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STATUTORY INSTRUMENTS

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**1994 No. 1901**

**The Reciprocal Enforcement of Foreign  
Judgments (Australia) Order 1994**

1. This Order may be cited as the Reciprocal Enforcement of Foreign Judgments (Australia) Order 1994. It shall come into force on the date on which the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Australia, signed at Canberra on 23rd August 1990, providing for the reciprocal recognition and enforcement of judgments in civil and commercial matters shall enter into force, which date shall be notified in the London, Edinburgh and Belfast Gazettes.

2. Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933 shall extend to Australia<sup>(1)</sup>.

3. The following courts of Australia (hereinafter referred to as “recognised courts”) shall be recognised for the purposes of Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933, that is to say:

- the High Court of Australia;
- the Federal Court of Australia;
- the Industrial Relations Court of Australia;
- the Family Court of Australia;
- the Family Court of Western Australia;
- the Supreme Court exercising jurisdiction in respect of each Australian State or Territory;
- the District Court of New South Wales;
- the County Court of Victoria;
- the District Courts in Queensland;
- the District Court of Western Australia;
- the Local Courts in, and the District Court and the Magistrates' Court of, South Australia;
- the Courts of Requests in Tasmania; and
- the Magistrates' Court of the Australian Capital Territory.

4. The following judgments shall be judgments to which Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933 applies, that is to say—

- (a) any judgment, decree, rule, order or other final decree for the payment of money (other than in respect of taxes or other charges of a like nature or an order requiring the payment of maintenance) given by a recognised court in respect of a civil or commercial matter;
- (b) an award in proceedings on an arbitration conducted in Australia under the law applying there if the award has become enforceable in the same manner as a judgment in that country;
- (c) a judgment or order given or made by a recognised court in criminal proceedings for the payment of money in respect of compensation or damages to an injured person.

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(1) Insofar as is applicable as modified by section 51 of the [Administration of Justice Act 1956](#) 4 & 5 Eliz. II c.46.

5. A judgment given in a recognised court shall, in the absence of proof to the contrary, be deemed to be capable of execution in Australia on production of a certified copy of the judgment.

6. A judgment of a recognised court obtained under section 10 of the Foreign Proceedings (Excess of Jurisdiction) Act 1984 of Australia shall be enforceable in the same manner and circumstances as an award to which section 6(2) of the Protection of Trading Interests Act 1980 applies, where the judgment—

- (a) was obtained after the coming into force of this Order; and
- (b) relates to the recovery of sums paid or obtained pursuant to a judgment for multiple damages within the meaning of section 5(3) of the said Act of 1980; and
- (c) is founded on an instrument made under section 9(1) of the said Act of 1984 which includes a statement that the Attorney-General is satisfied in accordance with either—
  - (i) paragraph 9(1)(b)(ii) of that Act; or
  - (ii) paragraph 9(1)(b)(i) and paragraph 9(1)(b)(ii) of that Act.

7. The rate of interest due under the law in Australia upon the sum in respect of which a judgment of a recognised court is given shall be deemed to be that specified in the judgment or any certificate of the original court accompanying the judgment and, if no rate is so specified, no interest shall be deemed to be due thereon under the law in Australia unless the contrary is shown.

8. It is hereby declared that—

- (a) the provisions contained in articles 5 and 7 of this Order are necessary for giving effect to the Agreement scheduled hereto in relation to matters with respect to which there is power to make rules of court for the purposes of Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933; and
- (b) Article 3 of the Agreement scheduled hereto is a provision of a convention whereby the United Kingdom assumes an obligation of the kind provided for in article 59 of the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters, signed at Brussels on 27th September 1968<sup>(2)</sup>.

9.—(1) The Reciprocal Enforcement of Judgments (Australian Capital Territory) Order 1955<sup>(3)</sup> is hereby revoked.

(2) The Reciprocal Enforcement of Judgments (Administration of Justice Act 1920, Part II) (Consolidation) Order 1984<sup>(4)</sup> shall be amended by deleting from Schedule 1 thereto the following entries—

- (a) New South Wales;
- (b) Northern Territory of Australia;
- (c) Queensland;
- (d) South Australia;
- (e) Tasmania;
- (f) Victoria;
- (g) Western Australia.

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(2) The Convention is set out in Schedule 1 to the Civil Jurisdiction and Judgments Act 1982.

(3) S.I.1955/559.

(4) S.I. 1984/129 as amended by S.I. 1985/1994.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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*N. H. Nicholls*  
Clerk of the Privy Council