

## No. 21 OF 1935.

A LAW TO MAKE PROVISION FOR THE ENFORCEMENT IN THE COLONY OF JUDGMENTS GIVEN IN FOREIGN COUNTRIES WHICH ACCORD RECIPROCAL TREATMENT TO JUDGMENTS GIVEN IN THE COLONY FOR FACILITATING THE ENFORCEMENT IN FOREIGN COUNTRIES OF JUDGMENTS GIVEN IN THE COLONY, AND FOR OTHER PURPOSES IN CONNECTION WITH THE MATTERS AFORESAID.

A.D. 1935.  
21 of 1935.

W. D. BATTERSHILL,]

[30th July, 1935.

*Officer Administering the Government.*

BE it enacted :—

1. This Law may be cited as the Foreign Judgments (Reciprocal Enforcement) Law, 1935. Short title.

2.—(1) In this Law unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them respectively, that is to say— Interpre-  
tation.

“ appeal ” includes any proceeding by way of discharging or setting aside a judgment or an application for a new trial or a stay of execution ;

“ Colony ” means the Colony of Cyprus ;

“ country of original Court ” means the country in which the original Court is situated ;

“ District Court ” means the District Court in the District in which the judgment debtor or any of the judgment debtors resides or in which any property to which a judgment relates is situate ;

“ judgment ” means a judgment or order given or made by a Court in any civil proceedings, or a judgment or order given or made by a Court in any criminal proceedings for the payment of a sum of money in respect of compensation or damages to any injured party ;

“ judgment creditor ” means the person in whose favour the judgment was given and includes any person in whom the rights under the judgment have become vested by succession or assignment or otherwise ;

“ judgment debtor ” means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable under the law of the original Court ;

“judgment given in the superior Courts of the Colony” means judgments given in the Supreme Court or in a District Court in the Colony and includes judgments given in any courts on appeals against any judgments so given.

“original Court” in relation to any judgment means the Court by which the judgment was given ;

“prescribed” means prescribed by Rules of Court ;

“registration” means registration under Part I of this Law, and the expressions “register” and “registered” shall be construed accordingly ;

“registering Court” in relation to any judgment means the Court to which an application to register the judgment is made.

(2) For the purposes of this Law, the expression “action *in personam*” shall not be deemed to include any matrimonial cause or any proceedings in connection with any of the following matters, that is to say, matrimonial matters, administration of the estates of deceased persons, bankruptcy, winding up of companies, lunacy, or guardianship of infants.

## PART I.

### REGISTRATION OF FOREIGN JUDGMENTS.

Power to extend Part I of this Law to foreign countries giving reciprocal treatment.

3.—(1) The Governor, if he is satisfied that, in the event of the benefit conferred by this Part of this Law being extended to judgments given in the superior Courts of any foreign country, substantial reciprocity of treatment will be assured as respects the enforcement in that foreign country of judgments given in the superior Courts of the Colony, may by Order in Council direct—

(a) that this Part of this Law shall extend to that foreign country ; and

(b) that such Courts of that foreign country as are specified in the Order shall be deemed superior Courts of that country for the purposes of this Part of this Law.

(2) Any judgment of a superior Court of a foreign country to which this Part of this Law extends, other than a judgment of such a Court given on appeal from a Court which is not a superior Court, shall be a judgment to which this Part of this Law applies, if—

(a) it is final and conclusive as between the parties thereto ; and

(b) there is payable thereunder 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 operation of the Order in Council directing that this Part of this Law shall extend to that foreign country.

(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) The Governor may by a subsequent Order in Council vary or revoke any Order previously made under this section.

4.—(1) A person, being a judgment creditor under a judgment to which this Part of this Law applies, may apply to the District Court at any time within six years after the date of the judgment, or, where there have been proceedings by way of appeal against the judgment, after the date of the last judgment given in those proceedings, to have the judgment registered in the District Court, and on any such application the Court shall, subject to proof of the prescribed matters and to the other provisions of this Law, order the judgment to be registered:

Application for, and effect of, registration of foreign judgment.

Provided that a judgment shall not be registered if at the date of the application—

(a) it has been wholly satisfied; or

(b) it could not be enforced by execution in the country of the original Court.

(2) Subject to the provisions of this Law with respect to the setting aside of registration—

(a) a registered judgment shall, for the purposes of execution, be of the same force and effect; and

(b) proceedings may be taken on a registered judgment; and

(c) the sum for which a judgment is registered shall carry interest; and

(d) the registering Court shall have the same control over the execution of a registered judgment;

as if the judgment had been a judgment originally given in the registering Court and entered on the date of registration:

Provided that execution shall not issue on the judgment so long as, under this Part of this Law and the Rules of Court made thereunder, it is competent for any party to make an application to have the registration of the judgment set aside, or, where such an application is made, until after the application has been finally determined.

(3) Where the sum payable under a judgment which is to be registered is expressed in a currency other than the currency of the Colony, the judgment shall be registered as if it were a judgment for such sum in the currency of the Colony as, on the basis of the rate of exchange prevailing at the date of the judgment of the original Court, is equivalent to the sum so payable.

(4) If at the date of the application for registration the judgment of the original Court has been partly satisfied, the judgment shall not be registered in respect of the whole sum payable under the judgment of the original Court, but only in respect of the balance remaining payable at that date.

(5) If, on an application for the registration of a judgment, it appears to the registering Court that the judgment is in respect of different matters and that some, but not all, of the provisions of the judgment are such that if those provisions had been contained in separate judgments those judgments could properly have been registered, the judgment may be registered in respect of the provisions aforesaid but not in respect of any other provisions contained therein.

(6) In addition to the sum of money payable under the judgment of the original Court, including any interest which by the law of the country of the original Court becomes due under the judgment up to the time of registration, the judgment shall be registered for the reasonable costs of and incidental to registration, including the costs of obtaining a certified copy of the judgment from the original Court.

Rules of  
Court.

5.—(1) The Governor, with the advice and assistance of the Chief Justice may from time to time by writing under the hand and official seal of the Governor and the hand of the Chief Justice, make, alter, and revoke Rules of Court to be published in the *Cyprus Gazette* for all or any of the following matters, that is to say—

(a) for regulating and prescribing the procedure and the practice in respect of any proceedings under this Law ;

- (b) for prescribing the fees to be taken in respect of any proceedings under this Law ;
- (c) for making provision with respect to the giving of security for costs by persons applying for the registration of judgments ;
- (d) for prescribing the matters to be proved on an application for the registration of a judgment and for regulating the mode of proving those matters ;
- (e) for providing for the service on the judgment debtor of notice of the registration of a judgment ;
- (f) for making provision with respect to the fixing of the period within which an application may be made to have the registration of the judgment set aside and with respect to the extension of the period so fixed ;
- (g) for prescribing the method by which any question arising under this Law whether a foreign judgment can be enforced by execution in the country of the original Court, or what interest is payable under a foreign judgment under the law of the original Court, is to be determined ;
- (h) for prescribing any matter which under this Part of this Law is to be prescribed ;
- (i) generally for the better carrying out of the purposes of this Law.

(2) Rules made for the purposes of this Part of this Law shall be expressed to have, and shall have, effect subject to any such provisions contained in Orders in Council made under section 3 of this Law as are declared by the said Orders to be necessary for giving effect to agreements made between His Majesty and foreign countries in relation to matters with respect to which there is power to make Rules of Court for the purposes of this Part of this Law.

6.—(1) On an application in that behalf duly made by any party against whom a registered judgment may be enforced, the registration of the judgment—

- (a) shall be set aside if the registering Court is satisfied—
  - (i) that the judgment is not a judgment to which this Part of this Law applies or was registered in contravention of the foregoing provisions of this Law ; or
  - (ii) that the Courts of the country of the original Court had no jurisdiction in the circumstances of the case ; or

Cases in which registered judgments must, or may, be set aside.