

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. LIV.

An Act to render Judgments or Decreets obtained in certain Courts in *England, Scotland,* and *Ireland* respectively effectual in any other Part of the United Kingdom. [13th *July* 1868.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Where Judgment has been obtained in the Courts at Westminster, a Certificate thereof registered in Ireland, and vice versâ, shall have the Effect of a Judgment of the Court in which it is so registered.

1. Where Judgment shall hereafter be obtained or entered up in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at *Westminster* or *Dublin* respectively for any Debt, Damages, or Costs, on Production to the Master of the Court of Common Pleas at *Dublin* where such Judgment shall have been obtained or entered up in any of the said Courts in *England*, or to the Senior Master of the Court of Common Pleas at *Westminster* where such Judgment shall have been obtained or entered up in any of the said Courts in *Ireland*, of a Certificate of such Judgment in one of the Forms contained in the Schedule hereto annexed, as the Case may be, purporting to be signed by the proper Officer of the Court where such Judgment has been obtained or entered up, such Certificate shall be registered by such Master in a Register to be kept in the Court of

Common Pleas at *Dublin* and at *Westminster* respectively for that Purpose, and to be called in the Court of Common Pleas at *Dublin* "The Register for *English* Judgments," and to be called in the Court of Common Pleas at *Westminster* "The Register for *Irish* Judgments," and shall from the Date of such Registration be of the same Force and Effect, and all Proceedings shall and may be had and taken on such Certificate, as if the Judgment of which it is a Certificate had been a Judgment originally obtained or entered up on the Date of such Registration as aforesaid in the Court in which it is so registered, and all the reasonable Costs and Charges attendant upon the obtaining and registering such Certificate shall be recovered in like Manner as if the same were Part of the original Judgment: Provided always, that no Certificate of any such Judgment shall be registered as aforesaid more than Twelve Months after the Date of such Judgment, unless Application shall have been first made to and Leave obtained from the Court or a Judge of the Court in which it is sought so to register such Certificate.

Where Judgment has been obtained in the Courts at Westminster or at Dublin, a Certificate thereof registered in Scotland shall have the Effect of a Decreet of the Court of Session.

2. Where Judgment shall hereafter be obtained or entered up in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at *Westminster* or *Dublin* respectively for any Debt, Damages, or Costs, on Production at the Office kept in *Edinburgh* for the Registration of Deeds, Bonds, Protests, and other Writs registered in the Books of Council and Session of a Certificate of such Judgment in one of the Forms contained in the Schedule hereto annexed, as the Case may be, purporting to be signed by the proper Officer of the Court where such Judgment has been obtained or entered up, such Certificate shall be registered in a Book to be kept for that Purpose, and to be called "The Register for *English* and *Irish* Judgments," in like Manner as a Bond executed according to the Law of *Scotland*, with a Clause of Registration for Execution therein contained; and every Certificate so registered shall from the Date of such Registration be of the same Force and Effect as a Decreet of the Court of Session, and all Proceedings shall and may be had and taken on an Extract of such Certificate as if the Judgment of which it is a Certificate had been a Decreet originally pronounced in the Court of Session on the Date of such Registration as aforesaid, and all the reasonable Costs, Charges, and Expenses attendant upon the obtaining and registering such Certificate shall be recovered in like Manner as if the same were Part of the original Judgment: Provided always, that no Certificate of any such Judgment shall be registered as aforesaid more than Twelve Months after the Date of such Judgment, unless Application shall have been first made to and Leave obtained from the Lord Ordinary on the Bills.

Where Decreet has been obtained in the Court of Session, a Certificate of an Extract thereof registered in England or Ireland shall have the Effect of a Judgment of the Court in which it is so registered.

3. On Production to the Senior Master of the Court of Common Pleas at *Westminster*, or to the Master of the Court of Common Pleas at *Dublin*, of the Certificate in one of the Forms contained in the Schedule hereto annexed, as the Case may be, of any extracted Decreet of the Court of Session in *Scotland* which shall hereafter be obtained for the Payment of any Debt, Damages, or Expenses purporting to be signed by the Extractor of the Court of Session, or other Officer duly authorized to make and subscribe Extracts, or on Production of the Certificate of an extracted Decreet of Registration in the Books of Council and Session purporting to be signed by the Keeper of the Register of Deeds, Bonds, Protests, and other Writs registered for Execution in the Books of Council and Session which shall hereafter be obtained for the Payment of any Debt, Damages, or Expenses, such Certificate shall be registered by such Master in a Register to be kept in the Court of Common Pleas at *Westminster* and *Dublin* respectively for that Purpose, and to be called "The Register for *Scotch* Judgments," and such Certificate when so registered shall from the Date of such Registration be of the same Force and Effect as a Judgment obtained or entered up in the Court in which it is so registered, and all Proceedings shall and may be had and taken on such Certificate as if the Decreet of which it is a Certificate had been a Judgment originally obtained or entered up on the Date of such Registration as aforesaid in the Court in which it is so registered, and all the reasonable Costs, Charges, and Expenses attendant upon the obtaining and registering such Certificate shall be recovered in like Manner as if the same were Part of the Decreet of which it is a Certificate: Provided always, that no Certificate shall be registered as aforesaid more than Twelve Months after the Date of such Decreet, unless Application shall have been first made to and Leave obtained from the Court or a Judge of the Court in which it is sought so to register such Certificate; provided that where a Note of Suspension of any such Decreet shall have been passed or a Sist of Execution shall have been granted thereon by the said Court of Session or any Judge thereof, on the Production of a Certificate under the Hand of the Clerk to the Bill Chamber of the Court of Session of the passing of such Note or the granting of such Sist to a Judge of the Court in which such Certificate of such Decreet has been registered, Execution on such registered Certificate shall be stayed until a Certificate be produced under the Hand of the said Clerk that such Sist has been recalled or has expired, or, where the Note of Suspension has been passed, until there be produced an Extract, under the Hand of the Extractor of the Court of Session or other Officer duly authorized

to

to make and subscribe Extracts, of a Decreet of the said Court repelling the Reasons of Suspension.

Courts herein named to have Control over registered Judgments or Decrees in so far as relates to Execution.

4. The Courts of Common Pleas at *Westminster* and at *Dublin* and the Court of Session in *Scotland* shall have and exercise the same Control and Jurisdiction over any Judgment or Decreet, and over any Certificate of such Judgment or Decreet, registered under this Act in such Courts respectively as they now have and exercise over any Judgment or Decreet in their own Courts, but in so far only as relates to Execution under this Act.

No Security for Costs where Plaintiff resides in a different Part of the Kingdom.

5. It shall not be necessary for any Plaintiff in any of the aforesaid Courts in *England* resident in *Ireland* or *Scotland*, or any Plaintiff in any of the aforesaid Courts in *Ireland* resident in *England* or *Scotland*, in any Proceeding had and taken on such Certificate, to find Security for Costs in respect of such Residence, unless, on special Grounds, a Judge or the Court shall otherwise order; nor shall it be necessary for any Party to such Proceeding in *Scotland*, resident in *England* or *Ireland*, to sist a Mandatory, or otherwise to find Security for Expenses in respect of such Residence, unless, on special Grounds, the Court shall otherwise order.

Costs not to be allowed in Actions on Judgments unless by Order of Court.

6. In any Action brought in any Court in *England*, *Scotland*, or *Ireland* on any Judgment or Decreet which might be registered under this Act in the Country in which such Action is brought, the Party bringing such Action shall not recover or be entitled to any Costs or Expenses of Suit unless the Court in which such Action shall be brought, or some Judge of the same Court, shall otherwise order.

Judges to make Rules for Execution of this Act.

7. It shall be lawful for the Judges of the Court of Queen's Bench, Common Pleas, and Exchequer at *Westminster* and *Dublin* respectively, or any Eight or more of them respectively, of whom the Chiefs of the said Courts respectively shall be Three, and they are hereby required, from Time to Time to make all such General Rules and Orders to regulate the Practice to be observed in the Execution of this Act, or in any Matter relating thereto, including the Scale of Fees to be charged, in the Courts of Common Law in *England* and *Ireland* respectively, as they may deem to be necessary and proper; and it shall be lawful for the Court of Session in *Scotland*, and the said Court is hereby required, from Time to Time to make such Acts of Sederunt to regulate the Practice to be observed in the Execution of this Act, or in any Matter relating thereto, including the Scale of Fees to be charged, in

in *Scotland*, as such Court may deem to be necessary and proper: Provided always, that such Rules, Orders, and Acts of Sederunt respectively shall be laid before both Houses of Parliament within One Month from the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within One Month from the Commencement of the then next Session of Parliament.

Act not to apply to certain Decreets.

8. This Act shall not apply to any Decreet pronounced in absence in an Action proceeding on an Arrestment used to found Jurisdiction in *Scotland*.

Short Title.

9. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "The Judgments Extension Act, 1868."

SCHEDULE.

CERTIFICATE issued in Terms of "THE JUDGMENTS EXTENSION ACT, 1868."

FORM I.—*Where Party applying is Plaintiff or Pursuer.*

I, certify that [*here state Name, Title, Trade or Profession, and usual or last known Place of Abode of Plaintiff or Pursuer*] on the Day of 18 obtained Judgment against [*here state Name and Title, Trade or Profession, and usual or last known Place of Abode of Defendant*] before the Court of for Payment of the Sum of on account of [*state shortly Nature of Claim or Ground of Action, with the Sum of Costs, if any, and in case of a Judgment obtained in an Action state whether it was obtained after Appearance made by the Defendant or after Service (personal or otherwise) of the Action on the Defendant, as the Case may be*].

(Signed by the proper Officer of the Court from which the Certificate issues.)

FORM II.—*Where Party applying is Defendant or Defender.*

I, certify that [*here state Name, Title, Trade or Profession, and usual or last known Place of Abode of Defendant or Defender*] on the Day of 18 obtained Judgment against [*state Name, Title, Trade or Profession, and usual or last known Place of Abode of Plaintiff or Pursuer*] before the Court of for Judgment of the Sum of £ as Costs of Suit.

(Signed by the proper Officer of the Court from which the Certificate issues.)

Minute of Presentation to be appended to either Form.

Presented for Registration in Terms of "The Judgments Extension Act, 1868."

Signature of (*Attorney, Law Agent, or Creditor*) presenting for Registration.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1868.