

## SCHEDULE 8

### I

#### **ENFORCEMENT IN ENGLAND AND WALES OF JUDGMENTS OF FOREIGN COURTS**

##### **Evidence in support**

**74.4.**—(1) An application for registration of a judgment under the 1920, 1933 or 1982 Act must be supported by written evidence exhibiting—

- (a) the judgment or a verified or certified or otherwise authenticated copy of it; and
- (b) where the judgment is not in English, a translation of it into English—
  - (i) certified by a notary public or other qualified person; or
  - (ii) accompanied by written evidence confirming that the translation is accurate.

(2) The written evidence in support of the application must state—

- (a) the name of the judgment creditor and his address for service within the jurisdiction;
- (b) the name of the judgment debtor and his address or place of business, if known;
- (c) the grounds on which the judgment creditor is entitled to enforce the judgment;
- (d) in the case of a money judgment, the amount in respect of which it remains unsatisfied; and
- (e) where interest is recoverable on the judgment under the law of the State of origin—
  - (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.

(3) Written evidence in support of an application under the 1920 Act must also state that the judgment is not a judgment—

- (a) which under section 9 of that Act may not be ordered to be registered; or
- (b) to which section 5 of the Protection of Trading Interests Act 1980(1) applies.

(4) Written evidence in support of an application under the 1933 Act must also—

- (a) state that the judgment is a money judgment;
- (b) confirm that it can be enforced by execution in the State of origin;
- (c) confirm that the registration could not be set aside under section 4 of that Act;
- (d) confirm that the judgment is not a judgment to which section 5 of the Protection of Trading Interests Act 1980 applies;
- (e) where the judgment contains different provisions, some but not all of which can be registered for enforcement, set out those provisions in respect of which it is sought to register the judgment; and
- (f) be accompanied by any further evidence as to—
  - (i) the enforceability of the judgment in the State of origin, and
  - (ii) the law of that State under which any interest has become due under the judgment, which may be required under the relevant Order in Council extending Part I of the 1933 Act to that State.

(5) Written evidence in support of an application under the 1982 Act must also exhibit—

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(1) 1980 c. 11.

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

- (a) documents which show that, under the law of the State of origin, the judgment is enforceable on the judgment debtor and has been served;
  - (b) in the case of a judgment in default, a document which establishes that the party in default was served with the document instituting the proceedings or with an equivalent document; and
  - (c) where appropriate, a document showing that the judgment creditor is in receipt of legal aid in the State of origin.
- (6) An application for registration under the Judgments Regulation must, in addition to the evidence required by that Regulation, be supported by the evidence required by paragraphs (1)(b) and (2)(e) of this rule.