

SCHEDULE 1

Commencement Information

II Sch. 1 in force at 26.4.1999, see [Signature](#)

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)

[¹V. RECIPROCAL ENFORCEMENT: COUNCIL REGULATION (EC) NO. 44/2001 OF 22ND DECEMBER 2000 ON JURISDICTION AND THE RECOGNITION AND ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS.]

Textual Amendments

F1 Sch. 1 RSC Order 71 Pt. 5 inserted (1.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rule 1(c), [Sch. 7](#)

Interpretation

45. In this Part of the Order—

“domicile” shall be determined in accordance with paragraphs 9 to 12 of Schedule 1 to the Civil Jurisdiction and Judgments Order 2001 and the Judgments Regulation;

“judgment” has the meaning given in Article 32 of the Judgments Regulation;

“the Judgments Regulation” means Council Regulation [\(EC\) No. 44/2001](#) of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;

“Regulation State” in any provision, in the application of that provision in relation to the Judgments Regulation, has the same meaning as “Member State” in the Judgments Regulation, that is all Member States except Denmark.

Assignment of business and exercise of powers

46. All applications to the High Court under the Judgments Regulation will be assigned to the Queen’s Bench Division.

Application for registration

47. An application for registration of a judgment under the Judgments Regulation may be made without notice being served on any other party.

Status: Point in time view as at 01/03/2002.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: V. RECIPROCAL ENFORCEMENT: COUNCIL REGULATION (EC) NO. 44/2001 OF 22ND DECEMBER 2000 ON JURISDICTION AND THE RECOGNITION AND ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS.. (See end of Document for details)

Evidence in support of application

48. An application for registration under the Judgments Regulation must, in addition to the evidence required by the Judgments Regulation, be supported by a witness statement or affidavit—

- (a) stating whether the judgment provides for the payment of a sum or sums of money;
- (b) stating whether interest is recoverable on the judgment or any part of it in accordance with the law of the State in which the judgment was given, and if so,—
 - (i) the rate of interest;
 - (ii) the date from which interest is recoverable; and
 - (iii) the date on which interest ceases to accrue;
- and
- (c) exhibiting, where the judgment or document is not in English, a translation of it into English certified in accordance with Article 55(2) of the Judgments Regulation.

Order for registration

- 49.** An order giving permission to register a judgment under the Judgments Regulation must—
- (a) state the period within which an appeal may be made against the order for registration; and
 - (b) contain notification that the judgment will not be enforced until after that period has expired other than, where appropriate, any protective measures against the property of the party against whom enforcement is sought.

Register of judgments registered under the Judgments Regulation

50. A register of the judgments registered under the Judgments Regulation will be kept in the Central Office of the Supreme Court under the direction of the Senior Master.

Notice of registration

51.—(1) Where notice of registration of a judgment, and a copy of the judgment, is to be served on the person against whom enforcement is sought in accordance with Article 42(2) of the Judgments Regulation, it may be served—

- (a) by delivering it to him personally;
- (b) by sending it to him at his usual or last known address or place of business; or
- (c) in such other manner as the court may direct.

(2) Permission is not required to serve a notice of registration out of the jurisdiction, and CPR rules 6.24, 6.25, 6.26 and 6.29 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—
 - (i) the judgment registered; and
 - (ii) 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

52.—(1) An appeal under Article 43(2) of, and Annex III to the Judgments Regulation must be made in accordance with CPR Part 52 except that—

- (a) permission is not required; and
- (b) the appeal notice must be served—
 - (i) in accordance with Article 43(5) of the Judgments Regulation; or
 - (ii) in the case of an appeal against a refusal to register a judgment for enforcement, within one month of the determination of the application under Article 38 of the Judgments Regulation.

(2) If—

- (a) the party against whom judgment was given is not domiciled in a Regulation State, and
- (b) an application to extend the time for appealing 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, except on the grounds of distance.

Enforcement

53. Any party wishing to enforce a judgment registered under the Judgments Regulation 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.

Application for recognition

54. Rules 45 to 53 apply to applications for recognition of a judgment, together with Sections 2 and 3 of Chapter III of the Judgments Regulation.

Enforcement of High Court Judgments in other Regulation States

55.—(1) An application to the court by any interested party for a certificate under Article 54 of the Judgments Regulation must be made—

- (a) without notice being served on any other party, and
- (b) on witness statement or affidavit.

(2) A witness statement or affidavit under paragraph (1)(b) must—

- (a) give particulars of the proceedings in which the judgment was obtained;
- (b) contain evidence of service of the claim form by which the proceedings were begun where judgment was given in default of appearance by the defendant; and
- (c) where appropriate, include any document showing that for these proceedings the applicant is an assisted person or an LSC funded client, as defined in CPR rule 43.2(1)(h) and (i).

(3) An office copy of the judgment sealed with the seal of the Supreme Court shall be issued together with a certificate, in the form of Annex V to the Judgments Regulation, signed by a High Court judge, the Admiralty Registrar, a Master or a district judge and sealed with the seal of the Supreme Court.

Register of certificates

56. A register of certificates issued under Article 54 of the Judgments Regulation will be kept in the Central Office of the Supreme Court under the direction of the Senior Master.

Status: Point in time view as at 01/03/2002.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: V. RECIPROCAL ENFORCEMENT: COUNCIL REGULATION (EC) NO. 44/2001 OF 22ND DECEMBER 2000 ON JURISDICTION AND THE RECOGNITION AND ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS.. (See end of Document for details)

Authentic instruments and court settlements

57. Rules 45 to 55 apply to—

- (1) an authentic instrument to which Article 57 of the Judgments Regulation applies; and
- (2) a settlement to which Article 58 applies,

as they apply to a judgment with any necessary modifications.

Status:

Point in time view as at 01/03/2002.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998,
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