



Jersey

JUDGMENTS (RECIPROCAL ENFORCEMENT) RULES 1961

Official Consolidated Version

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 10 February 2022 to 10 January 2024



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JUDGMENTS (RECIPROCAL ENFORCEMENT) RULES 1961

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THE SUPERIOR NUMBER OF THE ROYAL COURT, in pursuance of Article 13 of the [Royal Court \(Jersey\) Law 1948](#), and of Article 5 of the [Judgments \(Reciprocal Enforcement\) \(Jersey\) Law 1960](#) and all other powers enabling it in this behalf, has made the following Rules –

Commencement [\[see endnotes\]](#)

1 Interpretation

In these Rules –

“Court” means the Inferior Number of the Royal Court;

“Law” means the [Judgments \(Reciprocal Enforcement\) \(Jersey\) Law 1960](#).

2 ¹

3 Application for registration

An application under Article 4 of the Law to have a judgment to which Part 2 of the Law applies registered in the Royal Court may be made ex parte.

4 Evidence in support of application

- (1) An application for registration shall be supported by an affidavit of the facts –
 - (a) exhibiting a certified copy of the judgment issued by the original court and authenticated by its seal and where the judgment is not in the French or English language a translation of the judgment certified by a notary public or authenticated by affidavit;
 - (b) stating to the best of the information and belief of the deponent –
 - (i) that the applicant is entitled to enforce the judgment,

- (ii) as the case may require, either that at the date of the application the judgment has not been satisfied, or, if the judgment has been satisfied in part, what the amount is in respect of which it remains unsatisfied,
- (iii) that at the date of the application the judgment can be enforced by execution in the country of the original court,
- (iv) that if the judgment were registered, the registration would not be, or be liable to be, set aside under Article 6 of the Law;
- (c) specifying the amount of the interest, if any, which under the law of the country of the original court has become due under the judgment up to the time of registration,

and shall be accompanied by such other evidence with respect to the matters referred to in sub-paragraph (b)(iii) or (c) as may be required having regard to the provisions of the Act of the States extending the Law to the country of the original court.

- (2) Where the sum payable under the judgment is expressed in a currency other than the currency of Jersey, the affidavit shall also state the amount which that sum represents in the currency of Jersey calculated at the rate of exchange prevailing at the date of the judgment.
- (3) The affidavit shall also state the full name, title, trade or business and the usual or last known place of abode or of business of the judgment creditor and the judgment debtor respectively, so far as known to the deponent.
- (4) Where a judgment is in respect of different matters, and 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 affidavit shall state the provisions in respect of which it is sought to register the judgment.

5 Security for costs

Save as otherwise provided by any relevant Act of the States the Court or the Judicial Greffier may, with respect to an application for registration, order the judgment creditor to find security for the costs of the application and of any proceedings which may thereafter be brought to set aside the registration.

6 Title of affidavit

The affidavit shall be intituled –

“In the matter of the Judgments (Reciprocal Enforcement) (Jersey) Law 1960 and in the matter of a judgment of the *(describing the court)* obtained in *(describing the cause or matter)* and dated the day of 20 ”.

7 Order on application for registration

- (1) An order giving leave to register a judgment shall be drawn up by, or on behalf of, the judgment creditor and 2 copies thereof shall be annexed to the application.
- (2) Such order shall be in the Form set out in the Schedule to these Rules, with such variations as circumstances may require.
- (3) No such order shall require to be served on the judgment debtor.
- (4) Every such order shall state the period within which an application may be made to set aside the registration and shall contain a notification that the judgment will not be enforced until after the expiration of that period.
- (5) The Court or the Bailiff may, on an application made at any time while it remains competent for any party to apply to have the registration set aside, grant an extension of the period (either as originally fixed or as subsequently extended) during which an application to have the judgment set aside may be made.

8 Register of judgments

There shall be kept in the Judicial Greffe a register of the judgments ordered to be registered under the Law.

9 Notice of registration

- (1) Notice in writing of the registration of a judgment must be served on the judgment debtor –
 - (a) if within the jurisdiction, by personal service, unless some other mode of service is ordered by the Court or the Judicial Greffier;
 - (b) if out of the jurisdiction, in accordance with the Rules applicable to the service outside Jersey of process of Jersey Courts, save that leave to serve out of the jurisdiction shall not be required.
- (2) The notice of registration shall state –
 - (a) full particulars of the judgment registered and the order for registration;
 - (b) the name and address of the judgment creditor or the judgment creditor's advocate or solicitor on whom, and at which, any summons issued by the judgment debtor may be served;
 - (c) the right of the judgment debtor to apply on the grounds provided in the Law to have the registration set aside; and
 - (d) in accordance with the terms of the order giving leave to register, within what time from the date of service of the notice an application to set aside may be made.

10 Indorsement of service

- (1) Within 3 days from the day of service or within such extended period as may, in special circumstances, be allowed by order of the Judicial Greffier, the notice or a copy or duplicate thereof shall be indorsed by the person serving the same with the day of the month and of the week on which service was effected, and, if the notice

is not so indorsed, the judgment creditor shall not be at liberty to enforce the judgment without the leave of the Court.

- (2) Every affidavit of service of any such notice shall state on what day such indorsement was made.

11 Application to set aside registration

- (1) An application to set aside the registration of a judgment shall be made by summons to the Court supported by affidavit.
- (2) A summons for the purpose of this Rule shall be intituled in the same manner as the affidavit referred to in Rule 6.

12 Enforcement of registered judgments

- (1) A registered judgment shall not be enforceable until after the expiration of the period which, in accordance with the provisions of Rule 7(4), is specified in the order giving leave to register as the period within which an application may be made to set aside the registration, or, if an order is made extending the period so specified, until after the expiration of the extended period.
- (2) If an application is made to set aside the registration of a judgment, such judgment shall not be enforceable until such application has been disposed of.
- (3) The party desirous of enforcing a registered judgment shall produce to the Viscount an affidavit of the service of the notice of registration and of any order made by the Court in relation to the judgment registered.

13 Determination of certain questions

If, whether under the Law or under these Rules, any question arises whether a judgment can be enforced by execution in the country of the original court, or what interest is payable under the judgment under the law of that country, that question shall be determined in accordance with such provisions, if any, in that behalf, as are contained in the Act of the States extending the Law to that country.

13A Entry of Petty Debts Court judgment in Royal Court, and certification²

- (1) This Rule applies where a judgment has been obtained in the Petty Debts Court under which a sum of money of not less than £500 is payable, not being a sum payable in respect of –
 - (a) taxes or other charges of a like nature; or
 - (b) a fine or other penalty.
- (2) Where this Rule applies, the judgment creditor may apply to the Judicial Greffier for –
 - (a) the judgment to be entered in the Royal Court; and
 - (b) a certified copy of the judgment so entered,for the purposes of Article 11 of the Law.

- (3) An application under this Rule will be granted where the Judicial Greffier is satisfied that it is appropriate for the applicant to enforce the judgment against assets outside Jersey.
- (4) An application under this Rule shall be made *ex parte* by letter which –
 - (a) appends the judgment obtained in the Petty Debts Court, or a copy certified by an officer of the Petty Debts Court Greffe; and
 - (b) sets out why it is appropriate for the applicant to enforce the judgment against assets outside Jersey.
- (5) If the Judicial Greffier is not satisfied as required by paragraph (3), he or she may –
 - (a) refuse the application; or
 - (b) require evidence (oral or written, whether or not on oath) and may convene the judgment debtor.
- (6) Where the Judicial Greffier grants the application, he or she will –
 - (a) order that the judgment be entered in the Royal Court; and
 - (b) issue an Act of Court to the applicant accordingly.
- (7) When a judgment has been entered in the Royal Court in accordance with paragraph (6), the Judicial Greffier will issue an office copy of the judgment so entered, sealed with the seal of the Royal Court and certified by the Judicial Greffier as follows –

“I certify that the above copy judgment is a true copy of a judgment entered in the Royal Court of Jersey and this copy is issued in accordance with Article 11 of the [Judgments \(Reciprocal Enforcement\) \(Jersey\) Law 1960](#).

Signed.....

Judicial Greffier.”

- (8) When a judgment has been entered in the Royal Court in accordance with paragraph (6), the Judicial Greffier will, if required, also issue a certificate under the seal of the Royal Court –
 - (a) giving any particulars needed to be given to the foreign tribunal in which it is sought to obtain execution of the judgment; and
 - (b) stating the rate at which the judgment carries interest, if any.
- (9) The Judicial Greffier may require the applicant to furnish an affidavit in relation to any particulars needed to be given to a foreign tribunal in a certificate issued under paragraph (8).
- (10) An affidavit required under paragraph (9) may be furnished by the applicant’s advocate or solicitor.

13B Setting aside entry of judgment under Rule 13A³

An Act of Court issued under Rule 13A(6) may be set aside by the Judicial Greffier on such terms as may be just.

14 Certified copy of judgments obtained in the Royal Court⁴

- (1) An application under Article 11 of the Law for a certified copy of a judgment obtained in the Royal Court shall be made ex parte to the Judicial Greffier on an affidavit made by the judgment creditor or the judgment creditor's advocate or solicitor.⁵
- (2) An affidavit for the purposes of this Rule shall –
 - (a) give particulars of the proceedings in which the judgment was obtained;
 - (b) have annexed to it copies of the Acts of the Royal Court in the proceedings, the evidence of service of process upon, or appearance by, the defendant, and a statement of the grounds on which the judgment was based;
 - (c) state whether the defendant did or did not object to the jurisdiction, and, if so, on what grounds;
 - (d) show that the judgment is not subject to any stay of execution and that no notice of appeal against it has been entered, and whether the time for appealing has expired; and
 - (e) state the rate at which the judgment carries interest, if any.
- (3) Where an application for a certified copy of a judgment is duly made under this Rule, there shall be issued an office copy of the judgment sealed with the seal of the Royal Court and certified by the Judicial Greffier as follows –

"I certify that the above copy judgment is a true copy of a judgment obtained in the Royal Court of Jersey and this copy is issued in accordance with Article 11 of the [Judgments \(Reciprocal Enforcement\) \(Jersey\) Law 1960](#).

Signed.....

Judicial Greffier."

together with the following further certificates sealed with the seal of the Royal Court and signed by the Judicial Greffier –

- (a) a certificate giving particulars of the proceedings in which the judgment was obtained and having annexed to it copies of the Acts of the Royal Court in the proceedings, a statement showing the manner in which process was served on the defendant, or that the defendant appeared thereto, and the objections made to the jurisdiction, if any, a statement of the grounds on which the judgment was based and such other particulars as it may be necessary to give to the foreign tribunal in which it is sought to obtain execution of the judgment;
- (b) a certificate stating the rate at which the judgment carries interest, if any.⁶

15 Rules to have effect subject to Acts of the States

These Rules shall, in relation to any judgment, have effect subject to any such provisions contained in the Act of the States extending the Law to the country of the original court as are declared by the said Act to be necessary for giving effect to the agreement made between Her Majesty and that country in relation to matters for which provision is made by these Rules.

16 Citation

These Rules may be cited as the Judgments (Reciprocal Enforcement) Rules 1961.

SCHEDULE

FORM OF ORDER GIVING LEAVE TO REGISTER FOREIGN JUDGMENT

JUDGMENTS (RECIPROCAL ENFORCEMENT) (JERSEY) LAW 1960

In the Royal Court of Jersey.

BEFORE –

IN the matter of the [Judgments \(Reciprocal Enforcement\) \(Jersey\) Law 1960](#).

AND in the matter of a judgment of the [describe the Court] obtained in [describe the proceedings] and dated the day of , 20 .

UPON reading the affidavit of [and upon the judgment creditor giving security in the sum of £ by payment into Court, or bond to the satisfaction of the Court/ Judicial Greffier];

IT IS ORDERED that the judgment dated the day of , 20 , of the [describe the foreign court] whereby it was adjudged that the above-named A.B. of [address and description of judgment creditor] do recover against the above-named C.D. of [address and description of judgment debtor] which is equivalent in sterling to £ for debt and £ for costs [or as the case may be] be registered as a judgment in the Royal Court of Jersey pursuant to the above Law.

IT IS FURTHER ORDERED that the above-named C.D. be at liberty to apply to set aside the said registration within days after service upon C.D. [within the jurisdiction] [*or in name of foreign country if to be served abroad*] of notice of such registration pursuant to Rule 9 of the Judgments (Reciprocal Enforcement) Rules 1961, if C.D. has grounds for so doing, and the said judgment will not be enforced until after the expiration of that period or any extension of that period granted by the Court; or, if an application be made to set aside the registration, until such application has been disposed of.

It is ordered that the costs of this application be

Dated the day of , 20 .

Judicial Greffier.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Judgments (Reciprocal Enforcement) (Jersey) Rules 1961	R&O.4284	31 August 1961
Judgments (Reciprocal Enforcement) (Amendment) Rules 2022	R&O.12/2022	10 February 2022

Table of Endnote References

¹ Rule 2	<i>deleted by R&O.12/2022</i>
² Rule 13A	<i>inserted by R&O.12/2022</i>
³ Rule 13B	<i>inserted by R&O.12/2022</i>
⁴ Rule 14	<i>heading amended by R&O.12/2022</i>
⁵ Rule 14(1)	<i>amended by R&O.12/2022</i>
⁶ Rule 14(3)	<i>amended by R&O.12/2022</i>