

**CHAPTER 43**

**THE FOREIGN JUDGMENTS  
(RECIPROCAL ENFORCEMENT) ACT**

SUBSIDIARY LEGISLATION

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**THE FOREIGN JUDGEMENTS (RECIPROCAL ENFORCEMENT) RULES**

ARRANGEMENT OF RULES

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**THE FOREIGN JUDGEMENTS (RECIPROCAL ENFORCEMENT) RULES**

[Legal Notice 132 of 1984, Legal Notice 106 of 2000]

**1. Citation**

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

**2. Application for registration**

(1) An application for registration under section 5 of the Act shall be made by originating summons entitled in the matter of the Act and in the matter of the judgment sought to be registered.

(2) Where the application is made *ex parte* under section 5(2) of the Act the court may direct that the summons be served upon the judgment debtor.

**3. Evidence in support of application**

An application for registration of a judgment under section (5) of the Act shall be supported by an affidavit—

- (a) exhibiting the certificate required by section 5(4)(a) of the Act or an affidavit to the same effect;
- (b) exhibiting the judgment or the exemplification or a certified or duly authenticated copy thereof, and where the judgment is not in the English language, a translation thereof in that language certified by a notary public or the Registrar of the original court or authenticated by an affidavit;
- (c) stating the name, trade or business and the usual or last known place of abode or business and postal address of the judgment creditor and the judgment-debtor respectively, so far as known to the deponent;
- (d) stating to the best of the information or belief of the deponent—
  - (i) that the judgment creditor is entitled to enforce the judgment;
  - (ii) as the case may be, either that the judgment has not been satisfied, or the amount in respect of which it remains unsatisfied;
  - (iii) that the judgment is a judgment to which the Act applies, specifying which paragraph of section 3(1) of the Act applies;
  - (iv) as the case may be, either that the judgment is for an interim payment of a sum of money to the judgment creditor or that it is final and conclusive as between the parties thereto;
  - (v) that the judgment does not fall within any of the classes of cases in which a judgment may not be ordered to be registered under section 3(3) of the Act;
  - (vi) where the judgment is not in all respects a judgment which may be registered under the Act, how much of the judgment may be so registered and the reasons therefore;
  - (vii) that the judgment can be enforced by execution in the country of the original court and that if it were registered, the registration would not be liable to be set aside under section 10 or 11 of the Act;
  - (viii) where the application is made *ex parte*, that the judgment-debtor was personally served with process in the original action or that he appeared in the original court for purposes other than those set out in section 4(2)(b) of the Act;
- (e) specifying the amount of 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;

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- (f) stating the facts supporting an application for a garnishee order under section 9 of the Act.

[L.N. 106/2000, r. 2.]

#### **4. Drawing up of Order, etc.**

(1) An order giving leave to register a judgment shall be drawn up by or on behalf of the judgment creditor.

(2) Every 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.

(3) The period within which an application may be made to set aside registration for the purposes of paragraph (2) shall unless the court extends the period, be fourteen days from the date on which the judgment-debtor is served with a notice of registration where the application was ex parte and in all other cases fourteen days from the date of registration.

#### **5. Notice of Registration**

(1) Notice of registration of a judgment shall be served on the judgment-debtor.

(2) Application for substituted service under Order V of the Civil Procedure Rules (Cap. 21, Sub. Leg.) may be made by summons.

(3) Service of a notice of registration out of the jurisdiction may be made without leave and rules 25 and 26 of Order 5 of the Civil Procedure Rules (sub.leg) shall apply in relation to such a notice as they apply to summons.

(4) The notice of registration shall be signed by or on behalf of the judgment creditor and shall state—

- (a) full particulars of the judgment registered and the order for registration;
- (b) the name and address of the judgment creditor or of his advocate on whom, and at which, any summons issued by the judgment-debtor may be served;
- (c) the right of the judgment-debtor to apply to have the registration set aside; and
- (d) the period within which an application to set aside the registration may be made.

#### **6. Application to set aside registration**

(1) An application to set aside the registration of a judgment shall be made by summons in the cause of the application to register and shall be supported by an affidavit.

(2) Where application is made under section 10(4) of the Act the court may refer the matter to a taxing officer for his certificate of what sum would have been awarded by the High Court.

#### **7. Appeal**

An Appeal shall lie as of right from an order registering or refusing to register judgment.

**THE FOREIGN JUDGMENTS(RECIPROCAL  
ENFORCEMENT)(EXTENSION OF) ORDER**

[Legal Notice 135 of 1984, Legal Notice 301 of 1991]

1. This Order may be cited as the Foreign Judgments (Reciprocal Enforcement)(Extension of Act) Order.
2. The countries specified in the Schedule are declared to be reciprocating countries for the purposes of the Act and the Act shall apply with respect to judgments given by superior courts of those countries.

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SCHEDULE

1. Australia,
  2. Malawi,
  3. Seychelles,
  4. Tanzania,
  5. Uganda,
  6. Zambia,
  7. the United Kingdom,
  8. Republic of Rwanda.
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