

eSwatini

Reciprocal Enforcement of Judgments Act, 1922

Act 4 of 1922

Legislation as at 1 December 1998

FRBR URI: /akn/sz/act/1922/4/eng@1998-12-01

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PDF created on 21 February 2024 at 17:32.

Collection last checked for updates: 1 December 1998.

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Reciprocal Enforcement of Judgments Act, 1922

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Reciprocal Enforcement of Judgments Act, 1922

Act 4 of 1922

Commenced on 27 January 1922

[This is the version of this document at 1 December 1998.]

An Act to facilitate the reciprocal enforcement of judgments and awards in the United Kingdom and Swaziland.

1. Short title

This Act may be cited as the Reciprocal Enforcement of Judgments Act, 1922.

2. Interpretation

In this Act, unless the context otherwise requires—

“**Commonwealth**” includes any territory under Her Britannic Majesty’s protection or in respect of which a mandate is being exercised by the Government of any Commonwealth country;

“**Court**” means the High Court of Swaziland;

“**judgment**” means any judgment or order given or made by a court in any civil proceedings, whether before or after the taking effect of this Act, whereby any sum of money is made payable, and includes any award in proceedings on an arbitration if such 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 such place;

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

“**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;

“**original court**” in relation to any judgment means the court by which the judgment was given.

3. Registration in Swaziland of judgment obtained overseas

- (1) If a judgment has been obtained in the High Court in England or 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 such Court to have the judgment registered in such Court, and on any such application the Court may, if in all the circumstances of the case it thinks it is just and convenient that the judgment should be enforced in Swaziland, and subject to this section, order the judgment to be registered accordingly.
- (2) No judgment shall be ordered to be registered under this section if the—
 - (a) original court acted without jurisdiction;
 - (b) 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 such court;
 - (c) 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 such court or agreed to submit to the jurisdiction thereof;

- (d) judgment was obtained by fraud;
 - (e) 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) 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) If a judgment is registered under this section the—
- (a) 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 upon the date of registration in the court;
 - (b) 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) 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) Provision may be made by the Chief Justice by rules of court for regulating the practice and procedure (including scales of fees and evidence), in respect of proceedings of any kind under this Act, and he shall in particular enact rules to provide for—
- (a) service on the judgment debtor of notice of the registration of a judgment under this section;
 - (b) 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) suspending the execution of a judgment registered under this section until the expiry of the period during which the judgment debtor may apply to have the registration set aside.