

Bill No. 18 of 1963 (L.A.)

PUBLISHED 13TH APRIL, 1963

Bill No. 18 of 1963 (L.A.). FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) (AMENDMENT) BILL, 1963.

Arrangement of Sections

Section

1. Short title.
2. Amendment of section 2 of the Principal Ordinance.
3. Amendment of section 3 of the Principal Ordinance.
4. Repeal and re-enactment of section 9 of the Principal Ordinance.

A BILL

Intituled

AN ORDINANCE to amend the Foreign Judgments (Reciprocal Enforcement) Ordinance.

Enacted by the Legislature of British Guiana:—

A.D. 1963.

1. This Ordinance may be cited as the Foreign Judgments (Reciprocal Enforcement) (Amendment) Ordinance, 1963, and shall be construed and read as one with the Foreign Judgments (Reciprocal Enforcement) Ordinance, 1961, and any Ordinance amending the same.

Short title.

No. 19 of 1961.

2. Subsection (1) of section 2 of the Principal Ordinance is hereby amended by the substitution of a semi-colon for the comma after the word "party" in the fifth line of the definition of the word "judgment" and the deletion of the remaining words following there-after in the definition.

Amendment of section 2 of the Principal Ordinance.

3. Paragraph (c) of subsection (2) of section 3 of the Principal Ordinance is hereby repealed and the following paragraph is substituted therefor —

Amendment of section 3 of the Principal Ordinance.

"(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."

4. Section 9 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

Repeal and re-enactment of section 9 of the Principal Ordinance.

"Power to apply Part I of Ordinance to other parts of Commonwealth.

9. (1) The Governor may by order direct that this Part of this Ordinance shall apply to any part of the Commonwealth outside the United Kingdom and to judgments obtained in the superior courts of such parts of the Commonwealth as it applies to foreign countries and judgments obtained in the superior courts of foreign countries and, in the event of the Governor so directing, this Ordinance shall have effect accordingly and the Judgments Extension Ordinance shall cease to have effect except in relation to those parts of the Commonwealth to which it extends at the date of the order.

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(2) If at any time after the Governor has directed as aforesaid an order is made under section 3 of this Ordinance extending Part I of this Ordinance to any part of the Commonwealth to which the Judgments Extension Ordinance extends as aforesaid, then, in relation to that part of the Commonwealth —

- (a) the last mentioned Ordinance shall cease to have effect;
- (b) Part I of this Ordinance shall have effect as if —

- (i) the expression "judgment" included an award in proceedings on an arbitration if the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place;
- (ii) the fact that a judgment was given before the coming into operation of the order did not prevent it from being a judgment to which Part I of this Ordinance applies, but the time limited for the registration of a judgment were, in the case of a judgment so given, twelve months from the date of the judgment or such longer period as may be allowed by the Supreme Court;
- (iii) a judgment registered in the Supreme Court under the Judgments Extension Ordinance before the coming into operation of the order had been registered under Part I of this Ordinance, and anything done in relation thereto under the said Judgments Extension Ordinance or any rules of court or other provisions applicable to the said Judgments Extension Ordinance, had been done under Part I of this Ordinance or the corresponding rules of court or other provisions applicable to the said Part I.

(3) References in this section to any part of the Commonwealth outside the United Kingdom shall be construed as including references to any territories which are under Her Majesty's protection and to any territories administered by the Government of any part of the Commonwealth under the trusteeship of the United Nations."

OBJECTS AND REASONS

The Foreign Judgments (Reciprocal Enforcement) Ordinance, 1961, was enacted to enable judgments obtained in the Supreme Court of British Guiana to be enforced in other parts of the Commonwealth and in foreign countries on a reciprocal basis.

2. The definition of the word "judgment" in section 2 of the abovementioned Ordinance would enable arbitral awards to be capable of registration and enforcement under the provisions of the Ordinance. The Secretary of State for the Colonies has advised that the registration and enforcement of arbitral awards under the provisions of the Ordinance should be limited to territories within the Commonwealth. The Secretary of State for the Colonies has also advised that certain amendments be made to the Ordinance with regard to the provisions for the registration and enforcement of judgments obtained before the coming into operation of an order made under section 9 of the Ordinance applying Part I thereof to other territories within the Commonwealth.

3. This Bill seeks to make the necessary amendments.

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(M.P.L. 94 VII).
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