

Council in Committee on the Bill.

On Council resuming, the Attorney General reported that the Bill had passed through Committee without amendment and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

STOCKS BILL.—The Attorney General moved the Second reading of the Bill intituled An Ordinance to regulate the imposition of the penalty of stocks.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming, the Attorney General reported that the Bill had passed through Committee without amendment and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

INDEMNITY BILL.—With the consent of the Council, the Second reading of the Bill intituled An Ordinance to restrict the taking of legal proceedings in respect of certain acts and matters done during the war and to provide in certain cases remedies in substitution therefor was postponed to the next meeting of the Council.

ADJOURNMENT.—The Council then adjourned until 2.30 p.m. on Thursday, the 29th day of December, 1921.

R. E. STUBBS,
Governor.

Confirmed this 29th day of December, 1921.

A. G. M. FLETCHER,
Clerk of Councils.

No. 559.—His Excellency the Governor has given his assent, in the name and on behalf of His Majesty the KING, to the following Ordinance passed by the Legislative Council:—

Ordinance No. 32 of 1921.—An Ordinance to facilitate the reciprocal enforcement of judgments and awards in the Colony of Hongkong and in other parts of His Majesty's dominions and in certain other territories.

HONGKONG.

No. 32 OF 1921.

I assent to this Ordinance.



R. E. STUBBS,
Governor.

30th December, 1921.

An Ordinance to facilitate the reciprocal enforcement of judgments and awards in the Colony of Hongkong and in other parts of His Majesty's dominions and in certain other territories.

[30th December, 1921.]

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Judgments Short title. (Facilities for Enforcement) Ordinance, 1921.

2.—(1.) In this Ordinance:—

Interpreta-
tion.

- (a) "Judgment" means any judgment or order given or made by a court in any civil proceedings, whether before or after the passing of this Ordinance, 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:
- (b) "Judgment creditor" means the person by whom the judgment was obtained, and includes the successors and assigns of that person:
- (c) "Judgment debtor" means the person against whom the judgment is given, and includes any person against whom the judgment is enforceable in the place where it was given:
- (d) "Original court" in relation to any judgment means the court by which the judgment was given.

10 & 11.
Geo. 5,
c. 81, s. 12.

(2.) Subject to any rules that may be made by the Chief Justice under section 5 of this Ordinance, any of the powers conferred by this Ordinance on the Supreme Court may be exercised by any judge thereof.

3.—(1.) Where a judgment has been obtained in a superior court in the United Kingdom, the judgment creditor may apply to the Supreme Court at any time within twelve months after the date of the judgment, or such longer period as may be allowed by the Supreme Court, to have the judgment registered in the Supreme Court, and on any such application the Supreme Court may, if in all the circumstances of the case it thinks it is just and convenient that the judgment should be enforced in the Colony, and subject to the provisions of this section, order the judgment to be registered accordingly.

Enforcement
in the
Colony of
judgments
obtained in
the United
Kingdom.
10 & 11
Geo. 5,
c. 81, s. 9.

(2.) No judgment shall be ordered to be registered under this section if—

- (a) the 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 that 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 agreed to submit to the jurisdiction of that court; or
- (d) the judgment was obtained by fraud; or
- (e) the judgment debtor satisfies the registering 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 Supreme Court.

(3.) 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 on the date of registration in the Supreme Court;
- (b) the Supreme 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.) The rules which it shall be lawful for the Chief Justice to make under section 5 of this Ordinance shall provide—

- (a) for service on the judgment debtor of notice of the registration of a judgment under this section; and
- (b) for enabling the Supreme 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.

(5.) In any action brought in the Supreme 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 Supreme Court otherwise orders.

Issue of
certificates of
judgments
obtained in
the Colony.
10 & 11,
Geo. 5,
c. 81, s. 10.

4. Where a judgment has been obtained in the Supreme Court against any person, the Supreme 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 debtor a certified copy of the judgment.

5. It shall be lawful for the Chief Justice to make rules for regulating the practice and procedure (including scales of fees and evidence) in respect of proceedings of any kind under this Ordinance: Provided always that no such rules shall be binding until the same have been approved by the Legislative Council and have been published in the *Gazette*.

Power to make rules.
10 & 11,
Geo. 5,
c. 81, s. 11.

6.—(1.) Where the Governor is satisfied that reciprocal provisions have been made by the legislature of any part of His Majesty's dominions outside the United Kingdom for the enforcement within that part of His dominions of judgments obtained in the Supreme Court the Governor may by Order in Council declare that this Ordinance shall extend to judgments obtained in a superior court in that part of His Majesty's dominions, in the like manner as it extends to judgments obtained in a superior court in the United Kingdom, and on any such Order being made this Ordinance shall apply accordingly.

Extension of the Ordinance to certain other judgments.
10 & 11,
Geo. 5,
c. 81, ss. 11,
13 & 14.

(2.) For the purpose of this section the expression "part of His Majesty's dominions outside the United Kingdom" shall be deemed to include any territory which is under His Majesty's protection, or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions.

Passed the Legislative Council of Hongkong, this 29th day of December, 1921.

A. G. M. FLETCHER,
Clerk of Councils.

Assented to by His Excellency the Governor, the 30th day of December, 1921.

CLAUD SEVERN,
Colonial Secretary.

No. 560.—His Majesty the KING has not been advised to exercise his power of disallowance with respect to the following Ordinance:—

Ordinance No. 20 of 1921.—An Ordinance to amend the Tobacco Ordinance 1916.

A. G. M. FLETCHER,
Clerk of Councils.

COUNCIL CHAMBER,
28th December, 1921.

NOTICES.

SUPREME COURT.

No. 561.—It is hereby notified that the name of The TAI O ELECTRIC SUPPLY COMPANY, LIMITED has been struck off the Register.

HUGH A. NISBET,
Registrar of Companies.

24th December, 1921.