

## CHAPTER 8.

### CIVIL PROCEDURE (RECIPROCAL ENFORCEMENT OF JUDGMENTS). CIVIL PROCEDURE (RECIPROCAL ENFORCEMENT OF JUDGMENTS) RULES RULES OF COURT MADE UNDER SECTION 5

1. These Rules of Court may be cited as the Civil Procedure (Reciprocal Enforcement of Judgments) Rules.

2. In these Rules, unless the context otherwise requires—

“The Law ” means the Civil Procedure (Reciprocal Enforcement of Judgments) Law, Cap. 8.

“ District Court ” means the District Court of the District in which the person, or any of the persons, against whom a judgment is sought to be enforced under the Law resides or in which any property of the judgment debtor is or is situate.

3. Any application under section 3 (1) of the Law for leave to have a judgment obtained in a superior Court in any part of Her Majesty’s Dominions outside Cyprus to which the Law applies registered in Cyprus shall be made in writing ex parte to the District Court provided that the Court may direct that a copy of it be served on the person or persons against whom the judgment is sought to be enforced.

4. The application shall be supported by an affidavit of the facts exhibiting the judgment or a verified or certified or otherwise duly authenticated copy thereof and stating that to the best of the information and belief of the deponent the judgment creditor is entitled to enforce the judgment and the judgment does not fall within any of the cases in which under section 3 (2) of the Law a judgment cannot properly be ordered to be registered.

The affidavit must also, so far as the deponent can, give the full name, title, trade or business and usual or last known place of abode or business of the judgment creditor and judgment debtor respectively.

5. The affidavit and the application shall be intitled—

In the matter of the Civil Procedure (Reciprocal Enforcement of Judgments) Law, Cap. 8,

and

In the matter of a judgment of the (describing the Court) obtained in (describing the cause or matter) and dated the day of .... , 19. 6. If the Court shall require an application to be served it shall E.41A, 4. (unless otherwise ordered by the Court) be served in the same manner as a writ of summons in an action in a District Court is required to be served.

7. An order giving leave to register shall be drawn up and shall state the time within which the judgment debtor is to be entitled to apply to set aside the registration. Such time where the judgment debtor is, or is ordinarily resident, within Cyprus shall ordinarily be fifteen days after service, and when the judgment debtor is or is ordinarily resident out of Cyprus shall ordinarily be the same time as is limited for appearance after service out of the jurisdiction of a copy of a writ of summons or notice thereof.

8. A Register of Judgments ordered to be registered under the Law shall be kept in each District Court by the Registrar. The judgment shall be registered therein in accordance with the order giving leave to register it.

9. There shall be entered in the Register the date of the order for registration and of the registration, the name, title, trade or business, and usual or last known place of abode or business of the judgment debtor and judgment creditor and the amount for which the judgment is signed and any special directions in the order for registration as to the registration or execution thereon and the particulars of any execution issuing thereon.

10. Notice in writing of the registration of the judgment must be served on the judgment debtor within five days or such other time as the Court shall direct after the order for registration. Such notice shall (in the absence of an order by the Court as to mode of service thereof) be served on the judgment debtor by personal service (with power to order substituted service or service out of the jurisdiction or both) as in the case of a writ of summons, but the Court may at any stage of the proceedings authorize or direct some other mode of service and if it does so the service shall be effected in accordance with such authority or direction.

11. The notice of registration shall contain full particulars of the judgment registered and of the order for such registration and shall state the name and address of the judgment creditor or of his advocate on whom and at which service of a notice or application issued by the judgment debtor may be served.

The notice shall state that the defendant is entitled, if he has grounds for so doing, to apply to set aside the registration and shall also state the number of days for applying to set aside the registration limited by the order giving leave to register.

12. The party serving the notice shall, within three days at most after such service, indorse on the notice or a copy or duplicate thereof the day of the month and week of the service thereof, otherwise the judgment creditor shall not be at liberty to issue execution of the judgment, and every affidavit of service of such notice shall mention the day on which such indorsement was made. This rule shall apply to substituted as well as other service. The three days limited by this rule may under special circumstances be extended by the Court.

13. The judgment debtor may at any time within the time limited by the order for registration after service on him of the notice of the registration of the judgment apply to the Court to set aside the registration or to suspend execution on the judgment and the Court if satisfied that the case comes within one of the cases in which under section 3 (2) of the Law no judgment can be ordered to be registered or that it is not just or convenient that the judgment should be enforced in Cyprus or for other sufficient reason may order that the registration be set aside or execution on the judgment suspended either unconditionally or on such terms as it thinks fit and either altogether or until such time as it shall direct: provided that the Court may allow the application to be made at any time after the expiration of the time herein mentioned.

14. No execution shall issue on a judgment registered under the Law until after the expiration of the time limited by the order giving leave to register after service on the judgment debtor of notice of the registration thereof. Provided

that the Court may at any time order that execution shall be suspended for a longer time.

15. Any party desirous of issuing execution on a judgment registered under the Law must file an affidavit of the service of the notice of registration.

16. A writ of execution on a judgment registered under the Law shall bear on it the words:-

“ The judgment under which the said sum of herein mentioned became payable has been duly registered in the District Court of pursuant to the Civil Procedure (Reciprocal Enforcement of Judgments) Law, Cap. 8.”

17. Any application under section 4 of the Law for a certified copy of a judgment of a District Court shall be made to the Registrar of the Court on an affidavit made by the judgment creditor or his advocate giving particulars of the judgment and showing that the judgment debtor is resident in some (stating what) part of Her Majesty's Dominions outside Cyprus to which the Law extends and stating to the best of his information and belief the title, trade, business or occupation of the judgment creditor and judgment debtor respectively and their respective usual or last known places of abode or business.

18. Subject to the provisions of the Law and of these Rules every application to the Court and every appeal to the Supreme Court shall be made in the same way and shall be subject to the same Rules of Court as apply to civil actions. Provided that the Court and the Supreme Court shall in any case have full power to extend any time prescribed by these or any such rules notwithstanding that such time has expired.

#### Fees.

19. The fees set out in the Appendix to these Rules shall be payable in respect of the registration of judgments under the Law.

#### APPENDIX

#### FEES OF COURT.

(Rule 19).

On filing application for leave to register	£	s.	p.
On filing application for leave to register-	£	s.	p.
Where amount of the judgment debt does not exceed £100	1	10	0
Where such amount exceeds £100	1	10	0
On filing an affidavit	-	3	0
On the order for registration	-	7	4 <sup>1/2</sup>
On issuing execution	The same as on a judgment of a District Court.		

Other fees : The same as those prescribed in Appendix A to the Court Fees Order.