

WESTERN PACIFIC HIGH COMMISSION.

No. 7 of 1922



[L.S.]

T. E. FELL,

Acting High Commissioner.

10th February, 1922.

## KING'S REGULATION

TO FACILITATE THE RECIPROCAL ENFORCEMENT OF JUDGMENTS IN THE BRITISH SOLOMON ISLANDS PROTECTORATE AND IN THE UNITED KINGDOM AND OTHER PARTS OF HIS MAJESTY'S DOMINIONS AND TERRITORIES UNDER HIS MAJESTY'S PROTECTION.

Made by His Britannic Majesty's Acting High Commissioner for the Western Pacific under the provisions of the Pacific Order in Council 1893.

In the name of His Majesty, GEORGE THE FIFTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India.

1. This Regulation may be cited for all purposes as the Reciprocal Enforcement of Judgments Regulation 1922. SHORT TITLE.

2. In this Regulation unless the context otherwise requires— INTERPRETATION

the expression " judgment " means any judgment or order given or made by a court in any civil proceedings, whether before or after the making of this Regulation whereby any sum of money is made payable, and includes an award in proceedings on an arbitration if the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place;

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

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

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

the expression " 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.

ENFORCEMENT  
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PROTECTION.

3.—(1) Where a judgment has been obtained in a superior court in the United Kingdom the judgment creditor may apply to His Britannic Majesty's High Commissioner's Court for the Western Pacific in the exercise of its jurisdiction within the Protectorate at any time within twelve months after the date of the judgment, or such longer period as may be allowed by the Court, to have the judgment registered in the Court, and on any such application the Court may, if in all the circumstances of the case they think it is just and convenient that the judgment should be enforced in the Protectorate and subject to the provisions of this section, order the judgment to be registered accordingly.

(2) No judgment shall be ordered to be registered under this section 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 satisfied 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 section—

- (a) the judgment shall, as from the date of registration be of the same force and effect, and 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;
- (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 section;
- (c) the reasonable 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) Rules of court shall provide—

- (a) for service on the judgment debtor of notice of the registration of a judgment under this section; and
- (b) for enabling the registering court on an application by the judgment debtor to set aside the registration of a judgment under this section on such terms as the court thinks fit; and
- (c) for suspending the execution of a judgment registered under this section until the expiration of the period during which the judgment debtor may apply to have the registration set aside.

4. Where a judgment has been obtained in the court 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, issue to the judgment creditor a certified copy of the judgment.

ISSUE OF CERTIFICATES OF JUDGMENTS OBTAINED IN THE PROTECTORATE.

5. Provision may be made by rules of court for regulating the practice and procedure (including scales of fees and evidence), in respect of proceedings of any kind under this part of this Regulation.

POWER TO MAKE RULES.

6.—(1) Where the High Commissioner is satisfied that reciprocal provisions have been made by the legislature of any part of His Majesty's dominions outside the United Kingdom for the enforcement within that part of His Majesty's dominions of judgments obtained in the High Commissioner's Court in the exercise of its jurisdiction within the Protectorate, the High Commissioner may by Proclamation in the Gazette declare that this Regulation shall extend to judgments obtained in a superior court in that part of His Majesty's 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 Regulation shall extend accordingly.

HIGH COMMISSIONER MAY EXTEND APPLICATION OF REGULATION.

(2) For the purposes of this section the expression "that part of His Majesty's dominions outside the United Kingdom" shall be deemed to include any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions.

(3) A Proclamation under this section may be varied or revoked by a subsequent Proclamation.

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By Command,

H. VASKESS,

Acting Secretary to His Britannic Majesty's High Commissioner for the Western Pacific.

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