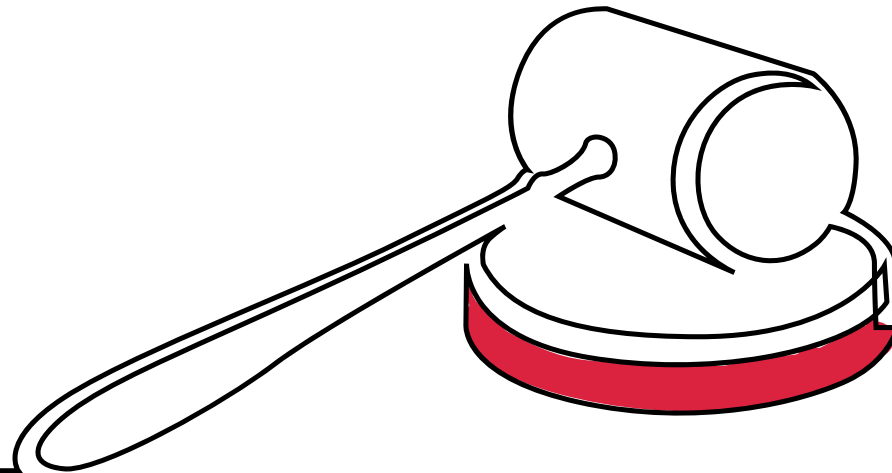


Recognition of Foreign Judgments



A Judgment obtained from a Foreign Court is not capable of immediate enforcement in this jurisdiction. Where there is an existing convention in place with the UK, procedures are available for automatic recognition within prescribed criteria.



Alternatively it will be necessary to commence fresh proceedings in this jurisdiction relying on the Judgment from the Foreign Court.

Conventions with the UK Judgments Regulation

The terms for recognition and enforcement of Judgments obtained from other EU countries is contained within the Brussels Regulation No. 44/2001. The UK Courts have prescribed procedures to recognise a Judgment from another EU Court without the need for fresh proceedings. Similar procedures apply under the Lugano Convention concerning Switzerland and Norway amongst others.

Foreign Judgments Reciprocal Enforcements Act 1933 and Administration of Justice Act 1920

Pursuant to these acts, Judgments from prescribed countries (principally in the Commonwealth) are entitled to be recognised by the English Court, subject to complying with the terms for registration.

No Convention with the UK

Where there is no existing convention with this jurisdiction (the US is a particular example) it is necessary to commence proceedings before the English Court based on the Judgment from the Foreign Court as a debt due and payable.

There are a number of criteria to be met in order for the Judgment to be upheld:

1. The Foreign Court had jurisdiction in accordance with English conflict of laws rules.
2. The Judgment is for a definitive sum and final and conclusive.
3. The Judgment was not obtained by fraud or breach of public policy.
4. There has been no breach of natural justice.

Let us Introduce Ourselves



Email: contact@ouryclark.com

Oury Clark London:
10 John Street, London WC1N 2EB

Tel: +44 (0) 20 7067 4300

Oury Clark Slough:
Herschel House, 58 Herschel Street
Slough SL1 1PG

Tel: +44 (0) 1753 551111



Disclaimer: This note does not contain a full statement of the law and it does not constitute legal advice. Please contact us if you have any questions about the information set out above.

Once proceedings have been issued application can be made for summary judgment, without full trial, so long as the criteria are met. A Judgment from the UK Court can be anticipated within 3-6 months, whereafter steps can be taken to enforce the Judgment using the various procedures available through the English Court.