



BRITISH INDIAN OCEAN TERRITORY

**REVISED ORDINANCES OF THE  
BRITISH INDIAN OCEAN TERRITORY**

**THE RECIPROCAL ENFORCEMENT OF  
JUDGMENTS ORDINANCE 1985**

**CHAPTER D.3**

**Revised Edition**

Showing the law as at 1 September 2020

Published by Authority

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This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Ordinance 2015 and contains:

The Reciprocal Enforcement of Judgments Ordinance 1985 - Ordinance No.4 of 1985

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*An Ordinance to facilitate the reciprocal enforcement of judgments and awards in the Territory, the United Kingdom and other parts of the Commonwealth.*

**Citation.**

1. This Ordinance may be cited as the Reciprocal Enforcement of Judgments Ordinance 1985, ROBIOT c.D.3.

**Definitions.**

2. (1) In this Ordinance, unless the context otherwise requires –

**judgment** means any judgment or order given or made by a court in any civil proceedings, whether before or after the enactment of this Ordinance, whereby any sum of money is made payable, and includes 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;

**judgment creditor** means the person by whom the judgment was obtained, and includes the successors and assigns of that person;

**judgment debtor** means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable in the place where it was given;

**original court** in relation to any judgment means the court by which the judgment was given.

(2) Subject to rules of court, any of the powers conferred by this Ordinance on any court may be exercised by a judge of the court.

**Enforcement in the Territory of judgments obtained in a superior court in the United Kingdom.**

3. (1) Where a judgment has been obtained in a superior court in the United Kingdom, the judgment creditor may apply to the Supreme Court, at any time within twelve months after the date of the judgment, or such longer period as may be allowed by the Court, to have the judgment registered in the Court, and

on such an application the Court may, if in all the circumstances of the case it thinks it is just and convenient that the judgment should be enforced in the Territory and subject to the provisions of this section, order the judgment to be registered accordingly.

(2) No judgment shall be ordered to be registered under this section if –

(a) the original court acted without jurisdiction;

(b) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit or agree to submit to the jurisdiction of that court;

(c) the judgment debtor, being the defendant in the proceedings, was not duly served with the process of the original court and did not appear, despite being ordinarily resident or carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court; or

(d) the judgment was obtained by fraud;

(e) the judgment debtor satisfies the Supreme Court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment; or

(f) the judgment was in respect of a cause of action which for reasons of public policy or for some other similar reason could not have been entertained by the Supreme Court.

(3) Where a judgment is registered under this section –

(a) the judgment shall, as from the date of registration, be of the same force and effect, and proceedings may be taken thereon, as if it had been a judgment originally obtained or entered upon the date of registration in the Supreme Court;

(b) the Supreme Court shall have the same control and jurisdiction over the judgment as it has over similar judgments given by itself, but in so far only as relates to execution under this section;

(c) the reasonable costs of and incidental to the registration of the judgment (including the costs of obtaining a certified copy thereof from the original court and of the application for registration) shall be recoverable in like manner as if they were sums payable under the judgment.

(4) Rules of court shall provide –

- (a) for service on the judgment debtor of notice of the registration of a judgment under this section;
- (b) for enabling the Supreme Court on an application by the judgment debtor to set aside the registration of a judgment under this section on such terms as the Court thinks fit; and
- (c) for suspending the execution of a judgment registered under this section until the expiration of the period during which the judgment debtor may apply to have the registration set aside.

(5) In any action brought in the Supreme Court on any judgment which might be ordered to be registered under this section, the plaintiff shall not be entitled to recover any costs of the action unless an application to register the judgment under this section has previously been refused, or unless the Court otherwise orders.

**Issue of certificates of judgments obtained in the Territory.**

4. Where –

- (a) a judgment has been obtained in the Supreme Court against any person; and
- (b) the judgment creditor wishes to secure the enforcement of the judgment in the United Kingdom,

the Court shall, on an application made by the judgment creditor, issue to him a certified copy of the judgment.

**Power to make rules.**

5. The Chief Justice may make rules of court for regulating the practice and procedure (including scales of fees and evidence) in respect of proceedings of any kind under this Ordinance.

**Extension of Ordinance.**

6. Where the Commissioner is satisfied that reciprocal provisions have been made by the Legislature of any part of the Commonwealth outside the United Kingdom for the enforcement within that part of the Commonwealth of judgments obtained in the Supreme Court, the Commissioner may by Order declare that this Ordinance shall extend to judgments obtained in a superior court in that part of the Commonwealth in the like manner as it extends to judgments obtained in a superior court in the United Kingdom, and on any such Order coming into operation this Ordinance shall extend accordingly.



