

FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) RULES.

Rules of Court made under Section 5.

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

2. An application under section 4 of the Law to have a foreign judgment to which Part I of the Law applies registered in the District Court may be made *ex parte* to the Court.

3.-(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 an English translation of the judgment 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 section 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 (iii) of paragraph (b) or paragraph (c) above as may be required having regard to the provisions of the Order in Council 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 Cyprus, the affidavit shall also state the amount which that sum represents in the currency of Cyprus 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.

4. Save as otherwise provided by any relevant Order in Council the Court may, in 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.

5. The affidavit shall be intituled-

“ In the matter of the Foreign Judgments (Reciprocal Enforcement) Law, Cap. 16, 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.-(1) An order giving leave to register a judgment shall be drawn up on behalf of the judgment creditor.

(2) No such order shall require to be served on the judgment debtor.

(3) 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 execution on the judgment will not issue until after the expiration of that period.

(4) The Court 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.

7. There shall be kept in the registry of each District Court by, or under the direction of, the Registrar of the Court a register of the judgments ordered to be registered under the Law.

8.-(1) Notice in writing of the registration of a judgment must be served on the judgment debtor-

(a) if within Cyprus by service as in the case of a writ of summons, unless some other mode of service is ordered by the Court or a Judge ;

(b) if out of Cyprus, in accordance with the rules applicable to the service of a writ of summons out of Cyprus, save that special leave to serve out of Cyprus shall not be required.

(2) The notice of registration shall state-

(a) full particulars of the judgment registered and the order for registration ; and

(b) the name and address of the judgment creditor or of his advocate or agent on whom, and at which, any summons issued by the judgment debtor may be served ; and

(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.

9.-(1) Within three days from the day of service or within such extended period as may, in special circumstances, be allowed by order of a judge, the notice or a copy or duplicate thereof shall be endorsed 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 (or copy or duplicate) is not so endorsed, the judgment creditor shall not be at liberty to issue execution on the judgment without the leave of the Court or a judge.

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

10.-(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 entitled in the same manner as the affidavit referred to in rule 5 of these rules. It shall be in the form in the Appendix to these rules, with such variations as circumstances may require, and shall be addressed to all the persons on whom it is to be served.

(3) On any such application the Court or a judge may direct that an issue between the judgment creditor and the judgment debtor shall be stated and tried and may give such directions in relation to the trial of such issue as may be necessary.

11.-(1) Execution shall not issue on a registered judgment until after the expiration of the period which, in accordance with the provisions of rule 6 (3) of these rules, 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, execution shall not issue until such application has been disposed of.

(3) The party desirous of issuing an execution upon a registered judgment shall produce to the proper officer an affidavit of the service of the notice of registration and of any order made by the Court in relation to the judgment registered.

12. In the case of a registered judgment the form of a writ of execution shall be varied as follows:-

For the words “ being the amount due under the judgment of this Court dated the day of ,19 , to the above-named ”, etc., there shall be substituted the words “ being the amount due under the judgment of (describing the court in which judgment was obtained) ”, etc., “ which judgment was on the day of , 19 , duly registered in the District Court of in Cyprus pursuant to Part I of ‘ The Foreign Judgments (Reciprocal Enforcement) Law, Cap. 16 ’ ”

13. If, whether under the Law or under these rules, any question arises whether a foreign judgment can be enforced by execution in the country of the original court, or what interest is payable under the foreign 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 Order in Council extending the Law to that country.

14.-(1) An application under section 12 of the Law for a certified copy of a judgment obtained in a District Court shall be made *ex parte* to the Court in which it was obtained on an affidavit made by the judgment creditor or his advocate.

(2) An affidavit for the purposes of this rule shall-

(a) give particulars of the proceedings in which the judgment was obtained; and

(b) have annexed to it a copy of the writ of summons or the originating summons, petition, or application, by which the proceedings were instituted, the evidence of service thereof upon, or appearance by, the defendant, copies of the statements made at the settlement of issues or copies of the

pleadings, if any, in the proceedings, 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;

(e) state the rate at which the judgment carries interest.

(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 District Court and certified by the President of the District Court as follows:-

"I certify that the above copy judgment is a true copy of a judgment obtained in the District Court of _____ in Cyprus and this copy is issued in accordance with section 12 of the Foreign Judgments (Reciprocal Enforcement) Law, Cap. 16.

Signed.....

President of the District Court of

.....in Cyprus."

together with the following further certificates also under the seal of the District Court and certified by the President of the District Court:-

(a) a certificate giving particulars of the proceedings in which the judgment was obtained and having annexed to it copies of the writ of summons or originating summons, petition, or application, by which the proceedings were instituted showing the manner in which the writ of summons, originating summons, petition, or application, was served on the defendant, or that the defendant appeared thereto, and the objections made to the jurisdiction, if any, the statements made at the settlement of issues or the pleadings, if any, in the proceedings, 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.

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

16.-(1) A fee of ten shillings shall be charged on every application under section 4 or 12 of the Law ; and in other proceedings or matters under the Law or these rules the same fees shall be taken as are payable in civil proceedings.

(2) The Rules of Court governing civil proceedings shall have effect subject to the provisions of these rules.

APPENDIX.

SUMMONS.

(RULE 10 (2).)

In the District Court of No

In the matter of the Foreign Judgments (Reciprocal Enforcement) Law, Cap. 16, 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.....

Let all parties concerned attend the Court on.....day theday of....., 19....., at o'clock in the noon, on the hearing of the application set out below. Dated the day of., 19.....

This summons was taken out by..... ofadvocate for.....

To (a)

X.Y. (6) applies.....