



## **BELIZE**

# **RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT CHAPTER 171**

## **REVISED EDITION 2000 SHOWING THE LAW AS AT 31ST DECEMBER, 2000**

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

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### **ARRANGEMENT OF SECTIONS**

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### **RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT**

5

Amendments in force as at 31st December, 2000.



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# **RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT CHAPTER 171**

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### **RECIPROCAL ENFORCEMENTS OF JUDGMENTS ACT**

5

Amendments in force as at 31st December, 2000.

**CHAPTER 171**

**RECIPROCAL ENFORCEMENT OF JUDGMENTS**

**ARRANGEMENT OF SECTIONS**

1. Short title.

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*Enforcement of Empire Judgments*

Preliminary

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*Judgments of Courts in Great Britain*

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4. Issue of certificates of judgments obtained in Belize.
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16. General effect of certain foreign judgments.
17. Power to make foreign judgments unenforceable in Belize if no reciprocity.
18. Issue of certificates of judgments obtained in Belize.

**CHAPTER 171**

**RECIPROCAL ENFORCEMENT OF JUDGMENTS**

[15th June, 1922-Part I]  
[3rd August, 1935-Part II]

Ch. 8,  
R.L., 1958.  
CAP. 133.  
R.E. 1980-1990.  
19 of 1958.  
Commencement.  
S.I. 17 of 1964.  
Short title

1. This Act may be cited as the Reciprocal Enforcement of Judgments Act.

**PART I**

*Enforcement of Empire and Commonwealth Judgments*

Preliminary

- 2.-(1) In this Part, unless the context otherwise requires:-

Interpretation.

“Commonwealth country” has the meaning assigned to it in the Interpretation Act;

CAP. 1.

“judgment” means any judgment or order given or made by a court in any civil proceedings, 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;

“registering court”, in relation to any judgment, means the court by which the judgment was registered.

CAP. 91. (2) Subject to rules of court, any of the powers conferred by this Part may be exercised by any judge appointed under the Supreme Court of Judicature Act.

*Judgments of Courts in Great Britain*

Enforcement in Belize of judgments obtained in the High Court of Justice in England or Northern Ireland or in the Court of Sessions in Scotland.

3.-(1) Where a judgment has been obtained in the High Court of Justice in England or Northern Ireland or in the Court of Sessions in Scotland, the judgment-creditor may apply to the Supreme Court of Belize 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 Supreme Court of Belize, and on any such application the Supreme Court of Belize may, if in all the circumstances of the case it thinks it is just and convenient that the judgment should be enforced in Belize 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; or
- (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; or

- (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, notwithstanding that he was ordinarily resident or was 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; or
  - (e) the judgment-debtor satisfies the registering 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 registering 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 up on the date of registration in the Supreme Court of Belize;
  - (b) the Supreme Court of Belize 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; and
  - (b) for enabling the Supreme Court of Belize, 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 of Belize 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 Belize.

4. Where a judgment has been obtained in the Supreme Court of Belize against any person, the court shall, on an application made by the judgment-creditor and on proof that the judgment-debtor is resident in some part of the United Kingdom, issue to the judgment-creditor a certified copy of the judgment.

Power to  
make rules.

5. Provision may be made by rules of court for regulating the practice and procedure, including scales of fees and evidence, in respect of proceedings of any kind under this Part.

S. I. 17 of 1964.

*Judgments of Commonwealth or Colonial Courts*

Extention of  
application of Act.

6.-(1) Where the Minister is satisfied that reciprocal provisions have been made by the Legislature of any Commonwealth country or any part of Her



Majesty's dominions outside the United Kingdom for the enforcement within that country or part of Her Majesty's dominions of judgments obtained in the Supreme Court of Belize, the Minister may by Order published in the *Gazette* declare that this Act shall extend to judgments obtained in a Superior Court in that country or part of Her Majesty's dominions in the like manner as it extends to judgments obtained in a Superior Court in the United Kingdom, and on any such Order being made, this Act shall extend accordingly.

(2) For the purposes of this section, the expression "part of Her Majesty's dominions outside the United Kingdom" shall be deemed to include any territory which is under Her Majesty's protection or in respect of which a mandate is being exercised by the government of any part of Her Majesty's dominions.

## PART II

### *Enforcement of Foreign Judgments*

7.-(1) In this Part, unless the context otherwise requires:-

Interpretation.

"appeal" includes any proceeding by way of discharging or setting aside a judgment or an application for a new trial or a stay of execution;

"country of the 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 an 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;

“judgments given in the Superior Court of Belize” means judgments given in the Supreme Court and Orders made by Her Majesty in Council on appeal from judgments of the Supreme Court;

“original court” in relation to any judgment, means the court by which the judgment was given;

“registration” means registration under this Part, and the expressions “register” and “registered” shall be construed according ;

“registering court” in relation to any judgment, means the court to which an application to register the judgment is made.

(2) For the purposes of this Part, “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, unsoundness of mind or guardianship of infants.

Power to extend Part II to foreign countries giving reciprocal treatment.  
S. I. 17 of 1964.

8.-(1) The Minister if he is satisfied that, in the event of the benefits conferred by this Part being extended 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 Superior Court of Belize, may by Order published in the *Gazette* direct-

- (a) that this Part 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.

(2) Any judgment of a superior court of a foreign country to which this Part 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 applies, if-

- (a) it is final and conclusive as between the parties thereto;
- (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 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.

9.-(1) A person, being a judgment-creditor under a judgment to which this Part 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 court shall, subject to proof of the prescribed matters and to the other provisions of this Act, order the judgment to be registered:

Application for, and effect of, registration of foreign judgment.

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 Part 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;
- (b) proceedings may be taken on a registered judgment;
- (c) the sum for which a judgment is registered shall carry interest; and
- (d) the registering 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 registering court and entered on the date of registration:

Provided that execution shall not issue on the judgment so long as, under this Part 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 Belize, the judgment shall be registered as if it were a judgment for such sum in the currency of Belize 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 registering 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 the 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.

10.-(1) The power to make rules of court under section 95 of the Supreme Court of Judicature Act shall, subject to this section, include power to make rules for the following purposes-

Rules of Court.  
CAP. 91.

- (a) for making provision with respect to the giving of security for costs by persons applying for the registration of judgments;
- (b) for prescribing the matters to be proved on an application for the registration of a judgment and for regulating the mode of proving those matters;
- (c) for providing for the service on the judgment-debtor of notice of the registration of a judgment;
- (d) for 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;

- (e) for prescribing the method by which any question arising under this Part as to 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;
- (f) for prescribing any matter which under this Part is to be prescribed.

S. I. 17 of 1964.

(2) Rules of court made for the purposes of sections 7 to 14 shall be expressed to have, and shall have, effect subject to any such provisions contained in Orders made under section 8 of this Act as are declared by the said Orders to be necessary for giving effect to agreements made between the Government of Belize and foreign countries in relation to matters with respect to which there is power to make rules of court for the purposes of the said sections.

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

11.-(1) On 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 registering court is satisfied -
  - (i) that the judgment is not a judgment to which sections 7 to 14 apply or was registered in contravention of the foregoing provisions of this Part;
  - (ii) that the courts of the country of the original court had no jurisdiction in the circumstances of the case;
  - (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;

- (iv) that the judgment was obtained by fraud;
- (v) that the enforcement of the judgment would be contrary to public policy in the country of the registering court; 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 registering court is satisfied that the matter in dispute in the proceedings in the original court had, previously to 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 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 court 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 paragraph (b), if the jurisdiction of the original court is recognised by the law of the registering court.
- (3) Notwithstanding anything in subsection (2), the court 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 subparagraphs (i), (ii) and (iii) of paragraph (a) and in paragraph (c) of subsection (2), 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 rules 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.

12.-(1) If, on an application to set aside the registration of a judgment, the applicant satisfies the registering 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 application to take the necessary steps to have the appeal disposed of by the competent tribunal.

Power of  
registering court  
on application  
to set aside  
registration.

(2) Where the registration of a judgment is set aside under the last preceding subsection, 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 if and 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 registering 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.

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

Part II to apply to British dominions, protectorates and mandated territories.

14.-(1) Sections 7 to 13 shall apply to Her Majesty's dominions and to judgments obtained in the courts of the said dominions, as it applies to foreign countries and to judgments obtained in the courts of foreign countries, and the provisions of Part I shall cease to have effect except in relation to those parts of the said dominions to which they extended on 3rd August, 1935.

S.I. 17 of 1964.

(2) If at any time after an Order is made under section 8 extending sections 7 to 13 to any part of Her Majesty's dominions to which Part I extend as aforesaid, the said provisions shall cease to have effect in relation to that part of Her Majesty's dominions.

(3) References in this section to Her Majesty's dominions shall be construed as including references to any British protectorate or protected State and to any territory in respect of which a mandate on behalf of the League of Nations or the United Nations has been accepted by Her Majesty.

Modification.  
19 of 1958.

15. Where an Order is made under section 8 of this Act extending this Part to any part of Her Majesty's dominions or other territory to which Part I extends, this Part shall, in relation to that part of Her Majesty's dominions or other territory, have effect as if -

- (a) the expression "judgment" include 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;

- (b) 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 this Part 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 Superior Court of Belize;
- (c) any judgment registered in any of the said courts under Part I or any rules of the court or other provisions applicable to Part I had been done under this Part or the corresponding rules of court or other provisions applicable to this Part.

16.-(1) Subject to the provisions of this section, a judgment to which sections 7 to 13 apply 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 recognised in any court in Belize as conclusive between the parties thereto in all proceedings founded on the same cause of action and may be relied on by way of defence or counterclaim in any such proceedings.

General effect  
of certain foreign  
judgments.

- (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 had 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, 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) of this subsection.

(3) Nothing in this section shall be taken to prevent any court in Belize recognising any judgment as conclusive of any matter of law or fact decided therein if that judgment would have been so recognised before the passing of this Act.

Power to make foreign judgments unenforceable in Belize if no reciprocity.  
S.I. 17 of 1964.

17.-(1) If it appears to the Minister that the treatment in respect of recognition and enforcement accorded by the courts of any foreign country to judgments given in the Superior Court of Belize is substantially less favourable than that accorded by the courts of Belize to judgments of the superior courts of that country, the Minister may by Order published in the *Gazette* apply this section to that country.

S.I. 17 of 1964.

(2) Except in so far as the Minister may by Order under this section otherwise direct, no proceedings shall be entertained in any court in Belize 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 Belize.

18.-(1) Subject to subsection (2), 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 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 sections 7 to 13 apply, the court shall, on an application made by the judgment-creditor and on payment of such fee as may be fixed for the purposes of this section under section 95 of the Supreme Court of Judicature Act, issue to the judgment-

CAP. 91.

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.

(2) 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.

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