CHAPTER 52

BRITISH JUDGMENTS (RECIPROCAL ENFORCEMENT) ACT

To make provisions for the enforcement in Malta of judgments obtained in the United Kingdom and in the British dominions.

17th March, 1924

ACT VII of 1924, as amended by Act XIX of 1929; Emergency Ordinance XV of 1958; Ordinance XXV of 1962; Legal Notice 46 of 1965; Act LVIII of 1974; Legal Notice 148 of 1975 and Act II of 1996.

Title.

1. The title of this Act is British Judgments (Reciprocal Enforcement) Act.

Interpretation. *Amended by: II. 1996.78.*

2. In this Act, unless the context otherwise requires -

"judgment" means any judgment or order given or made by a court in any civil or commercial proceedings, whether before or after the passing of this Act, whereby any sum of money is made payable;

"judgment creditor" means the person by whom the judgment was obtained; and includes the successors and assigns of that person;

"judgment debtor" means the person against whom the judgment was given; and includes any person against whom the judgment is enforceable in the place where it was given;

"original court" in relation to any judgment means the court by which the judgment was given;

"registering court" in relation to any judgment means the court by which the judgment was registered.

Enforcement in Malta of judgments obtained in superior courts in the United Kingdom. *Amended by: XIX. 1929.2; L.N. 148 of 1975.*

3. (1) Where a judgment has been obtained in a superior court in the United Kingdom, the judgment creditor may apply to the Court of Appeal, at any time within twelve months after the date of the judgment, or such longer period as may be allowed by the said Court of Appeal, to have the judgment registered in one of the superior courts of Malta; and, on any such application, the court may, if in all circumstances of the case it thinks it is just and convenient that the judgment should be enforced in Malta, and subject to the provisions of this article, order the judgment to be registered accordingly.

(2) No judgment shall be ordered to be registered under this article if -

(*a*) the original court acted without jurisdiction; or

(*b*) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit, or agree to submit to the jurisdiction of that court; or

(*c*) the judgment debtor, being the defendant in the proceedings, was not duly served with the process of the original court, and did not appear, notwithstanding that he was ordinarily resident or was carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court; or

(*d*) the judgment was obtained by fraud; or

(*e*) the judgment debtor satisfies the registering court either that an appeal is pending, or that he is entitled, and intends to appeal against the judgment; or

(*f*) the judgment was in respect of a cause of action which for reasons of public policy or for some other similar reason, could not have been entertained by the registering court.

(3) Where a judgment is registered under this article -

(*a*) the judgment shall, as from the date of registration, be of the same force and effect, and executive proceedings may be taken thereon, as if it had been a judgment originally obtained or entered up on the date of registration in the registering court; and its registration in the Public Registry Office may be made in accordance with the local law for the time being in force;

(*b*) the registering court shall have the same control and jurisdiction over the judgment as it has over similar judgments given by itself, but in so far only as relates to execution under this article;

(*c*) the costs of and incidental to the registration of the judgment (including the costs of obtaining a certified copy thereof from the original court and of the application for registration) shall be recoverable in like manner as if they were sums payable under the judgment.

(4) The Court of Appeal shall have power to make rules to provide -

(*a*) for the mode of registration and the preservation of registers;

(*b*) for service on the judgment debtor of notice of the application for the registration of a judgment under this article;

(*c*) for enabling the registering court, on an application by the judgment debtor, to set aside the registration of a judgment under this article on such terms as the court thinks fit; and

(*d*) for suspending the execution of a judgment registered under this article until the expiration of the period during which the judgment debtor may apply to have the registration set aside.

(5) In any action brought in any court in Malta on any

judgment which might be ordered to be registered under this article, the plaintiff shall not be entitled to recover any costs of the action unless an application to register the judgment under this article has previously been refused, or unless the court otherwise orders.

Issue of certificate of judgments obtained in Malta. *Amended by: XIX. 1929.3.*

4. Where a judgment has been obtained in a superior court in Malta against any person, the court shall, on an application made by the judgment creditor and on proof that the judgment debtor is resident in the United Kingdom or in any part of the British dominions outside the United Kingdom to which this Act extends issue to the judgment creditor a certified copy of the judgment.

Extension of Act. *Amended by: XV.1958.2; XXV.1962.2,4; L.N. 46 of 1965; LVIII. 1974.68.*

5. (1) As regards the applicability of the provisions of this Act to judgments obtained in a court in the United Kingdom, this Act shall come into force on the day on which there shall be published by Proclamation in the Government Gazette the Order-in-Council granting reciprocity for the enforcement in the United Kingdom of judgments obtained in Malta.*

(2) Where the President of Malta is satisfied that reciprocal provisions have been made by the legislature of any part of the British dominions outside the United Kingdom for the enforcement within that part of the British dominions of judgments obtained in Malta, the President of Malta may by Proclamation declare that this Act shall extend to judgments obtained in a superior court in that part of the British dominions in the like manner as it extends to judgments obtained in a superior court in the United Kingdom and on any such Proclamation being made, this Act shall extend accordingly.†

(3) For the purposes of this article, the expression "part of the British dominions outside the United Kingdom" shall be deemed to include any territory which is under British protection or in respect of which a mandate is being exercised by the Government of any part of the British dominions.

(4) A Proclamation under this article may be varied or revoked by a subsequent Proclamation.

Provisions of Code of Organization and Civil Procedure to continue to apply to enforcement of foreign judgments. Cap. 12.

6. Nothing in this Act contained shall be in derogation of the provisions contained in Title V of Book Third of the Code of Organization and Civil Procedure, in regard to the enforcement of judgments given by tribunals in countries other than those referred to in this Act.

See Proclamation No. XII of the 14th of April, 1931.

†*See* Proclamation No. VIII of the 27th of July 1925 (Gibraltar);
Proclamation No. XII of the 23rd of October, 1925 (New South Wales);
Proclamation No. XIII of the 23rd of October, 1925 (Bermuda);
Proclamation No. III of the 23rd of April, 1926 (Western Australia);
Proclamation No. II of the 16th of February, 1927 (State of Victoria);
Proclamation No. I of the 30th of January, 1959 (Tasmania and its Dependencies).