

Version
as at 28 October 2021



Reciprocal Enforcement of Judgments Act 1934

Public Act	1934 No 11
Date of assent	28 September 1934
Commencement	28 September 1934

Contents

	Page
Title	2
1 Short Title	2
2 Interpretation	2
Part 1	
Reciprocal enforcement of judgments	
3 Application of this Part	4
3A Application of this Part to judgments of inferior courts	6
3B Application of this Part to non-money judgments	7
4 Application for, and effect of, registration of judgment	8
5 Rules of court	10
6 Cases in which registered judgments must, or may, be set aside	11
7 Powers of High Court on application to set aside registration	13
8 Judgments which can be registered under this Act not to be enforceable otherwise	14

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice.

Part 1A
**Enforcement of judgments and orders of Federal Court of
Australia**

[Repealed]

8A	Interpretation <i>[Repealed]</i>	14
8B	Application <i>[Repealed]</i>	14
8C	Service in New Zealand <i>[Repealed]</i>	14
8D	Registration <i>[Repealed]</i>	14
8E	Cases in which registration must be set aside <i>[Repealed]</i>	15
8F	Variation <i>[Repealed]</i>	15
8G	Stay of execution <i>[Repealed]</i>	15
8H	Application of rules of private international law <i>[Repealed]</i>	15
8I	Rules of court <i>[Repealed]</i>	15

Part 2

Miscellaneous and general

9	General effect of certain judgments	15
10	Power to make judgments unenforceable in New Zealand if no reciprocity	16
11	Issue of certificates of judgments obtained in New Zealand	16
11A	Application of Legislation Act 2012 to orders <i>[Repealed]</i>	17
12	Repeal and savings	17
13	Section 172 of Senior Courts Act 2016 modified	17

An Act to make better provision for the enforcement in New Zealand of judgments given in the United Kingdom or in other countries (whether within the Sovereign's dominions or not) which afford reciprocal treatment to judgments given in New Zealand, for facilitating the enforcement in other countries of judgments given in New Zealand, and for other purposes in connection with the matters aforesaid

1 Short Title

This Act may be cited as the Reciprocal Enforcement of Judgments Act 1934.

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

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

High Court means the High Court of New Zealand

judgment means a final or interlocutory 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; and includes an award in proceedings on an arbitration (not being an award made outside New Zealand within the meaning of the Arbitration Act 1996) 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 in whose favour the judgment was given (whether or not a sum of money is payable under the judgment), 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 (whether or not a sum of money is payable under the judgment), and includes any person against whom the judgment is enforceable under the law of the original court

judgments given in the senior courts of New Zealand means judgments given in the High Court and includes judgments given in any court on appeals against any judgments so given; and also includes judgments that have become enforceable as judgments of the High Court though not given therein

money judgment means a judgment under which a sum of money is payable

non-money judgment means a judgment that is not a money judgment

original court in relation to any judgment means the court by which the judgment was given

prescribed means prescribed by rules of court

registration means registration under Part 1, and the expressions **register** and **registered** shall be construed accordingly.

- (2) For the purposes of this Act the expression **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, lunacy, or guardianship of infants.
- (3) In this Act, references to the Sovereign’s dominions outside the United Kingdom shall be construed as including references to any territories which are under the Sovereign’s protection and to any territories in respect of which a mandate under the League of Nations has been accepted by the Sovereign.

Compare: Foreign Judgments (Reciprocal Enforcement) Act 1933 s 11 (UK)

Section 2(1) **Australian tax**: repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

Section 2(1) **High Court**: inserted, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 2(1) **judgment**: amended, on 1 July 1997, by section 17 of the Arbitration Act 1996 (1996 No 99).

Section 2(1) **judgment**: amended, on 13 March 1992, by section 2(2) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 2(1) **judgment creditor**: amended, on 13 March 1992, by section 2(3) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 2(1) **judgment debtor**: amended, on 13 March 1992, by section 2(4) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 2(1) **judgments given in the senior courts of New Zealand**: inserted, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Section 2(1) **judgments given in the superior courts of New Zealand**: repealed, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Section 2(1) **money judgment**: inserted, on 13 March 1992, by section 2(5) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 2(1) **non-money judgment**: inserted, on 13 March 1992, by section 2(5) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 2(1) **Supreme Court**: repealed, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Part 1

Reciprocal enforcement of judgments

3 Application of this Part

- (1) This Part shall extend to the United Kingdom.
- (1A) Nothing in this Part applies or extends to a judgment that is given in or by a senior court or an inferior court of Australia.
- (1B) Subsection (1A) does not, however, prevent a judgment given in or by a senior court or an inferior court of Australia from being a registrable Australian judgment under subpart 5 of Part 2 of the Trans-Tasman Proceedings Act 2010.
- (1C) Subsection (1A), and the amendments to, and revocations of orders under, this Part effected by Schedule 2 of the Trans-Tasman Proceedings Act 2010, do not, however, affect the application of this Part to a judgment given in or by a senior court or an inferior court of Australia before the commencement of subpart 5 of Part 2 of that Act.
- (2) If the Governor-General is satisfied that, in the event of the benefits conferred by this Part being extended to money judgments given in the senior courts of any part of the Sovereign's dominions outside the United Kingdom, or given in the senior courts of any foreign country, substantial reciprocity of treatment will be assured as respects the enforcement within that part of the Sovereign's dominions or in that foreign country, as the case may be, of money judgments given in the senior courts of New Zealand, he may by Order in Council direct—
 - (a) that this Part shall extend to that part of the Sovereign's dominions or to that foreign country; and

- (b) that such courts as are specified in the Order in Council shall, for the purposes of this Part, be deemed senior courts of that part of the Sovereign's dominions or of that foreign country.
- (2A) The fact that a particular court is not specified in an Order in Council is not taken to imply that the court is not a senior court for the purposes of this Act.
- (3) Any money judgment of a senior court of a country to which this Part extends, other than a money judgment of such a court given on appeal from a court, not being a specified inferior court, which is not a senior court, shall be a judgment to which this Part applies, if—
- (a) it is final and conclusive as between the parties thereto; and
- (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 in Council directing that this Part shall extend to that country:
- provided that nothing in this paragraph shall apply with respect to judgments given in the United Kingdom or in any other part of the Sovereign's dominions to which Part 1 of the Administration of Justice Act 1922 applied immediately before the passing of this Act.
- (3A) *[Repealed]*
- (4) 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.
- (5) The Governor-General may by a subsequent Order in Council vary or revoke any Order in Council previously made under this section.
- (6) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (6) *[Repealed]*

Compare: Foreign Judgments (Reciprocal Enforcement) Act 1933 s 1 (UK)

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 3(1A): inserted, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

Section 3(1A): amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Section 3(1B): inserted, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

Section 3(1B): amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Section 3(1C): inserted, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

Section 3(1C): amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Section 3(2): amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Section 3(2): amended, on 13 March 1992, by section 3(1) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 3(2)(b): amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Section 3(2A): inserted, on 13 March 1992, by section 3(2) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 3(2A): amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Section 3(3): amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Section 3(3): amended, on 13 March 1992, by section 3(3)(a) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 3(3): amended, on 13 March 1992, by section 3(3)(b) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 3(3A): repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

Section 3(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 3(6): repealed, on 13 March 1992, by section 3(5) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

3A Application of this Part to judgments of inferior courts

- (1) If the Governor-General is satisfied that, in the event of the benefits conferred by this Part being extended to money judgments given in all or some inferior courts of a country to which this Part extends, substantial reciprocity of treatment will be assured as respects the enforcement in that country of money judgments given in all or some inferior courts of New Zealand, the Governor-General may, by Order in Council, direct that such inferior courts of that country as are specified in the order, are specified inferior courts for the purposes of this Part.
- (2) Any money judgment of a specified inferior court shall be a judgment to which this Part applies if—
 - (a) it is final and conclusive as between the parties to it; and
 - (b) there is payable under the judgment 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 in Council directing that the inferior court is a specified inferior court for the purposes of this Part.
- (3) *[Repealed]*
- (4) *[Repealed]*
- (5) 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.
- (6) The Governor-General may by a subsequent Order in Council vary or revoke any Order in Council previously made under this section.
- (7) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 3A: inserted, on 13 March 1992, by section 4 of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 3A(3): repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

Section 3A(4): repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

Section 3A(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

3B Application of this Part to non-money judgments

- (1) If the Governor-General is satisfied that, in the event of the benefits conferred by this Part being extended to some or all non-money judgments given in any senior courts of any country to which this Part extends, substantial reciprocity of treatment will be assured as respects the enforcement in that country of all or some non-money judgments given in the senior courts of New Zealand, the Governor-General may, by Order in Council, direct that such non-money judgments of the senior courts of that country as are specified in the order are specified non-money judgments for the purposes of this Part.
- (2) If the Governor-General is satisfied that, in the event of the benefits conferred by this Part being extended to all or some non-money judgments given in any inferior courts of a country to which this Part extends, substantial reciprocity of treatment will be assured as respects the enforcement in that country of all or some non-money judgments given in the inferior courts of New Zealand, the Governor-General may, by Order in Council, direct that such non-money judgments

- ments of such of the inferior courts of that country as are specified in the order, are specified non-money judgments for the purposes of this Part.
- (3) Every Order in Council made under subsection (1) or subsection (2) shall specify the non-money judgments by reference to—
- (a) the kinds of proceedings in which the non-money judgments are given; and
 - (b) the kinds of non-money judgments.
- (4) A specified non-money judgment shall be a judgment to which this Part applies if it was given after the coming into operation of an Order in Council made under subsection (1) or subsection (2), as the case may be, in relation to that judgment.
- (5) *[Repealed]*
- (6) The Governor-General may by a subsequent Order in Council vary or revoke any Order in Council previously made under this section.
- (7) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 3B: inserted, on 13 March 1992, by section 4 of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 3B(1): amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Section 3B(4): amended, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

Section 3B(5): repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

Section 3B(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

4 Application for, and effect of, registration of judgment

- (1) A person, being a judgment creditor under a judgment to which this Part applies, may apply to the High Court at any time within 6 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 High Court, and on any such application the said court shall, subject to proof of the prescribed matters and to the other provisions of this Act, order the judgment to be registered:

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 in the country of the original court.
- (2) Subject to the provisions of this Act with respect to the setting aside of registration,—
- (a) a registered judgment shall, for the purposes of enforcement, be of the same force and effect; and
 - (b) proceedings may be taken on a registered judgment; and
 - (c) the sum for which a judgment is registered shall carry interest; and
 - (d) the High Court shall have the same control over the enforcement of a registered judgment—

as if the judgment had been a judgment originally given in the High Court on the date of registration:

provided that the judgment shall not be enforced 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.

- (2A) A judgment may only be enforced if, and to the extent that, at the time the proceedings for enforcement are or are to be taken, the judgment is capable of being enforced in the country of the original court.
- (3) Where a sum payable under a judgment that is to be registered is expressed in a currency other than New Zealand currency, the judgment is to be registered—
- (a) if the judgment creditor has stated in the application that the judgment creditor wishes the judgment to be registered in the currency in which it is expressed, in that currency; or
 - (b) in any other case, as if it were for an equivalent amount in New Zealand currency, based on the rate of exchange prevailing on the day of the application for registration.
- (4) If at the date of the application for registration of a judgment 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 High 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 any 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 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.

Compare: Foreign Judgments (Reciprocal Enforcement) Act 1933 s 2 (UK)

Section 4(1): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 4(1) proviso paragraph (b): amended, on 13 March 1992, by section 5(1) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 4(2): amended, on 13 March 1992, by section 5(2)(c) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 4(2): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 4(2)(a): amended, on 13 March 1992, by section 5(2)(a) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 4(2)(d): amended, on 13 March 1992, by section 5(2)(b) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 4(2)(d): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 4(2) proviso: amended, on 13 March 1992, by section 5(2)(d) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 4(2A): inserted, on 13 March 1992, by section 5(3) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 4(3): replaced, on 13 March 1992, by section 5(4) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 4(4): amended, on 13 March 1992, by section 5(5) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 4(5): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 4(6): amended, on 13 March 1992, by section 5(6) of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

5 Rules of court

- (1) The power to make rules of court under section 148 of the Senior Courts Act 2016 shall, subject to the provisions of this section, include power to make rules for the following purposes:
- (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 Act whether a judgment to which this Part applies can be enforced in the country of the original court, or what interest is payable under a 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.
- (2) Rules made for the purposes of this Part shall be expressed to have, and shall have, effect subject to any such provisions contained in Orders in Council made under section 3 as are declared by the said orders to be necessary for giving effect to any agreement made by or on behalf of the Government of New Zealand in relation to matters with respect to which there is power to make rules of court for the purposes of this Part.
- (3) *See* section 148 of the Senior Courts Act 2016, which provides that court rules are secondary legislation.

Compare: Foreign Judgments (Reciprocal Enforcement) Act 1933 s 3 (UK)

Section 5(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 5(1)(e): replaced, on 13 March 1992, by section 6 of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 5(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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

- (1) On an application in that behalf duly made by any party against whom a registered judgment may be enforced, the registration of the judgment shall be set aside if the High Court is satisfied—
- (a) that the judgment is not a judgment to which this Part applies or was registered in contravention of the foregoing provisions of this Act; or
 - (b) that the courts of the country of the original court had no jurisdiction in the circumstances of the case; or
 - (c) 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; or
 - (d) that the judgment was obtained by fraud; or
 - (e) that the enforcement of the judgment would be contrary to public policy in New Zealand; or
 - (f) that the rights under the judgment are not vested in the person by whom the application for registration was made.

- (2) On an application in that behalf duly made by any party against whom a registered judgment may be enforced, the registration of the judgment may be set aside if the High 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.
- (3) For the purposes of this section the courts of the country of the original court shall, subject to the provisions of subsection (4), be deemed to have had jurisdiction—
- (a) in the case of a judgment given 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 counterclaimed 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 courts 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:
 - (vi) *[Repealed]*
- (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.
- (4) Notwithstanding anything in subsection (3), the courts 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 (3), 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.

Compare: Foreign Judgments (Reciprocal Enforcement) Act 1933 s 4 (UK)

Section 6(1): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 6(1)(e): amended, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

Section 6(2): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 6(3)(a)(vi): repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

7 Powers of High Court on application to set aside registration

- (1) If, on an application to set aside the registration of a judgment, the applicant satisfies the High 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 High Court to be reasonably sufficient to enable the applicant to take the necessary steps to have the appeal disposed of by a competent tribunal.
- (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 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 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 High Court shall, on the application of the judgment creditor, order judgment to be registered for the balance remaining payable at that date.

Compare: Foreign Judgments (Reciprocal Enforcement) Act 1933 s 5 (UK)

Section 7 heading: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 7(1): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 7(2): amended, on 13 March 1992, by section 8 of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 7(3): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

8 Judgments which can be registered under this Act not to be enforceable otherwise

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

Compare: Foreign Judgments (Reciprocal Enforcement) Act 1933 s 6 (UK)

Part 1A

Enforcement of judgments and orders of Federal Court of Australia

[Repealed]

Part 1A: repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

8A Interpretation

[Repealed]

Section 8A: repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

8B Application

[Repealed]

Section 8B: repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

8C Service in New Zealand

[Repealed]

Section 8C: repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

8D Registration

[Repealed]

Section 8D: repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

8E Cases in which registration must be set aside

[Repealed]

Section 8E: repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

8F Variation

[Repealed]

Section 8F: repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

8G Stay of execution

[Repealed]

Section 8G: repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

8H Application of rules of private international law

[Repealed]

Section 8H: repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

8I Rules of court

[Repealed]

Section 8I: repealed, on 11 October 2013, by section 10(1) of the Trans-Tasman Proceedings Act 2010 (2010 No 108).

Part 2
Miscellaneous and general

9 General effect of certain judgments

- (1) Subject to this section, a judgment to which Part 1 applies, or would apply if it was a money judgment, whether or not it is, or can be, registered, shall be recognised in any court in New Zealand as conclusive between the parties to it 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.
- (2) This section does not apply to—
 - (a) a judgment the registration of which has been set aside under paragraph (b) or paragraph (c) or paragraph (d) or paragraph (e) of subsection (1) or under subsection (2) of section 6; or
 - (b) a judgment, whether registrable or not, that has not been registered, the registration of which would, if it was registered, have been set aside under any 1 or more of those paragraphs of subsection (1) or subsection (2) of that section.

- (3) Nothing in this section limits or affects the application of any rule of law relating to the recognition of judgments by any court in New Zealand.

Section 9: replaced, on 13 March 1992, by section 10 of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

10 Power to make judgments unenforceable in New Zealand if no reciprocity

- (1) If it appears to the Governor-General that the treatment in respect of recognition and enforcement accorded by the courts of any country to money judgments given in any senior court of New Zealand is substantially less favourable than that accorded by the courts of New Zealand to money judgments of the senior courts of that country, the Governor-General may by Order in Council apply this section to that country.
- (2) Except in so far as the Governor-General may by Order in Council under this section otherwise direct, no proceedings shall be entertained in any court in New Zealand 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.
- (3) The Governor-General may by a subsequent Order in Council vary or revoke any order previously made under this section.
- (4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: Foreign Judgments (Reciprocal Enforcement) Act 1933 s 9 (UK)

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 10(1): amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Section 10(1): amended, on 13 March 1992, by section 11 of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

Section 10(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

11 Issue of certificates of judgments obtained in New Zealand

- (1) Subject to this section, a New Zealand court shall, on application by a judgment creditor who wishes to enforce a judgment given in that court in a country to which Part 1 extends, issue to that person—
- (a) a certified copy of the judgment; and
 - (b) a certificate with respect to the judgment containing—
 - (i) particulars of the causes of action to which the judgment relates; and

- (ii) particulars of the rate of interest, if any, payable on any amount payable under the judgment; and
 - (iii) such other particulars as may be prescribed.
- (2) Every application under subsection (1) must be accompanied by payment of the prescribed fee.
- (3) No application shall be made under subsection (1) in relation to a judgment until the expiry of any period during which the enforcement of the judgment is stayed.

Section 11: replaced, on 13 March 1992, by section 12 of the Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10).

11A Application of Legislation Act 2012 to orders

[Repealed]

Section 11A: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

12 Repeal and savings

- (1) The Administration of Justice Act 1922 is hereby repealed.
- (2) Every Proclamation issued under section 3 of the said Act, and in force on the passing of this Act, shall continue in force as if it were an Order in Council to the same effect issued under section 3 of this Act, and may be varied or revoked in accordance with the provisions of subsection (5) of section 3 of this Act.

13 Section 172 of Senior Courts Act 2016 modified

Section 172 of the Senior Courts Act 2016 applies only in respect of any judgments, decrees, rules, and orders that, being enforceable under that section, are not enforceable in New Zealand in accordance with this Act.

Section 13: replaced, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Notes

1 *General*

This is a consolidation of the Reciprocal Enforcement of Judgments Act 1934 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Senior Courts Act 2016 (2016 No 48): section 183(b)

Trans-Tasman Proceedings Act 2010 (2010 No 108): section 10(1)

Arbitration Act 1996 (1996 No 99): section 17

Reciprocal Enforcement of Judgments Amendment Act 1992 (1992 No 10)

Judicature Amendment Act 1979 (1979 No 124): section 12