



ST. HELENA

CHAPTER 19

FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) ORDINANCE

and Subsidiary Legislation

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

	Page
FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) ORDINANCE	2
Ordinance 7 of 1961 .. in force 17 July 1961	
Amended by Ordinance 5 of 1962 .. in force 20 July 1962	
FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) RULES – Section 5	10
Legal Notice 9 of 1961 .. in force 1 November 1961	
FOREIGN JUDGMENTS (AUSTRALIA AND ITS EXTERNAL TERRITORIES) ORDER – Section 3	15
Legal Notice 27 of 1994	

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

CHAPTER 19**FOREIGN JUDGMENTS (RECIPROCAL
ENFORCEMENT) ORDINANCE****ARRANGEMENT OF SECTIONS****PART I****PRELIMINARY****SECTION**

1. Short title and application
2. Interpretation

PART II**REGISTRATION OF FOREIGN JUDGMENTS**

3. Power to extend Part II of this Ordinance to foreign countries giving reciprocal treatment
4. Application for, and effect of, registration of foreign judgment
5. Rules of court
6. Cases in which registered judgments must, or may, be set aside
7. Powers of Supreme Court on application to set aside and after setting aside of registration
8. Foreign judgments which can be registered not to be enforceable otherwise

PART III**MISCELLANEOUS**

9. General effect of certain foreign judgments
10. Power to make foreign judgments unenforceable if no reciprocity
11. Issue of certificates of judgments obtained in St. Helena

CHAPTER 19

FOREIGN JUDGMENTS (RECIPROCAL
ENFORCEMENT) ORDINANCE*(Ordinances 7 of 1961 and 5 of 1962)*

AN ORDINANCE TO MAKE PROVISION FOR THE ENFORCEMENT IN ST. HELENA OF JUDGMENTS GIVEN IN FOREIGN COUNTRIES, FOR FACILITATING THE ENFORCEMENT IN FOREIGN COUNTRIES OF JUDGMENTS GIVEN IN ST. HELENA, AND FOR OTHER PURPOSES IN CONNECTION WITH THE MATTERS AFORESAID.

Commencement*[17 July 1961]*PART I
PRELIMINARY**Short title and application**

1. This Ordinance may be cited as the Foreign Judgments (Reciprocal Enforcement) Ordinance, and shall apply to St. Helena and its dependencies.

Interpretation

2. (1) In this Ordinance—
- “**appeal**” includes any proceedings by way of discharging or setting aside a judgment or an application for a new trial or a stay of execution;
- “**Country of original court**” means the country in which the original court is situated;
- “**judgment**” means a judgment or order given or made by a court in any civil proceedings, or a judgment or order given or made by a court in any criminal proceedings for the payment of a sum of money in respect of compensation or damages to any injured party;
- “**judgment creditor**” means the person in whose favour the judgment was given and includes any person in whom the rights under the judgment have become vested by succession or assignment or otherwise;
- “**judgment debtor**” means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable under the law of the original court;
- “**judgment given in the Supreme Court**” includes a judgment given in any court on appeal against a judgment given in the Supreme Court.
- “**original court**” in relation to any judgment means the court by which the judgment was given;
- “**prescribed**” means prescribed by rules of court;
- “**registration**” means registration under Part II of this Ordinance, and the expressions “**register**” and “**registered**” shall be construed accordingly;
- “**St. Helena**” includes the Dependencies of St. Helena;
- “**Supreme Court**” means the Supreme Court of St. Helena.

(2) For the purposes of this Ordinance, the expression “**action in personam**” shall not be deemed to include any matrimonial cause or any proceedings in connection with any of the

following matters, that is to say, matrimonial matters, administration of the estates of deceased persons, bankruptcy, winding up of companies, lunacy, or guardianship of infants.

PART II REGISTRATION OF FOREIGN JUDGMENTS

Power to extend Part II of this Ordinance to foreign countries giving reciprocal treatment

3. (1) The Governor in Council, if he is satisfied that, in the event of the extension of the benefit conferred by this Part of this Ordinance to judgments given in the superior courts of any foreign country, substantial reciprocity of treatment will be assured as respects the enforcement in that foreign country of judgments given in the Supreme Court, may by Order direct²—

- (a) that this Part of this Ordinance shall extend to that foreign country; and
- (b) that such courts of that foreign country as are specified in the Order shall be deemed superior courts of that country for the purposes of this Part of this Ordinance.

(2) Any judgment of a superior court of a foreign country to which this Part of this Ordinance extends, other than a judgment of such a court given on appeal from a court which is not a superior court, shall be a judgment to which this Part of this Ordinance applies, if—

- (a) it is final and conclusive as between the parties thereto; and
- (b) there is payable thereunder a sum of money, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty; and
- (c) it is given after the coming into operation of the Order directing that this Part of this Ordinance shall extend to that foreign country.

(3) For the purposes of this section, a judgment shall be deemed to be final and conclusive notwithstanding that an appeal may be pending against it, or that it may still be subject to appeal, in the courts of the country of the original court.

Application for, and effect of, registration of foreign judgment

4. (1) A person, being a judgment creditor under a judgment to which this Part of this Ordinance applies, may apply to the Supreme Court at any time within six years after the date of the judgment, or, where there have been proceedings by way of appeal against the judgment, after the date of the last judgment given in those proceedings, to have the judgment registered in the Supreme Court, and on any such application the Supreme Court shall, subject to proof of the prescribed matters and to the other provisions of this Ordinance, order the judgment to be registered:

Provided that a judgment shall not be registered if at the date of the application—

- (a) it has been wholly satisfied; or
- (b) it could not be enforced by execution in the country of the original court.

(2) Subject to the provisions of this Ordinance with respect to the setting aside of registration—

- (a) a registered judgment shall, for the purposes of execution, be of the same force and effect; and
- (b) proceedings may be taken on a registered judgment; and
- (c) the sum for which a judgment is registered shall carry interest; and

² The only Order so made is at page 23 of this Chapter.

(d) the Supreme Court shall have the same control over the execution of a registered judgment,
as if the judgment had been a judgment originally given in the Supreme Court and entered on the date of registration:

Provided that execution shall not issue on the judgment so long as under this Part of this Ordinance and the rules of court made thereunder it is competent for any party to make an application to have the registration of the judgment set aside, or, where such an application is made, until after the application has been finally determined.

(3) Where the sum payable under a judgment which is to be registered is expressed in a currency other than the currency of St. Helena, the judgment shall be registered as if it were a judgment for such sum in the currency of St. Helena as, on the basis of the rate of exchange prevailing at the date of the judgment of the original court, is equivalent to the sum so payable.

(4) If at the date of the application for registration the judgment of the original court has been partly satisfied, the judgment shall not be registered in respect of the whole sum payable under the judgment of the original court, but only in respect of the balance remaining payable at that date.

(5) If, on an application for the registration of a judgment, it appears to the Supreme Court that the judgment is in respect of different matters and that 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 judgment may be registered in respect of the provisions aforesaid but not in respect of any other provisions contained therein.

(6) In addition to the sum of money payable under the judgment of the original court, including any interest which by the law of the country of the original court becomes due under the judgment up to the time of registration, the judgment shall be registered for the reasonable costs of and incidental to registration, including the costs of obtaining a certified copy of the judgment from the original court.

Rules of court

5. (1) The Chief Justice may from time to time make rules of court, which shall be published in the *Gazette*—

- (a) regulating and prescribing the procedure and the practice in respect of any proceedings under this Ordinance;
- (b) prescribing the fees to be taken in respect of any proceedings under this Ordinance;
- (c) making provision with respect to the giving of security for costs by persons applying for the registration of judgments;
- (d) prescribing the matters to be proved on an application for the registration of a judgment and regulating the mode of proving those matters;
- (e) providing for the service on the judgment debtor of notice of the registration of a judgment;
- (f) making provision with respect to the fixing of the period within which an application may be made to have the registration of the judgment set aside and with respect to the extension of the period so fixed;
- (g) prescribing the method by which any question arising under this Ordinance whether a foreign judgment can be enforced by execution in the country of the original court, or what interest is payable under a foreign judgment under the law of the original court, is to be determined;
- (h) prescribing any matter which under this Part of this Ordinance is to be prescribed;
- (i) generally for the better carrying out of the purposes of this Ordinance.

(2) Rules made for the purposes of this Part of this Ordinance shall be expressed to have, and shall have, effect subject to any such provisions contained in Orders made under section 3 of this Ordinance as are declared by the said Orders to be necessary for giving effect to agreements made between Her Majesty and foreign countries in relation to matters with respect to which there is power to make rules of court for the purposes of this Part of this Ordinance.

Cases in which registered judgments must, or may, be set aside

6. (1) On an application in that behalf duly made by any party against whom a registered judgment may be enforced, the registration of the judgment—

(a) shall be set aside if the Supreme Court is satisfied—

- (i) that the judgment is not a judgment to which this Part of this Ordinance applies or was registered in contravention of the foregoing provisions of this Ordinance; or
- (ii) that the courts of the country of the original court had no jurisdiction in the circumstances of the case; or
- (iii) that the judgment debtor, being the defendant in the proceedings in the original court, did not (notwithstanding that process may have been duly served on him in accordance with the law of the country of the original court) receive notice of those proceedings in sufficient time to enable him to defend the proceedings and did not appear; or
- (iv) that the judgment was obtained by fraud; or
- (v) that the enforcement of the judgment would be contrary to public policy in St. Helena; or
- (vi) that the rights under the judgment are not vested in the person by whom the application for registration was made;

(b) may be set aside if the Supreme Court is satisfied that the matter in dispute in the proceedings in the original court had before the date of the judgment in the original court been the subject of a final and conclusive judgment by a court having jurisdiction in the matter.

(2) For the purposes of this section the courts of the country of the original court shall, subject to the provisions of subsection (3), be deemed to have had jurisdiction—

(a) in the case of a judgment given in an action *in personam*—

- (i) if the judgment debtor, being a defendant in the original court, submitted to the jurisdiction of that court by voluntarily appearing in the proceedings otherwise than for the purpose of protecting or obtaining the release of property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of that court; or
- (ii) if the judgment debtor was plaintiff in, or counter-claimed in, the proceedings in the original court; or
- (iii) if the judgment debtor, being a defendant in the original court, had before the commencement of the proceedings agreed in respect of the subject matter of the proceedings to submit to the jurisdiction of that court or of the courts of the country of that court; or
- (iv) if the judgment debtor, being a defendant in the original court, was at the time when the proceedings were instituted resident in, or being a body corporate had its principal place of business in, the country of that court; or
- (v) if the judgment debtor, being a defendant in the original court, had an office or place of business in the country of that court and the proceedings in that

- court were in respect of a transaction effected through or at that office or place;
- (b) in the case of a judgment given in an action of which the subject matter was immovable property or in an action *in rem* of which the subject matter was movable property, if the property in question was at the time of the proceedings in the original court situate in the country of that court;
 - (c) in the case of a judgment given in an action other than any such action as is mentioned in paragraph (a) or (b), if the jurisdiction of the original court is recognized by the law of St. Helena.
- (3) Notwithstanding anything in subsection (2), the courts of the country of the original court shall not be deemed to have had jurisdiction—
- (a) if the subject matter of the proceedings was immovable property outside the country of the original court; or
 - (b) except in the cases mentioned in paragraphs (a)(i), (ii) and (iii) and (c) of subsection (2) of this section, if the bringing of the proceedings in the original court was contrary to an agreement under which the dispute in question was to be settled otherwise than by proceedings in the courts of the country of that court; or
 - (c) if the judgment debtor, being a defendant in the original proceedings, was a person who under the rule of public international law was entitled to immunity from the jurisdiction of the courts of the country of the original court and did not submit to the jurisdiction of that court.

Powers of Supreme Court on application to set aside and after setting aside of registration

7. (1) If, on an application to set aside the registration of a judgement, the applicant satisfies the Supreme Court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment, the court, if it thinks fit, may, on such terms as it may think just, either set aside the registration or adjourn the application to set aside the registration until after the expiration of such period as appears to the court to be reasonably sufficient to enable the applicant to take the necessary steps to have the appeal disposed of by the competent tribunal.

(2) Where the registration of a judgment is set aside under subsection (1), or solely for the reason that the judgment was not at the date of the application for registration enforceable by execution in the country of the original court, the setting aside of the registration shall not prejudice a further application to register the judgment when the appeal has been disposed of or when the judgment becomes enforceable by execution in that country, as the case may be.

(3) Where the registration of a judgment is set aside solely for the reason that the judgment, notwithstanding that it had at the date of the application for registration been partly satisfied, was registered for the whole sum payable thereunder, the Supreme Court shall, on the application of the judgment creditor, order judgment to be registered for the balance remaining payable at that date.

Foreign judgments which can be registered not to be enforceable otherwise

8. No proceedings for the recovery of a sum payable under a foreign judgment to which this Part of this Ordinance applies, other than proceedings by way of registration of the judgment, shall be entertained by any court in St. Helena.

Application to Commonwealth

9.³ This Part shall apply to Commonwealth countries or territories outside St. Helena and to judgments obtained in the courts of such Commonwealth countries or territories as it applies to foreign countries and judgments obtained in foreign countries.

PART III MISCELLANEOUS

General effect of certain foreign judgments

10. (1) Subject to the provisions of this section, a judgment to which Part II of this Ordinance applies or would have applied if a sum of money had been payable thereunder, whether it can be registered or not, and whether, if it can be registered, it is registered or not, shall be recognized in any court in St. Helena as conclusive between the parties thereto and may be relied on by way of defence or counter-claim in any proceedings in such court.

(2) This section shall not apply in the case of any judgment—

(a) where the judgment has been registered and the registration thereof has been set aside on some ground other than—

(i) that a sum of money was not payable under the judgment; or

(ii) that the judgment has been wholly or partly satisfied; or

(iii) that at the date of the application the judgment could not be enforced by execution in the country of the original court; or

(b) where the judgment has not been registered and it is shown (whether it could have been registered or not) that if it had been registered the registration thereof would have been set aside on an application for that purpose on some ground other than one of the grounds specified in paragraph (a).

(3) Nothing in this section shall be taken to prevent the recognition by any court in St. Helena of any judgment as conclusive of any matter of law or fact decided therein if that judgment would have been so recognized before the enactment of this Ordinance.

Power to make foreign judgments unenforceable if no reciprocity

11. (1) If it appears to the Governor in Council that the treatment in respect of recognition and enforcement accorded by the courts of any foreign country to judgments given in the Supreme Court is substantially less favourable than that accorded by the courts of St. Helena to judgments of the superior courts of that country, he may by Order apply this section to that country.

(2) Except in so far as the Governor in Council may by Order under this section otherwise direct, no proceedings shall be entertained in any court in St. Helena for the recovery of any sum alleged to be payable under a judgment given in a court of a country to which this section applies.

Issue of certificates of judgments obtained in St. Helena

12. Where a judgment under which a sum of money is payable, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other

³ Section 9 substituted by Ord. 5 of 1962

penalty, has been entered in the Supreme Court against any person and the judgment creditor is desirous of enforcing the judgment in a country or territory to which Part II of this Ordinance applies, the court shall on an application made by the judgment creditor and on payment of the prescribed fee issue to the judgment creditor a certified copy of the judgment, together with a certificate containing such particulars with respect to the action, including the causes of action, and the rate of interest, if any, payable on the sum payable under the judgment, as may be prescribed:

Provided that, where execution of a judgment is stayed for any period pending an appeal or for any other reason, an application shall not be made under this section with respect to the judgment until the expiration of that period.

**FOREIGN JUDGMENTS (RECIPROCAL
ENFORCEMENT) RULES****ARRANGEMENT OF RULES****RULE**

1. Short title
2. Interpretation
3. Application for registration
4. Evidence in support of application
5. Security for costs
6. Title of affidavit and summons
7. Order on application for registration
8. Register of judgments
9. Notice of registration
10. Indorsement of service
11. Application to set aside registration
12. Issue of execution
13. Determination of certain questions
14. Certified copy of Supreme Court judgment
15. Rules to have effect subject to Orders in Council

**FOREIGN JUDGMENTS (RECIPROCAL
ENFORCEMENT) RULES – SECTION 5**

(Legal Notice 9 of 1961)

Commencement

[1 November 1961]

Short title

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

Interpretation

2. In these rules—
“**Order in Council**” means an Order in Council made under section 3 of the Ordinance;
“**the Ordinance**” means the Foreign Judgments (Reciprocal Enforcement) Ordinance.

Application for registration

3. An application under section 4 of the Ordinance to have a foreign judgment to which Part II of the Ordinance applies registered in the Supreme Court may be made *ex parte* to the court or a Judge.

Evidence in support of application

4. (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 if the judgment was not in English 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 section 6 of the Ordinance;
 - (c) stating 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 subparagraph (iii) of paragraph (b) or paragraph (c) above as may be required having regard to the provisions of the Order in Council extending the Ordinance 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 St. Helena, the affidavit shall also state the amount which that sum represents in the currency of St. Helena 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 of the provisions of that judgment, but not all, are such that if they 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.

Security for costs

5. Save as otherwise provided by any relevant Order in Council the court or a Judge 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.

Title of affidavit and summons

6. The affidavit, if any, shall be intitled:

In the matter of the Foreign Judgments (Reciprocal Enforcement) Ordinance, 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..... .

Order on application for registration

7. (1) An order giving leave to register a judgment shall be drawn up by, or 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 the expiration of that period.

(4) The court or a Judge 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.

Register of judgments

8. There shall be kept in the Registry of the Supreme Court by, or under the direction of, the Registrar a register of the judgments ordered to be registered under the Ordinance.

Notice of registration

9. (1) Notice in writing of the registration of a judgment shall be served on the judgment debtor—

- (a) if within the jurisdiction, by personal 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 the jurisdiction, in accordance with the rule applicable to the service of a writ of summons out of jurisdiction, save that special 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; and
- (b) the name and address of the judgment creditor or his solicitor 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 Ordinance 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.

Indorsement of service

10. (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 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 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 indorsement was made.

Application to set aside registration

11. (1) An application to set aside the registration of a judgment shall be made by summons to the court or a Judge supported by affidavit.

(2) A summons for the purpose of this rule shall be an ordinary summons intituled in the same manner as the affidavit referred to in rule 6 of these rules.

(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.

Issue of execution

12. (1) Execution shall not issue on a registered judgment until after the expiration of the period which, in accordance with the provisions of rule 7(3), 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.

Form of writ of execution

13. In the case of a registered judgment a writ of execution shall contain the words “which said sum of money and interest were lately in” (describing the court in which judgment was obtained) and the words “and which judgment has been duly registered in the Supreme Court of St. Helena pursuant to Part II of the Foreign Judgments (Reciprocal Enforcement) Ordinance”.

Determination of certain questions

14. If, whether under the Ordinance 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 Ordinance to that country.

Certified copy of Supreme Court judgment

15. (1) An application under section 12 of the Ordinance for a certified copy of a judgment obtained in the Supreme Court shall be made *ex parte* to the Registrar on an affidavit made by the judgment creditor or his solicitor.

(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 by which the proceedings were instituted, the evidence of service thereof upon, or

- appearance by, the defendant, copies of the pleadings, if any, in the proceedings, and a statement of the grounds on which the judgment was based; and
- (c) state whether the defendant did or did not object to the jurisdiction, and if so, on what grounds; and
 - (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.

(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 Supreme Court and certified by the Registrar as follows:

I certify that the above copy judgment is a true copy of a judgment obtained in the Supreme Court of St. Helena and this copy is issued in accordance with section 12 of the Foreign Judgments (Reciprocal Enforcement) Ordinance.

Signed

Registrar of the Supreme Court.

together with the following further certificates also under the seal of the Supreme Court and certified by the Registrar:

- (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, by which the proceedings were instituted, showing the manner in which the writ or summons was served on the defendant, or that the defendant appeared thereto, and the objections made to the jurisdiction, if any, 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.

Rules to have effect subject to Orders in Council

16. These rules shall have effect subject to any such provisions contained in Orders in Council made under section 3 of the Ordinance as are declared by the said Orders in Council to be necessary for giving effect to agreements made between Her Majesty and foreign countries in relation to matters with respect to which there is power to make rules of court for the purposes of Part II of the Ordinance.

**FOREIGN JUDGEMENTS (AUSTRALIA AND
ITS EXTERNAL TERRITORIES) ORDER – SECTION 3(1)**

(Legal Notice 27 of 1994)

Short title

1. This Order may be cited as the Foreign Judgments (Australia and its External Territories) Order.

Part II of the Ordinance extended to Australia and its external territories

2. (1) Part II of the Ordinance is extended to Australia and its external territories.

(2) The following courts of Australia and its external territories are superior courts for the purpose of Part II of the Ordinance—

High Court of Australia
Federal Court of Australia
Family Court of Australia
Family Court of Western Australia
Supreme Court of New South Wales
Supreme Court of Victoria
Supreme Court of Queensland
Supreme Court of Western Australia
Supreme Court of South Australia
Supreme Court of Tasmania
Supreme Court of the Northern Territory
Supreme Court of the Australian Capital Territory
Supreme Court of Norfolk Island
