

Seychelles

Reciprocal Enforcement of British Judgments Act Chapter 199

Legislation as at 1 December 2014

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Reciprocal Enforcement of British Judgments Act
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Seychelles

Reciprocal Enforcement of British Judgments Act Chapter 199

Commenced on 18 February 1922

[This is the version of this document at 1 December 2014.]

[Act 2 of 1922; S.I. 95 of 1975; S.I. 72 of 1976; Act [23 of 1976](#)]

1. Short title

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

2. Definitions

In this Act unless otherwise specified

"**the court**" shall mean the Supreme Court;

The expression "**judgment**" means any judgment or order given or made by a court in any civil proceedings, whether before or after the passing of this Act, 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;

the expression "**original court**" in relation to any judgment means the court by which the judgment was given;

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

the expression "**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.

3. Registration of judgment obtained in the United Kingdom

- (1) Where a judgment has been obtained in the High Court of England or of Northern Ireland or in the Court of Session in Scotland, the judgment creditor may apply to the 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 any such application the court may, if in all the circumstances of the case it considers it just and convenient that the judgment should be enforced in Seychelles, 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) 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 the original 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
 - (d) the judgment was obtained by fraud; or

- (e) the judgment debtor satisfies the 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 court.
- (3) Registered judgment to be of same effect as though obtained in Seychelles*

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 court;
 - (b) the 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 to provide for procedure*

The Chief Justice shall have power to make rules of court to provide

- (a) for service on the judgment debtor of notice of the intention to register a judgment under this section; and
 - (b) for enabling the 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; and
 - (d) for regulating practice and procedure (including scales of fees and evidence) where the Chief Justice shall consider the same as necessary in respect of proceedings under this Act.
- (5) Plaintiff's costs when recoverable*

In any action brought before the 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.

[Note: The Act as gazetted contains headings for subsections (3), (4) and (5) of section 3, which have been reproduced here for ease of reference.]

4. Certified copy of judgment to be granted

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

5. Extension of Act

- (1) Where the President is satisfied that reciprocal provisions have been made by the legislature of any part of Her Majesty's dominions outside the United Kingdom for the enforcement within that part of Her Majesty's dominions of judgments obtained in the Supreme Court, the President may by proclamation declare that this Act shall extend to judgments obtained in a superior court in that 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 the issue of any such proclamation 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 trusteeship agreement on behalf of the United Nations has been accepted by Her Majesty.
- (3) A proclamation issued under this section may be varied or revoked by a subsequent proclamation.

[Note: The Reciprocal Enforcement of Judgments Order in Council 1932 (U.K., SR. & O 1922 No. 573) (Laws of Seychelles, 1971 Ed, Vol VII p. 203) extended Part II of the Administration of Justice Act, 1920 (U.K.) to Seychelles enabling enforcement of Seychelles judgments in the United Kingdom.]