

## INSIGHT

### Registration of foreign judgments in Scotland

We can take you through all the necessary steps to enforce a judgment from elsewhere in the UK or abroad

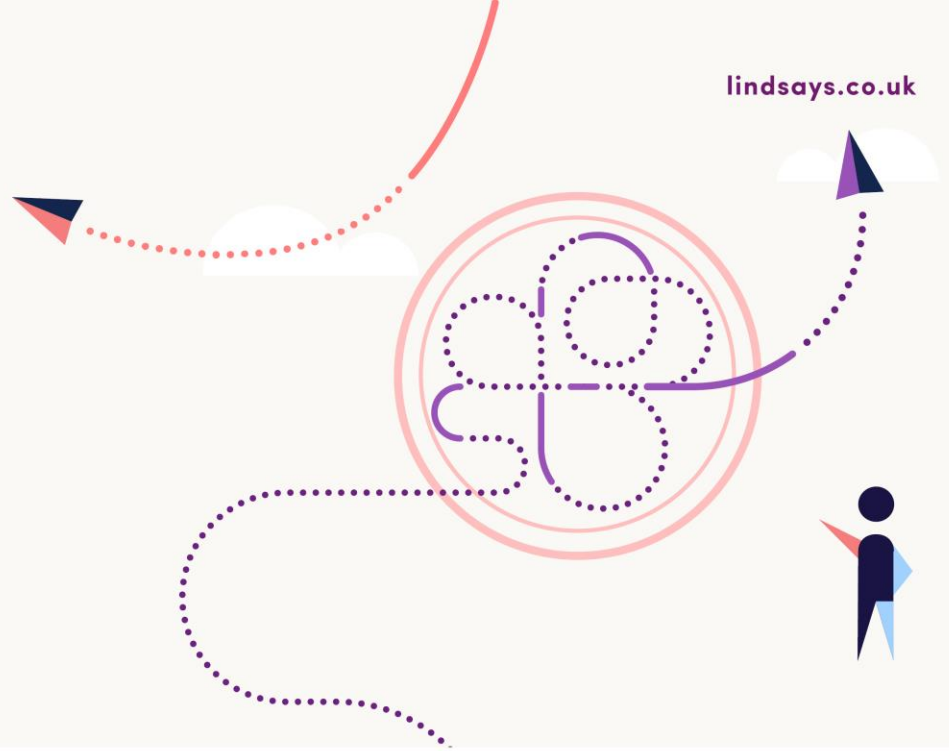
Getting a foreign judgment registered and enforced in Scotland is not automatic, and can be complex in some situations, especially if the judgment is from outside the EU.

With all foreign judgments, it is best to seek early advice to avoid delays, frustration or surprises.

#### United Kingdom

When a judgment is from another part of the UK, the process for registering it in Scotland should be straightforward. The exact procedures required will depend on whether the judgment relates to enforcement of money or non-money provisions, and are set out in the Civil Jurisdiction and Judgments Act 1982.

- **Money provisions:** With monetary enforcement, the process is straightforward. You obtain a "Certificate of Money Provisions" from the original court, stating the total sums due. This is registered in Scotland in the Books of Council and Session, and the judgment is then enforceable here.
- **Non-money provisions:** For non-monetary judgments, you must raise a petition in the



## Registration of foreign judgments in Scotland

---

**Court of Session.** This is normally a formality and can be dealt with by a judge in chambers. Various papers from the original court must be included with the petition, including confirmation that any entitlement to appeal in the country of origin has expired.

Although these procedures are relatively straightforward, they do require specialist knowledge of Scottish procedures for raising petitions and so on. We can take both Scottish-based and UK-based clients through all the necessary steps, always looking to minimise delays.

We can also guide you through areas such as judgments relating to insolvency law that have their own specific procedures for registration and enforcement.

### Europe

To register a judgment from an EU member state, you have to petition the Court of Session, just as with a UK non-monetary provision. You must provide supporting documentation confirming the authenticity of the original judgment.

If the original judgment in the EU member state was uncontested, you follow a procedure similar to that for UK monetary provisions. You apply for a "European Enforcement Order" from the original court, and register it in the Books of Council and Session.

It has yet to be decided if these processes will change when the UK leaves the EU, but our specialist lawyers will alert you to any changes that affect you.

For judgments from Norway, Switzerland and Iceland, the process for registering judgments is slightly more complicated. They are enforceable under the Lugano Convention and require a petition to the Court of Session.

### Commonwealth countries

The judgements from most Commonwealth countries are registered and enforced through the Administration of Justice Act 1920. This leaves it to the discretion of the Court whether or not the judgment is registered.

For others, judgments are enforced under the Foreign Judgments (Reciprocal Enforcement) Act 1933.

Provided that certain criteria are met, the judgment can be registered and enforced in Scotland, without being a discretionary matter for the court.

Our team can provide more detail on this, and advise you on our best course of action if this applies to you.

### Worldwide

Judgments that are outside the categories above can be enforced under common law.

With such judgments, you have to raise a new action in the Scottish courts which is based on the foreign judgment. This is known as a "Decree Conform" and inevitably means a longer and more expensive process than with some of the countries noted above.

We can explain all that is required, and will help to reduce delays and complexity.

June 2018

