

**COMMONWEALTH JUDGMENTS
(RECIPROCAL ENFORCEMENT) ACT**

CHAPTER 4:71

Act

L.I. 6 of 1922

Amended by
12 of 1990

Current Authorised Pages

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**Note
on
Section 5**

For Rules of Court made under section 5 of the Act, see Rules of the Supreme Court 1907 – Order XL1A (contained in volume V of the 1961 Edition at p.132).

CHAPTER 4:71

**COMMONWEALTH JUDGMENTS
(RECIPROCAL ENFORCEMENT) ACT**

ARRANGEMENT OF SECTIONS

SECTION

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2. Interpretation.
3. Enforcement in the State of judgments obtained in the United Kingdom.
4. Issue of certificates of judgments obtained in the State.
5. Power to make rules.
6. Extension of Act.

CHAPTER 4:71

COMMONWEALTH JUDGMENTS
(RECIPROCAL ENFORCEMENT) ACT

1961 Ed.
Cap 17.
6 of 1922.

AN ACT to make provision for the reciprocal enforcement in the State of judgments of Courts of the United Kingdom and other Commonwealth countries.

Commencement.

[14th April 1922]

Short title.

1. This Act may be cited as the –

COMMONWEALTH JUDGMENTS
(RECIPROCAL ENFORCEMENT) ACT.

Interpretation.

2. (1) In this Act –

“judgment” means any judgment or order given or made by a court in any civil proceedings, whether before or after the passing of this Act, whereby any sum of money is made payable, and includes an award in proceedings on an arbitration if the award has in pursuance of the law in force in the place where it was made, becomes enforceable in the same manner as a judgment given by a court in that place;

“judgment creditor” means the person by whom the judgment was obtained, and includes the successor and assigns of that person;

“judgment debtor” means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable in the place where it was given;

“original court” in relation to any judgment means the court by which the judgment was given;

(2) Subject to rules of court, any of the powers conferred by this Act on any court may be exercised by a judge of the court.

3. (1) Where a judgment has been obtained in the High Court in

the State of
judgments
obtained in the
United Kingdom.

England or Northern Ireland or in the Court of Session in Scotland the judgment creditor may apply to the High Court at any time within twelve months after the date of the judgment or such longer period as may be allowed by the Court to have the judgment registered in the High Court and on any such application the Court may, if in all the circum-

stances of the case it thinks it is just and convenient that the judgment should be enforced in the State and, subject to the provisions of this section, order the judgment to be registered accordingly.

(2) No judgment shall be ordered to be registered under this section if –

- (a) the original court acted without jurisdiction;
- (b) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit or agree to submit in the jurisdiction of that court;
- (c) the judgment debtor being the defendant in the proceedings, was not duly served with process of the original court and did not appear, notwithstanding that he was ordinarily resident or was carrying on business within the jurisdiction of that court or agree to submit to the jurisdiction of that court;
- (d) the judgment was obtained by fraud;
- (e) the judgment debtor satisfies the High Court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment; or
- (f) the judgment was in respect of a cause of action which for reasons of public policy or for some other similar reason could not have been entertained by the High Court.

(3) Where a judgment is registered under this section –

- (a) the judgment shall, as from the date of registration, be of the same force and effect, and proceedings may be taken thereon, as if it had been a judgment originally obtained or entered up on the date of registration in the High Court;
- (b) the High Court shall have the same control and jurisdiction over the judgment as it has over similar judgments given by itself, but in so far only as relates to execution under this section;
- (c) the reasonable costs of and incidental to the registration of the judgment (including the costs of obtaining a certified copy of the judgment from the original court and of the

application for registration) shall be recoverable in like manner as if they were sums payable under the judgment.

- (4) Rules of court shall provide –
- (a) for service on the judgment debtor of notice of the registration of judgment under this section;
 - (b) for enabling the High Court on an application by the judgment debtor to set aside the registration of a judgment under this section on such terms as the High Court thinks fit; and
 - (c) for suspending an execution of a judgment registered under this section until the expiration of the period during which the judgment debtor may apply to have the registration set aside.

(5) In any action brought in any court in the State on any judgment which might be ordered to be registered under this section, the plaintiff shall not be entitled to recover any costs of the action unless an application to register the judgment under this section has previously been refused, or unless the court otherwise orders.

Issue of certificates of judgments obtained in the State.

4. Where a judgment has been obtained in the High Court against any person, the Court shall, on an application made by the judgment creditor and on proof that the judgment debtor is resident in the United Kingdom, issue to the judgment creditor a certified copy of the judgment.

Power to make rules.

*5. Provision may be made by the rules of court for regulating the practice and procedure (including scales of fees and evidence), in respect of proceedings of any kind under this Act.

Extension of Act.
[12 of 1990].

6. Where the President is satisfied that reciprocal provisions have been made by the legislature of any Commonwealth territory other than the United Kingdom for the enforcement within that Commonwealth territory of judgments obtained in the High Court of the State, the President may by Order declare that this Act shall extend to judgments obtained in a superior court in that Commonwealth territory in the like manner as it extends to judgments obtained in a superior court in the United Kingdom, and in any case where such reciprocal provisions have not been made, the Act shall extend accordingly.**

*See Note on page 2.

**This Act has been extended to judgments obtained in Guyana, Grenada, St. Lucia, St. Vincent, Barbados, Jamaica, Bermuda, Belize, Trinidad, Bahamas, Nigeria, New South Wales, Singapore.

SUBSIDIARY LEGISLATION

**COMMONWEALTH JUDGMENTS
(RECIPROCAL ENFORCEMENT) ORDER**

made under section 6

1. This Order may be cited as the –

Short title.

**COMMONWEALTH JUDGMENTS
(RECIPROCAL ENFORCEMENT) ORDER**

2. The Commonwealth Judgments (Reciprocal Enforcement) Act shall extend to judgments obtained in the superior courts of the Commonwealth countries mentioned in the Schedule. Application.

SCHEDULE

PART I

West Indies

Bahamas	(Gazetted 9th October 1924)
Barbados	(Gazetted 7th December 1922)
Belize	(Gazetted 21st August 1924)
Bermuda	(Gazetted 21st August 1924)
Grenada	(Gazetted 21st September 1922)
Guyana	(Gazetted 21st September 1922)
Jamaica	(Gazetted 3rd April 1924)
St Lucia	(Gazetted 21st September 1922)
St Vincent	(Gazetted 21st September 1922)
Trinidad and Tobago	(Gazetted 21st August 1924)

PART II

Africa

Nigeria	(Gazetted 8th January 1925)
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PART III

India

NIL

[Subsidiary]

Commonwealth Judgments
(Reciprocal Enforcement) OrderPART IV

Canada

NIL

PART V

Australia

Australian Capital Territory
(Ordinance No. 11 of 1954)

S.R.O. 19/1967

The Northern Territory of Australia
(Ordinance No. 21 of 1952)

S.R.O. 19/1967

New South Wales

(Gazetted 17th September 1925)

Tasmania
(Foreign Judgments Reciprocal
Enforcement Act 1962)

S.R.O. 4/1977

Queensland
(Reciprocal Enforcement of Judgments
Act of 1959)

S.R.O. 4/1977

Victoria
(Foreign Judgments Act 1962)

S.R.O. 4/1977

Asia

Singapore

S.R.O. 20/1951