

*Status: Point in time view as at 10/01/2015.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: II: ENFORCEMENT IN FOREIGN COUNTRIES OF JUDGMENTS OF THE HIGH COURT AND THE COUNTY COURT. (See end of Document for details)*

## STATUTORY INSTRUMENTS

# 1998 No. 3132

## The Civil Procedure Rules 1998

### [<sup>F1</sup>PART 74 **E+W**

#### ENFORCEMENT OF JUDGMENTS IN DIFFERENT JURISDICTIONS

#### *[<sup>F1</sup>II: ENFORCEMENT IN FOREIGN COUNTRIES OF JUDGMENTS OF THE HIGH COURT AND [<sup>F2</sup>THE COUNTY COURT]*

##### Textual Amendments

- F1** Pt. 74 inserted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), [Sch. 8](#)
- F2** Words in Pt. 74 Section 2 heading substituted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), [34\(b\)\(iv\)](#) (with rule 41)

##### Application for a certified copy of a judgment **E+W**

**74.12.**—(1) This Section applies to applications—

- (a) to the High Court under section 10 of the 1920 Act;
- (b) to the High Court or to [<sup>F3</sup>the County Court] under section 10 of the 1933 Act;
- (c) to the High Court or to [<sup>F3</sup>the County Court] under section 12 of the 1982 Act; or
- (d) to the High Court or to [<sup>F3</sup>the County Court] under [<sup>F4</sup>article 53] of the Judgments Regulation<sup>F5</sup> or under article 54 of the Lugano Convention].

[<sup>F6</sup>(2) A judgment creditor who wishes to enforce in a foreign country a judgment obtained in the High Court or in the County Court—

- (a) must apply for a certified copy of the judgment; and
  - (b) if applying under article 53 of the Judgments Regulation, must apply to the court which gave the judgment by filing a draft of the certificate in the form in Annex I to the Judgments Regulation.]
- (3) The application may be made without notice.

##### Textual Amendments

- F3** Words in [Rules](#) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [4\(a\)\(i\)](#); [S.I. 2014/954](#), art. 2(a)
- F4** Words in rule 74.12(1)(d) substituted (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, [5\(16\)\(a\)](#) (with rule 6)

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- F5** Words in rule 74.12(1)(d) inserted (1.1.2010) by The Civil Jurisdiction and Judgments Regulations 2009 (S.I. 2009/3131), regs. 1(1), **44** (with reg. 48)
- F6** Rule 74.12(2) substituted (10.1.2015) by The Civil Procedure (Amendment No. 7) Rules 2014 (S.I. 2014/2948), rules 2, **5(16)(b)** (with rule 6)

## Evidence in support **E+W**

- 74.13.**—(1) The application must be supported by written evidence exhibiting copies of—
- (a) the claim form in the proceedings in which judgment was given;
  - (b) evidence that it was served on the defendant;
  - (c) the statements of case; and
  - (d) where relevant, a document showing that for those proceedings the applicant was [<sup>F7</sup>a person to whom legal aid, as defined in rule 44.1, was provided].
- (2) The written evidence must—
- (a) identify the grounds on which the judgment was obtained;
  - (b) state whether the defendant objected to the jurisdiction and, if he did, the grounds of his objection;
  - (c) show that the judgment—
    - (i) has been served in accordance with Part 6 and rule 40.4, and
    - (ii) is not subject to a stay of execution;
  - (d) state—
    - (i) the date on which the time for appealing expired or will expire;
    - (ii) whether an appeal notice has been filed;
    - (iii) the status of any application for permission to appeal; and
    - (iv) whether an appeal is pending;
  - (e) state whether the judgment provides for the payment of a sum of money, and if so, the amount in respect of which it remains unsatisfied;
  - (f) state whether interest is recoverable on the judgment, and if so, either—
    - (i) the amount of interest which has accrued up to the date of the application, or
    - (ii) the rate of interest, the date from which it is recoverable, and the date on which it ceases to accrue.]

### Textual Amendments

- F7** Words in rule 74.13(1)(d) substituted (1.4.2013) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013 (S.I. 2013/534), reg. 1, **Sch. para. 13(b)** (with reg. 14(2))

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