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No. 6107

**NORWAY
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

Convention providing for the reciprocal recognition and enforcement of judgments in civil matters. Signed at London, on 12 June 1961

Official texts: Norwegian and English.

Registered by Norway on 5 April 1962.

**NORVÈGE
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

Convention relative à la reconnaissance et à l'exécution réciproques des jugements en matière civile. Signée à Londres, le 12 juin 1961

Textes officiels norvégien et anglais.

Enregistrée par la Norvège le 5 avril 1962.

No. 6107. CONVENTION¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF NORWAY PROVIDING FOR THE RECIPROCAL RECOGNITION AND ENFORCEMENT OF JUDGMENTS IN CIVIL MATTERS. SIGNED AT LONDON, ON 12 JUNE 1961

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway ;

Desiring to provide on the basis of reciprocity for the recognition and enforcement of judgments in civil matters ;

Have agreed as follows :

GENERAL

Article I

For the purposes of the present Convention :

(1) The words "territory of one (or of the other) Contracting Party" mean :

(a) in relation to the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the United Kingdom"), England and Wales, Scotland, and Northern Ireland and any territories to which the Convention shall have been extended under Article X; and

(b) in relation to the Kingdom of Norway, Norway.

(2) The word "judgment" means any decision of a court, however described (judgment, order and the like), by which the rights of the parties are determined and which cannot be altered by that court. It includes judgments against which an appeal may be pending or which may still be subject to appeal in the courts of the country of the original court. If the amount of the costs or interest to be paid under a judgment is not fixed by the judgment itself but by a separate court order, such order shall be deemed to be part of the judgment for the purposes of this Convention.

(3) The words "original court" mean in relation to any judgment the court by which such judgment was given; and the words "court applied to",

¹ In registering the Convention on 5 April 1962, the Norwegian Government indicated the date of 5 April 1962 as the date of its entry into force. By a memorandum dated 21 February 1963 the Permanent Mission of Norway to the United Nations stated that, in accordance with the provisions of its article XI, this Convention came into force one month after the date on which the instruments of ratification were exchanged and that, since the instruments of ratification were exchanged in Oslo on 5 March 1962, the date of 6 April 1962 is the date of entry into force.

the court in which it is sought to obtain recognition of a judgment or to which an application for the registration of a judgment or for the acceptance of a judgment as enforceable is made.

(4) The words "judgment debtor" mean the person against whom the judgment was given in the original court and include, where necessary, any person against whom such judgment is enforceable under the law of the country of the original court; and the words "judgment creditor", the person in whose favour the judgment was given, and include, where necessary, any other person in whom the rights under the judgment have become vested.

(5) The word "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.

Article II

(1) Subject to the provision of paragraph (2) of this Article, the present Convention shall apply to judgments in civil matters and to judgments 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 an injured party, pronounced after the date of the entry into force of the present Convention by the following courts :

- (a) in the case of the United Kingdom, the House of Lords; for England and Wales, the Supreme Court of Judicature (Court of Appeal and High Court of Justice) and the Courts of Chancery of the Counties Palatine of Lancaster and Durham; for Scotland, the Court of Session and the Sheriff Court; and for Northern Ireland, the Supreme Court of Judicature; and
- (b) in the case of the Kingdom of Norway, the Supreme Court, the Courts of Appeal, the County Courts and City Courts.

(2) The present Convention shall not apply to :

- (a) judgments given on appeal from courts not referred to in paragraph (1) of this Article;
- (b) judgments in matters of family law or status (including judgments in matrimonial causes or concerning the pecuniary relations between the spouses as such);
- (c) judgments given in proceedings for the recovery of taxes or other charges of a like nature or for the recovery of a fine or other penalty.

(3) The present Convention shall not preclude the recognition and enforcement in the territory of one Contracting Party, in accordance with the municipal law for the time being in force in the country concerned, of judgments pronounced by any court in the territory of the other Contracting Party, being judgments to which the present Convention does not apply or judgments given in circumstances where the provisions of the present Convention do not require such recognition or enforcement.

RECOGNITION OF JUDGMENTS

Article III

(1) For the purposes of the present Convention, the recognition of a judgment means that such judgment shall be treated as conclusive as to the matter thereby adjudicated upon in any further action as between the same parties (judgment creditor and judgment debtor).

(2) Judgments pronounced in the territory of one Contracting Party shall be recognised in the territory of the other subject to the provisions of paragraphs (3) and (4) of this Article and where no objection to the judgment can be established on any of the following grounds :

- (a) in the case in question, the jurisdiction of the original court is not recognised under the provisions of Article IV;
- (b) the judgment debtor, being the defendant in the proceedings in the original court, did not (notwithstanding that process may have been duly served on him in accordance with the law of the country of the original court) receive notice of those proceedings in sufficient time to enable him to defend the proceedings and did not appear. It is understood that in all cases where it is proved that notice of the proceedings has been duly served on the defendant in conformity with the provisions of Article 3 or sub-paragraph (1) or (2) of paragraph (a) of Article 4 of the Convention on Legal Proceedings in Civil and Commercial Matters signed between the United Kingdom and Norway on January 30, 1931,¹ it shall be deemed to be conclusive evidence that the defendant actually received notice of the proceedings;
- (c) the judgment was, in the opinion of the court applied to, obtained by fraud;
- (d) the recognition of the judgment would be contrary to public policy in the country of the court applied to;
- (e) the judgment debtor, being a defendant in the original proceedings, was a person who, under the rules of public international law, was entitled to immunity from the jurisdiction of the courts of the country of the original court and did not submit to the jurisdiction of that court; or the judgment is sought to be enforced against a person who, under the rules of public international law, is entitled to immunity from the jurisdiction of the court applied to.

(3) Where the court applied to is satisfied that proceedings by way of appeal have been instituted against the judgment in the country of the original court, or that such proceedings have not been actually instituted, but the time for appeal has not elapsed under the law of the country of the original court, the court applied to may, in so far as the law of its country permits, recognise the

¹ League of Nations, *Treaty Series*, Vol. CXXIII, p. 343; Vol. CXXXIV, p. 433; Vol. CLVI, p. 239; Vol. CLX, p. 390, and Vol. CXC VII, p. 318.

judgment or may refuse to recognise the judgment or adjourn its decision on the recognition of the judgment so as to allow the judgment debtor an opportunity of completing or of instituting such proceedings.

(4) Where the court applied to is satisfied that the matter in dispute in the proceedings in the original court had previously to the date of the judgment in the original court been the subject of a judgment by a court having jurisdiction in the matter, the court applied to may refuse to recognise the judgment of the original court.

Article IV

(1) For the purposes of sub-paragraph (a) of paragraph (2) of Article III, the courts of the country of the original court shall, subject to the provisions of paragraphs (2), (3) and (4) of this Article, be recognised as possessing jurisdiction in all cases :

- (a) if the judgment debtor, being a defendant in the proceedings in the original court, submitted to the jurisdiction of that court by voluntarily appearing in the proceedings otherwise than for the purpose of protecting, or obtaining the release of, property seized, or threatened with seizure, in the proceedings or of contesting the jurisdiction of that court; or
- (b) if the judgment debtor was plaintiff in, or counter-claimed in, the proceedings in the original court; or
- (c) if the judgment debtor, being a defendant in the proceedings in the original court, had before the commencement of the proceedings agreed, in respect of the subject matter of the proceedings, to submit to the jurisdiction of that court or of the courts of the country of that court; or
- (d) if the judgment debtor, being a defendant in the original court, was, at the time when the proceedings were instituted, resident in, or being a body corporate had its principal place of business in, the country of that court; or
- (e) if the judgment debtor, being a defendant in the original court, had an office or place of business in the country of that court and the proceedings in that court were in respect of a transaction effected through or at that office or place.

(2) The provisions of paragraph (1) of this Article shall not apply to judgments where the subject matter of the proceedings is immovable property, or to judgments in respect of movable property if they are conclusive, not only against the parties to the proceedings, but also against any other person claiming an interest in that property which is inconsistent with the judgment in question. Nevertheless the jurisdiction of the original court shall be recognised if such property was situated in the country of the original court at the time of the commencement of the proceedings in the original court.