



Foreign Judgments (Reciprocal Enforcement) Act 1933

1933 CHAPTER 13 23 and 24 Geo 5

PART I

REGISTRATION OF FOREIGN JUDGMENTS

1 Power to extend Part I of Act to foreign countries giving reciprocal treatment.

[^{F1}(1) If, in the case of any foreign country, Her Majesty is satisfied that, in the event of the benefits conferred by this Part of this Act being extended to, or to any particular class of, judgments given in the courts of that country or in any particular class of those courts, substantial reciprocity of treatment will be assured as regards the enforcement in that country of similar judgments given in similar courts of the United Kingdom, She may by order in Council direct—

- (a) that this Part of this Act shall extend to that country;
- (b) that such courts of that country as are specified in the Order shall be recognised courts of that country for the purposes of this Part of this Act; and
- (c) that judgments of any such recognised court, or such judgments of any class so specified, shall, if within subsection (2) of this section, be judgments to which this Part of this Act applies.

(2) Subject to subsection (2A) of this section, a judgment of a recognised court is within this subsection if it satisfies the following conditions, namely—

- (a) it is either final and conclusive as between the judgment debtor and the judgment creditor or requires the former to make an interim payment to the latter; and
- (b) there is payable under it a sum of money, 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; and
- (c) it is given after the coming into force of the Order in Council which made that court a recognised court.

Status: Point in time view as at 24/07/1991.

Changes to legislation: There are currently no known outstanding effects for the Foreign Judgments (Reciprocal Enforcement) Act 1933, Section 1. (See end of Document for details)

- (2A) The following judgments of a recognised court are not within subsection (2) of this section—
- (a) a judgment given by that court on appeal from a court which is not a recognised court;
 - (b) a judgment or other instrument which is regarded for the purposes of its enforcement as a judgment of that court but which was given or made in another country;
 - (c) a judgment given by that court in proceedings founded on a judgment of a court in another country and having as their object the enforcement of that judgment.]
- (3) For the purposes of this section, a judgment shall be deemed to be final and conclusive notwithstanding that an appeal may be pending against it, or that it may still be subject to appeal, in the courts of the country of the original court.
- (4) His Majesty may by a subsequent Order in Council vary or revoke any Order previously made under this section.
- [^{F2}(5) Any Order in Council made under this section before its amendment by the Civil Jurisdiction and Judgments Act 1982 which deems any court of a foreign country to be a superior court of that country for the purposes of this Part of this Act shall (without prejudice to subsection (4) of this section) have effect from the time of that amendment as if it provided for that court to be a recognised court of that country for those purposes, and for any final and conclusive judgment of that court, if within subsection (2) of this section, to be a judgment to which this Part of this Act applies.]

Subordinate Legislation Made

- P1** S. 1: for previous exercises of this power see Index to Government Orders.
S. 1: power exercised by [S.I.1991/1724](#).

Textual Amendments

- F1** S. 1(1)(2)(2A) substituted for s.1(1)(2) by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), s. 35(1), [Sch. 10 para. 1\(1\)\(2\)](#)
- F2** S. 1(5) added by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), s. 35(1), [Sch. 10 para. 1\(3\)](#)

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