
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 371

JUDGMENTS

**The Reciprocal Enforcement of Foreign Judgments
(Norway) Amendment (Scotland) Order 2020**

Made - - - - 11th November 2020
Laid before the Scottish
Parliament - - - - 13th November 2020
Coming into force in accordance with article 1

At the Court at Windsor Castle, the 11th day of November 2020

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 1 of the Foreign Judgments (Reciprocal Enforcement) Act 1933(1), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and extent

1.—(1) This Order may be cited as the Reciprocal Enforcement of Foreign Judgments (Norway) Amendment (Scotland) Order 2020.

(2) This Order comes into force on the later of—

- (a) IP completion day,
- (b) the day on which, and immediately after, the notification requirements are fulfilled.

(3) For the purposes of paragraph (2)(b), the notification requirements are fulfilled on the day when the Government of the United Kingdom and the Government of the Kingdom of Norway notify each other in accordance with—

- (a) Article 3(1) of the Agreement that their respective internal procedures for bringing the Agreement into force have been completed, or if earlier,
- (b) Article 3(3) of the Agreement that they agree to provisionally apply the Agreement,

but if in either case the notifications are not given on the same day, the notification requirements are fulfilled on the day when the later of those notifications is given.

(1) 1933 c.13 (23 and 24 Geo. 5), section 1 was amended by paragraph 1 of schedule 10 of the Civil Jurisdiction and Judgments Act 1982 (c.27).

(4) The Scottish Ministers must give notice in the Edinburgh Gazette of the date on which the Order comes into force pursuant to paragraph (2).

(5) For the purposes of this article, “the Agreement” means the Agreement on the continued application and amendment of the Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway providing for the reciprocal recognition and enforcement of judgments in civil matters signed at London on 12 June 1961, signed at Oslo on 13th October 2020, as set out in the schedule of this Order.

(6) This Order extends to Scotland only.

Amendment of the Reciprocal Enforcement of Foreign Judgments (Norway) Order, 1962

2.—(1) The Reciprocal Enforcement of Foreign Judgments (Norway) Order, 1962(2) is amended as follows.

(2) In article 2—

- (a) for “superior” substitute “recognised”,
- (b) for “County Courts” substitute “District Courts”, and
- (c) for “City Courts” substitute “Conciliation Boards”.

(3) In each of the following, for “superior” substitute “recognised”—

- (a) article 3,
- (b) article 5, and
- (c) article 6.

(4) For article 4 substitute—

“**4.**—(1) An application for the registration of a judgment of a recognised court of the Kingdom of Norway must be accompanied by an affidavit or other written and sworn evidence of the facts as required by the relevant rules of court.

(2) That evidence must include a statement that specifies whether at the date of the application—

- (a) the judgment can be enforced in the Kingdom of Norway, and
- (b) the time for appeal has elapsed without any proceedings by way of appeal having been instituted against that judgment.

(3) In this article, “the relevant rules of court” means the rules of court applicable in the court to which the application has been made.”.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE

Article 1(5)

AGREEMENT ON THE CONTINUED APPLICATION AND AMENDMENT OF THE CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF NORWAY PROVIDING FOR THE RECIPROCAL RECOGNITION AND ENFORCEMENT OF JUDGMENTS IN CIVIL MATTERS SIGNED AT LONDON ON 12 JUNE 1961

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Reciprocal Enforcement of Foreign Judgments (Norway) Order, 1962 ([S.I. 1962/636](#)) to give effect, in Scotland, to the Agreement on the continued application and amendment of the Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway providing for the reciprocal recognition and enforcement of judgments in civil matters signed at London on 12 June 1961 (the Agreement), which was signed at Oslo on 13 October 2020. This reflects the fact that at 23:00 on 31 December 2020, the Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters of 30 October 2007 (the Lugano Convention 2007), to which Norway is a party, will cease to apply to the United Kingdom; the Convention of 12 June 1961, as amended, will therefore continue to apply after this date and provide a system of rules on the mutual recognition and enforcement of judgments in civil matters.

Article 2(2)(b) and (c) of this Order amends the list of courts that are deemed recognised courts of the Kingdom of Norway for the purpose of Part I of the Foreign Judgments (Reciprocal Enforcement) Act [1933 c.13](#) (23 and 24 Geo. 5) (“the 1933 Act”), so that judgments of those courts can be enforced in the courts of Scotland. Article 2(4) amends the requirements for the written evidence that must be included when an application is made for the registration of a judgment of a court of the Kingdom of Norway.

Article 2(2)(a) and (3) also amends [S.I. 1962/636](#) to update references to “superior courts” to “recognised courts”, in order to reflect the amendments made to section 1 of the 1933 Act by paragraph 1 of schedule 10 of the Civil Jurisdiction and Judgments Act [1982 \(c.27\)](#).

The schedule of this Order sets out the text of the Agreement.

An equivalent Order making the same provision in respect of England and Wales and Northern Ireland is also made under section 1 of the 1933 Act.

A full impact assessment has not been provided for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.