of the registration of a judgment must be served on the judgment debtor by delivering it to him personally or by sending it to him at his usual or last known place of abode or business or in such other manner as the Court may direct.

(2) Permission is not required to serve such a notice out of the jurisdiction, and Order 11, rules 5, 6 and 8, shall apply in relation to such a notice as they apply in relation to a claim form.

(3) The notice of registration must state—

- (a) full particulars of the judgment registered and the order for registration;
- (b) the name and address of the judgment creditor or of his solicitor or agent on whom, and at which, any application notice or other document issued by the judgment debtor may be served;
- (c) the right of the judgment debtor to apply to have the registration set aside; and
- (d) the period within which an application to set aside the registration may be made.

### **Application to set aside registration**

**Rule 9.**—(1) An application to set aside the registration of a judgment must be made in accordance with CPR Part 23 and be supported by witness statement or affidavit.

(2) The Court hearing such application may order any issue between the judgment creditor and the judgment debtor to be tried in any manner in which an issue in a claim may be ordered to be tried.

(3) Where the Court hearing an application to set aside the registration of a judgment registered under the Act of 1920 is satisfied that the judgment falls within any of the cases in which a judgment may not be ordered to be registered under s.9 of that Act or that it is not just or convenient that the judgment should be enforced in England or Wales or that there is some other sufficient reason for setting aside the registration, it may order the registration of the judgment to be set aside on such terms as it thinks fit.

### **Issue of execution**

**Rule 10.**—(1) Execution shall not issue on a judgment registered under the Act of 1920 or the Act of 1933 until after the expiration of the period which, in accordance with rule 5 (3) is specified in the order for registration as the period within which an application may be made to set aside the registration or, if that period has been extended by the Court, until after the expiration of that period as so extended.

(2) If an application is made to set aside the registration of a judgment, execution on the judgment shall not issue until after such application is finally determined.

(3) Any party wishing to issue execution on a judgment registered under the Act of 1920 or the Act of 1933 must produce to the court officer a witness statement or affidavit of service of the notice of registration of the judgment and any order made by the Court in relation to the judgment.

### **Determination of certain questions**

**Rule 11** If, in any case under the Act of 1933, any question arises whether a foreign judgment can be enforced by execution in the country of the original court, or what interest is payable under a foreign judgment under the law of the original court, that question shall be determined in accordance

with the provisions in that behalf contained in the Order in Council extending Part I of that Act to that country.

### **Rules to have effect subject to Orders in Council**

**Rule 12** The foregoing rules shall, in relation to any judgment registered or sought to be registered under the Act of 1933, have effect subject to any such provisions contained in the Order in Council extending Part I of that Act to the country of the original court as are declared by the Order to be necessary for giving effect to the agreement made between Her Majesty and that country in relation to matters with respect to which there is power to make those rules.

### **Certified copy of High Court judgment**

**Rule 13.**—(1) An application under section 10 of the Act of 1920 or section 10 of the Act of 1933 for a certified copy of a judgment entered in the High Court must be made without notice being served on any other party on witness statement or affidavit to a master or, in the case of a judgment given in proceedings in the Family Division, to a district judge of that Division.

(2) A witness statement or affidavit by which an application under section 10 of the Act of 1920 is made must give particulars of the judgment, show that the judgment creditor wishes to secure the enforcement of the judgment in a part (stating which) of Her Majesty's dominions outside the United Kingdom to which Part II of that Act extends and state the name, trade or business and the usual or last known place of abode of the judgment creditor and the judgment debtor respectively, so far as known to the witness.

(3) A witness statement or affidavit by which an application under section 10 of the Act of 1933 is made must—

- (a) give particulars of the proceedings in which the judgment was obtained;
- (b) have annexed to it a copy of the claim form by which the proceedings were begun, the evidence of service thereof on the defendant, copies of the statements of case or pleadings, if any, and a statement of the grounds on which the judgment was based;
- (c) state whether the defendant did or did not object to the jurisdiction, and, if so, on what grounds;
- (d) show that the judgment is not subject to any stay of execution;
- (e) state that the time for appealing has expired or, as the case may be, the date on which it will expire and in either case whether notice of appeal against the judgment has been entered; and
- (f) state the rate at which the judgment carries interest.

(4) The certified copy of the judgment shall be an office copy sealed with the seal of the Supreme Court and indorsed with a certificate signed by a master or, where appropriate, a district judge or a registrar certifying that the copy is a true copy of a judgment obtained in the High Court of England and that it is issued in accordance with section 10 of the Act of 1920 or section 10 of the Act of 1933, as the case may be.

(5) Where the application is made under section 10 of the Act of 1933 there shall also be issued a certificate (signed by a master or, where appropriate, a district judge or a registrar and sealed with the seal of the Supreme Court) having annexed to it a copy of the claim form or other process by which the proceedings were begun, and stating—

- (a) the manner in which the claim form was served on the defendant or that the defendant acknowledged service thereof;
- (b) what objections, if any, were made to the jurisdiction;
- (c) what statements of case, if any, were served;

- (d) the grounds on which the judgment was based;
  - (e) that the time for appealing has expired or, as the case may be, the date on which it will expire;
  - (f) whether notice of appeal against the judgment has been entered; and
  - (g) such other particulars as it may be necessary to give to the court in the foreign country in which it is sought to obtain execution of the judgment,
- and a certificate (signed and sealed as aforesaid) stating the rate at which the judgment carries interest.

## **II. Enforcement of European Community Judgments**

### **Interpretation**

**Rule 15** In this Part of this Order “the Order in Council” means the European Communities (Enforcement of Community Judgments) Order 1972(5), and expressions used in the Order in Council shall, unless the context otherwise requires, have the same meanings as in that Order.

### **Functions under Order in Council exercisable by judge or master**

**Rule 16** The functions assigned to the High Court by the Order in Council may be exercised by a judge and a master of the Queen’s Bench Division sitting in private.

### **Application for registration of Community judgment, etc.**

**Rule 17** An application for the registration in the High Court of a Community judgment or Euratom inspection order may be made without notice being served on any other party.

### **Evidence in support of application**

**Rule 18.**—(1) An application for registration must be supported by a witness statement or affidavit exhibiting—

- (a) the Community judgment and the order for its enforcement or, as the case may be, the Euratom inspection order or, in either case, a duly authenticated copy thereof, and
  - (b) where the Community judgment or Euratom inspection order is not in the English language, a translation into English certified by a notary public or authenticated by witness statement or affidavit.
- (2) Where the application is for registration of a Community judgment under which a sum of money is payable, the witness statement or affidavit shall also state—
- (a) the name and occupation and the usual or last known place of abode or business of the judgment debtor, so far as known to the witness; and
  - (b) to the best of the witness’s information and belief that at the date of the application the European Court has not suspended enforcement of the judgment and that the judgment is unsatisfied or, as the case may be, the amount in respect of which it remains unsatisfied.

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(5) [S.I. 1972/1590](#) as amended by [S.I. 1998/1259](#).

### **Register of judgments and orders**

**Rule 19.**—(1) There shall be kept in the Central Office of the Supreme Court under the direction of the Senior Master a register of the Community judgments and Euratom inspection orders registered under the Order in Council.

(2) There shall be included in the register particulars of any execution issued on a judgment so registered.

### **Notice of registration**

**Rule 20.**—(1) Upon registering a Community judgment or Euratom inspection order, the court shall forthwith send notice of the registration to every person against whom the judgment was given or the order was made.

(2) The notice of registration shall have annexed to it a copy of the registered Community judgment and the order for its enforcement or, as the case may be, a copy of the Euratom inspection order, and shall state the name and address of the person on whose application the judgment or order was registered or of his solicitor or agent on whom process may be served.

(3) Where the notice relates to a Community judgment under which a sum of money is payable, it shall also state that the judgment debtor may apply within 28 days of the date of the notice, or thereafter with the permission of the Court, for the variation or cancellation of the registration on the ground that the judgment had been partly or wholly satisfied at the date of registration.

### **Issue of execution**

**Rule 21** Execution shall not issue without the permission of the Court on a Community judgment under which a sum of money is payable until the expiration of 28 days after the date of notice of registration of the judgment or, as the case may be, until any application made within that period for the variation or cancellation of the registration has been determined.

### **Application to vary or cancel registration**

**Rule 22** An application for the variation or cancellation of the registration of a Community judgment on the ground that the judgment had been wholly or partly satisfied at the date of registration shall be made by claim form supported by witness statement or affidavit.

### **Application for registration of suspension order**

**Rule 23** An application for the registration in the High Court of an order of the European Court that enforcement of a registered Community judgment be suspended may be made without notice being served on any other party by lodging a copy of the order in the Central Office of the Supreme Court.

### **Application for enforcement of Euratom inspection order**

**Rule 24** An application for an order under Article 6 of the Order in Council for the purpose of ensuring that effect is given to a Euratom inspection order may, in case of urgency, be made without notice being served on any other party on witness statement or affidavit but, except as aforesaid, shall be made by claim form.

## **III. Reciprocal Enforcement: the Civil Jurisdiction and Judgments Act 1982(6)**

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(6) 1982 c. 27; section 1 was amended by S.I. 1989/1346, 1990/2591, and by the Civil Jurisdiction and Judgments Act 1991 (c. 12), section 2.

## **Interpretation**

**Rule 25.**—(1) In this Part of this Order—

“the Act of 1982” means the Civil Jurisdiction and Judgments Act 1982:

“Convention territory” means the territory or territories of any Contracting State, as defined by s.1 (3) of the Act of 1982, to which the Brussels Convention or the Lugano Convention as defined in s.1 (1) of the Act of 1982 apply;

“judgment” is to be construed in accordance with the definition of “judgment” in s.50 of the Act of 1982;

“money provision” means a provision for the payment of one or more sums of money;

“non-money provision” means a provision for any relief or remedy not requiring payment of a sum of money;

“protective measures” means the protective measures referred to in Art 39 of Schedule 1 or of Schedule 3C to the Act of 1982.

(2) For the purposes of this Part of this Order domicile is to be determined in accordance with the provisions of ss.41 to 46 of the Act of 1982.

## **Assignment of business and exercise of powers**

**Rule 26** Any application to the High Court under the Act of 1982 shall be assigned to the Queen’s Bench Division.

## **Application for registration**

**Rule 27** An application for registration of a judgment under s.4 of the Act of 1982 shall be made without notice being served on any other party.

## **Evidence in support of application**

**Rule 28.**—(1) An application for registration under s.4 of the Act of 1982 must be supported by a witness statement or affidavit—

(a) exhibiting—

- (i) the judgment or a verified or certified or otherwise duly authenticated copy thereof together with such other document or documents as may be requisite to show that, according to the law of the State in which it has been given, the judgment is enforceable and has been served;
- (ii) in the case of a judgment given in default, the original or a certified true copy of the document which establishes that the party in default was served with the document instituting the proceedings or with an equivalent document;
- (iii) where it is the case, a document showing that the party making the application is in receipt of legal aid in the State in which the judgment was given;
- (iv) where the judgment or document is not in the English language, a translation thereof into English certified by a notary public or a person qualified for the purpose in one of the Contracting States or authenticated by witness statement or affidavit;

(b) stating—

- (i) whether the judgment provides for the payment of a sum or sums of money;
- (ii) whether interest is recoverable on the judgment or part thereof in accordance with the law of the State in which the judgment was given, and if such be the case, the

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rate of interest, the date from which interest is recoverable, and the date on which interest ceases to accrue;

- (c) giving an address within the jurisdiction of the Court for service of process on the party making the application and stating, so far as is known to the witness, the name and the usual or last known address or place of business of the person against whom judgment was given;
  - (d) stating to the best of the information or belief of the witness—
    - (i) the grounds on which the right to enforce the judgment is vested in the party making the application;
    - (ii) as the case may require, either that at the date of the application the judgment has not been satisfied, or the part or amount in respect of which it remains unsatisfied.
- (2) Where the party making the application does not produce the documents referred to in paragraphs (1)(a)(ii) and (iii) of this rule, the Court may—
- (a) fix a time within which the documents are to be produced; or
  - (b) accept equivalent documents; or
  - (c) dispense with production of the documents.

### **Security for costs**

**Rule 29** Notwithstanding the provisions of Order 23 a party making an application for registration under section 4 of the Act of 1982 shall not be required solely on the ground that he is not domiciled or resident within the jurisdiction, to give security for costs of the application.

### **Order for registration**

**Rule 30.**—(1) An order giving permission to register a judgment under section 4 of the Act of 1982 must be drawn up by or on behalf of the party making the application for registration.

(2) Every such order shall state the period within which an appeal may be made against the order for registration and shall contain a notification that execution on the judgment will not issue until after the expiration of that period.

(3) The notification referred to in paragraph (2) shall not prevent any application for protective measures pending final determination of any issue relating to enforcement of the judgment.

### **Register of judgments registered under s.4 of the Act of 1982**

**Rule 31** There shall be kept in the Central Office of the Supreme Court under the direction of the Senior Master a register of the judgments ordered to be registered under section 4 of the Act of 1982.

### **Notice of registration**

**Rule 32.**—(1) Notice of the registration of a judgment must be served on the person against whom judgment was given by delivering it to him personally or by sending it to him at his usual or last known address or place of business or in such other manner as the Court may direct.

(2) Permission is not required to serve such a notice out of the jurisdiction and Order 11, rules 5, 6 and 8 shall apply in relation to such a notice as they apply in relation to a claim form.

- (3) The notice of registration must state—
  - (a) full particulars of the judgment registered and the order for registration;
  - (b) the name of the party making the application and his address for service within the jurisdiction;



- (c) the right of the person against whom judgment was given to appeal against the order for registration; and
- (d) the period within which an appeal against the order for registration may be made.

### **Appeals**

**Rule 33.**—(1) An appeal under Article 37 or Article 40 of Schedule 1 or 3C to the Act of 1982 must be made to a judge by application in accordance with CPR Part 23.

(2) A claim form in an appeal to which this rule applies must be served—

- (a) in the case of an appeal under the said Article 37 of Schedule 1 or 3C, within one month of service of notice of registration of the judgment, or two months of service of such notice where that notice was served on a party not domiciled within the jurisdiction;
- (b) in the case of an appeal under the said Article 40 of Schedule 1 or 3C, within one month of the determination of the application under rule 27.

(3) If the party against whom judgment was given is not domiciled in a Convention territory and an application is made within two months of service of notice of registration, the Court may extend the period within which an appeal may be made against the order for registration.

### **Issue of execution**

**Rule 34.**—(1) Execution shall not issue on a judgment registered under s.4 of the Act of 1982 until after the expiration of the period specified in accordance with rule 30 (2) or, if that period has been extended by the Court, until after the expiration of the period so extended.

(2) If an appeal is made under rule 33 (1) execution on the judgment shall not issue until after such appeal is determined.

(3) Any party wishing to issue execution on a judgment registered under section 4 of the Act of 1982 must produce to the court officer a witness statement or affidavit of service of the notice of registration of the judgment and of any order made by the Court in relation to the judgment.

(4) Nothing in this rule shall prevent the Court from granting protective measures pending final determination of any issue relating to enforcement of the judgment.

### **Application for recognition**

**Rule 35.**—(1) Registration of the judgment under these rules shall serve for the purposes of the second paragraph of Article 26 of Schedule 1 or 3C to the Act of 1982 as a decision that the judgment is recognised.

(2) Where it is sought to apply for recognition of a judgment, the foregoing rules of this Order shall apply to such application as they apply to an application for registration under section 4 of the Act, with the exception that the applicant shall not be required to produce a document or documents which establish that according to the law of the State in which it has been given the judgment is enforceable and has been served, or the document referred to in rule 28 (1)(a)(iii).

### **Enforcement of High Court judgments in other Contracting States**

**Rule 36.**—(1) An application under section 12 of the Act of 1982 for a certified copy of a judgment entered in the High Court must be made without notice being served on any other party on witness statement or affidavit to the Court.

(2) a witness statement or affidavit by which an application under section 12 of the Act of 1982 is made must—

- (a) give particulars of the proceedings in which the judgment was obtained;

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- (b) have annexed to it a copy of the claim form, by which the proceedings were begun, the evidence of service thereof on the defendant, copies of the statements of case, if any, and a statement of the grounds on which the judgment was based together, where appropriate, with any document under which the applicant is entitled to legal aid or assistance by way of representation for the purposes of the proceedings;
- (c) state whether the defendant did or did not object to the jurisdiction, and, if so, on what grounds;
- (d) show that the judgment has been served in accordance with CPR Part 6 and CPR rule 40.4 and is not subject to any stay of execution;
- (e) state that the time for appealing has expired, or, as the case may be, the date on which it will expire and in either case whether notice of appeal against the judgment has been given; and
- (f) state—
  - (i) whether the judgment provides for the payment of a sum or sums of money;
  - (ii) whether interest is recoverable on the judgment or part thereof and if such be the case, the rate of interest, the date from which interest is recoverable, and the date on which interest ceases to accrue.

(3) The certified copy of the judgment shall be an office copy sealed with the seal of the Supreme Court and there shall be issued with the copy of the judgment a certificate in Form 110, signed by a High Court judge, the Admiralty Registrar, a master or a district judge and sealed with the seal of the Supreme Court, having annexed to it a copy of the claim form by which the proceedings were begun.

#### **Enforcement of United Kingdom judgments in other parts of the United Kingdom: money provisions**

**Rule 37.**—(1) An application for registration in the High Court of a certificate in respect of any money provisions contained in a judgment given in another part of the United Kingdom to which section 18 of the Act of 1982 applies may be made by producing at the Central Office of the Supreme Court, within six months from the date of its issue, a certificate in the appropriate form prescribed under that Act together with a copy thereof certified by the applicant's solicitor to be a true copy.

(2) A certificate under paragraph (1) must be filed in the Central Office of the Supreme Court and the certified copy thereof, sealed by an officer of the office in which the certificate is filed, shall be returned to the applicant's solicitor.

(3) A certificate in respect of any money provisions contained in a judgment of the High Court to which section 18 of the Act of 1982 applies may be obtained by producing the form of certificate prescribed in Form 111 at the office in which the judgment is entered, together with a witness statement or affidavit made by the party entitled to enforce the judgment—

- (a) giving particulars of the judgment, stating the sum or aggregate of the sums (including any costs or expenses) payable and unsatisfied under the money provisions contained in the judgment, the rate of interest, if any, payable thereon and the date or time from which any such interest began to accrue;
- (b) verifying that the time for appealing against the judgment has expired, or that any appeal brought has been finally disposed of and that enforcement of the judgment is not stayed or suspended; and
- (c) stating to the best of the information or belief of the witness the usual or last known address of the party entitled to enforce the judgment and of the party liable to execution on it.

### **Enforcement of United Kingdom judgments in other parts of the United Kingdom: non-money provisions**

**Rule 38.**—(1) An application for registration in the High Court of a judgment which contains non-money provisions, being a judgment given in another part of the United Kingdom to which section 18 of the Act of 1982 applies, may be made without notice being served on any other party, but the Court hearing the application may direct a claim form to be filed and served to which paragraphs (2) and (3) of rule 2 shall apply.

(2) An application under paragraph (1) must be accompanied by a certified copy of the judgment issued under Schedule 7 to the Act of 1982 and a certificate in the appropriate form prescribed for the purposes of paragraph 4 (1)(b) of that Schedule issued not more than six months before the date of application.

(3) Rules 30 and 32 of this Order shall apply to judgments registered under Schedule 7 to the Act of 1982 as they apply to judgments registered under section 4 of that Act.

(4) Paragraphs (1) and (2) of rule 9 shall apply to applications to set aside registration of a judgment under Schedule 7 to the Act of 1982 as they apply to judgments registered under the Administration of Justice Act 1920 and the Foreign Judgments (Reciprocal Enforcement) Act 1933.

(5) A certified copy of a judgment of the High Court to which section 18 of the Act of 1982 applies and which contains any non-money provision may be obtained by an application on witness statement or affidavit to the Court.

(5A) An application referred to in paragraph (5) need not be served on any other party.

(6) The requirements in paragraph (3) of rule 37 shall apply with the necessary modifications to a witness statement or affidavit made in an application under paragraph (5) of this rule.

(7) A certified copy of a judgment shall be an office copy sealed with the seal of the Supreme Court to which shall be annexed a certificate in Form 112.

### **Register of United Kingdom judgments**

**Rule 39** There shall be kept in the Central Office of the Supreme Court under the direction of the Senior Master a register of the certificates in respect of judgments and of the judgments ordered to be registered in the Central Office of the Supreme Court under Schedule 6, or, as the case may be, Schedule 7 to the Act.

### **Authentic Instruments and Court Settlements**

**Rule 39A** Rules 27 to 35 inclusive (except rule 28 (1)(a)(ii)) shall apply to:

(1) an authentic instrument to which either article 50 of Schedule 1 to the Act of 1982 or article 50 of Schedule 3C to the Act applies; and

(2) a settlement to which either article 51 of Schedule 1 to the Act of 1982 or article 51 of Schedule 3C to that Act applies,

as they apply to a judgment subject to any necessary modifications.

### **IV. Enforcement of Recommendations etc. Under the Merchant Shipping (Liner Conferences) Act 1982(7)**

### **Exercise of powers**

**Rule 40** The powers conferred on the High Court under the Merchant Shipping (Liner Conferences) Act 1982 (in this Part of this Order referred to as “the Act of 1982”) may be exercised by a Commercial Judge.

### **Application for registration**

**Rule 41** An application under section 9 of the Act of 1982 for the registration of a recommendation, determination or award, shall be made by claim form.

### **Evidence in support of application**

**Rule 42.**—(1) An application under section 9 of the Act of 1982 for the registration of a recommendation must be supported by a witness statement or affidavit—

- (a) exhibiting a verified or certified or otherwise duly authenticated copy of the recommendation and the reasons therefor and of the record of settlement;
- (b) where the recommendation and reasons or the record of settlement is not in the English language, a translation thereof into English certified by a notary public or authenticated by witness statement or affidavit;
- (c) exhibiting copies of the acceptance of the recommendation by the parties upon whom it is binding, where the acceptance was in writing, or otherwise verifying the acceptance;
- (d) giving particulars of the failure to implement the recommendation; and
- (e) verifying that none of the grounds which would render the recommendation unenforceable under section 9(2) of the Act of 1982 is applicable.

(2) An application under section 9 of the Act of 1982 for the registration of a determination or award as to costs must be supported by a witness statement or affidavit—

- (a) exhibiting a verified or certified or otherwise duly authenticated copy of the recommendation or other document containing the pronouncement on costs; and
- (b) stating that such costs have not been paid.

### **Order for registration**

**Rule 43.**—(1) An order giving permission to register a recommendation, determination or award under section 9 of the Act of 1982 must be drawn up by or on behalf of the party making the application for registration.

- (2) Such an order shall contain a provision that the reasonable costs of registration be taxed.

### **Register of recommendations etc.**

**Rule 44.**—(1) There shall be kept in the Admiralty and Commercial Registry under the direction of the Senior Master a register of the recommendations, determinations and awards ordered to be registered under section 9 of the Act of 1982.

(2) There shall be included in such register particulars of the enforcement of a recommendation, determination or award so registered.