

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of June 07, 2024

SUPPLEMENT

(Issued on 10.06.2024)



**RECIPROCAL RECOGNITION, REGISTRATION
AND ENFORCEMENT OF FOREIGN JUDGMENTS**

A

BILL

to make provision for the Reciprocal Recognition, Registration and Enforcement in Sri Lanka of Judgments of Courts of other countries; and to repeal the Enforcement of Foreign Judgments Ordinance (Chapter 93) and the Reciprocal Enforcement of Judgments Ordinance (Chapter 94); and to provide for matters connected therewith or incidental thereto

Ordered to be published by the Minister of Justice, Prison Affairs and Constitutional Reforms

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 36.00

Postage : Rs. 150.00

This Gazette Supplement can be downloaded from www.documents.gov.lk



*Reciprocal Recognition, Registration and
Enforcement of Foreign Judgments*

L.D.—O. 19/2022

AN ACT TO MAKE PROVISION FOR THE RECIPROCAL RECOGNITION,
REGISTRATION AND ENFORCEMENT IN SRI LANKA OF JUDGMENTS OF
COURTS OF OTHER COUNTRIES; AND TO REPEAL THE ENFORCEMENT OF
FOREIGN JUDGMENTS ORDINANCE (CHAPTER 93) AND THE
RECIPROCAL ENFORCEMENT OF JUDGMENTS ORDINANCE (CHAPTER
94); AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR
INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows: -

1. (1) This Act may be cited as the Reciprocal Recognition, Registration and Enforcement of Foreign Judgments Act, Short title
and date of
operation
5 No. of 2024.

(2) The provisions of this Act, other than the provisions
of this section shall come into operation on such date as the
Minister may appoint by Order published in the *Gazette* (in
this Act referred to as the “appointed date”).

10 (3) The provisions of this section shall come into
operation on the date on which the Bill becomes an Act of
Parliament.

PART I

APPLICATION OF THE ACT

15 2. (1) Where- Application
of the Act

(a) (i) the Government of Sri Lanka and the
Government of any foreign country enter
into any treaty as respects the reciprocal

2 *Reciprocal Recognition, Registration and Enforcement of Foreign Judgments*

 recognition, registration and enforcement of judgments of the courts of Sri Lanka and of such foreign country; or

5 (ii) any written law in force on the day immediately preceding the appointed date provides for the reciprocal recognition, registration and enforcement in Sri Lanka of judgments of the courts of a foreign country; and

10 (b) the Minister is satisfied that by extending the provisions of this Part of this Act to judgments of the courts of such foreign country a substantial reciprocity of treatment will be assured as respects the recognition, registration and
15 enforcement in such foreign country of judgments of the courts of Sri Lanka,

 the Minister may, by Order published in the *Gazette*, declare that the provisions of this Part of this Act shall extend to the judgments of such courts of that foreign country as are
20 specified in such Order.

 (2) The Minister may, if he considers it appropriate, seek the views of the Minister assigned the subject of Foreign Affairs and the Attorney-General in making an Order under subsection (1).

25 (3) An Order made under subsection (1) shall-

 (a) come into operation on the date of publication of such Order in the *Gazette* or on such later date as may be specified therein; and

Reciprocal Recognition, Registration and 3
Enforcement of Foreign Judgments

5 (b) subject to the provisions of subsection (4), remain in force so long as may be specified in such Order or for such period as the treaty or the written law referred to in paragraph (a) of subsection (1) remains in force.

(4) The Minister may, having regard to the provisions of paragraphs (a) and (b) of subsection (1), by a subsequent Order amend, vary or revoke any Order previously made under that subsection.

10 (5) (a) Every Order made by the Minister shall, within three months after its publication in the *Gazette*, be brought before Parliament for approval.

15 (b) Any Order which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything duly done thereunder.

(6) A notification of the date on which an Order is deemed to be rescinded shall be published in the *Gazette*.

20 **3.** (1) The provisions of this Act shall apply to a judgment of a court of a foreign country specified in the Order published under section 2, only if such judgment is final and conclusive as between the parties to such judgment, and- Judgments to which this Act shall apply

(a) any one or more of the following conditions are satisfied by the applicant: -

25 (i) the judgment-creditor or the judgment-debtor was a resident of the country of the original court at the time such judgment-creditor or the judgment-debtor, as the case may be, became a party to the proceedings in the original court;

4 *Reciprocal Recognition, Registration and
 Enforcement of Foreign Judgments*

- 5 (ii) the judgment-debtor, if he is a natural person,
 had his principal place of business in the
 country of the original court at the time that
 judgment-debtor became a party to the
 proceedings in the original court;
- (iii) the judgment-creditor is the person who has
 obtained the judgment based on his claim or
 claim in reconvention in an action;
- 10 (iv) the judgment-debtor has maintained a
 branch, agency or other establishment with
 or without separate legal personality in the
 country of the original court at the time such
 judgment-debtor became a party to the
 proceedings in the original court;
- 15 (v) the judgment-debtor has agreed to submit or
 submitted to the jurisdiction of the original
 court;
- (vi) the property relating to the judgment, whether
 movable or immovable is situated in Sri
20 Lanka or in the country of the original court
 at the time of the proceedings in the original
 court;
- (vii) the applicant has derived any right, interest,
 benefit, title, status or entitlement under the
25 judgment of the original court, as at the date
 of the judgment or thereafter; or
- (b) in the case of a judgment for the dissolution or
 annulment of a marriage or separation of the parties
 to a marriage, only if such judgment is obtained in
30 respect of a marriage registered under the Marriage

Reciprocal Recognition, Registration and 5
Enforcement of Foreign Judgments

Registration Ordinance (Chapter 112), whether such marriage had been contracted prior to or after the appointed date or such judgment had been entered prior to or after the appointed date, and –

- 5 (i) either party to the marriage was domiciled in such country as at the date of the judgment;
- (ii) either party to the marriage was habitually resident in such country for a period not less than one year immediately before the date of the judgment;
- 10 (iii) either party to the marriage was a national of such country as at the date of the judgment; or
- (iv) both parties have submitted to the jurisdiction of such court.
- 15

(2) The provisions of this Act shall not apply to any tax, charge, fine or other penalty payable under a judgment of a court of a foreign country.

PART II

20 **RECOGNITION, REGISTRATION AND ENFORCEMENT OF
FOREIGN JUDGMENTS**

- 25 **4.** An applicant may make an application in such form and manner accompanied by such information and documents as may be prescribed by rules made under this Act, to the registering court for recognition, registration and enforcement of a foreign judgment –
- Application for recognition, registration and enforcement of a foreign judgment

6 *Reciprocal Recognition, Registration and
 Enforcement of Foreign Judgments*

(a) within ten years from the date of the final judgment along with a certificate issued by the relevant authority of the original court authenticating such judgment; and

5 (b) by way of summary procedure in accordance with the provisions of Chapter XXIV of Part II of the Civil Procedure Code:

10 Provided however, the registering court may entertain an application made after ten years from the date of the final judgment if the applicant proves to the satisfaction of the court that the reasons for such delay are valid:

15 Provided further, the registering court shall not allow the parties to adduce any oral evidence, and shall conclude the proceedings on the petitions, statements of objections, affidavits and any other documents tendered by such parties within a period of six months from the date of application for the recognition, registration and enforcement of the
20 foreign judgment.

5. (1) Upon receipt of an application for recognition, registration and enforcement of a foreign judgment under section 4, if the registering court is *prima facie* satisfied that, as at the date of the application –

Registration
of a foreign
judgment

25 (a) such judgment is a judgment to which this Act applies;

(b) the applicant has derived any right, interest, benefit, title, status or entitlement under the judgment given by the original court; and

Reciprocal Recognition, Registration and 7
Enforcement of Foreign Judgments

- (c) the application has been made within the period specified in section 4,

the registering court shall proceed to register such judgment.

(2) Subject to the provisions of this Act, where a judgment is registered in terms of this Act, such registered judgment shall be deemed to have the same force and effect and the same control over the execution of such judgment as if it had been a judgment originally given in the registering court and entered on the date of registration.

(3) Where, as at the date of application for recognition and registration of a foreign judgment, a part of the relief awarded by the original court has been satisfied, the registering court may enforce the judgment only in respect of the unsatisfied part of the judgment.

6. (1) Where, upon registration of a foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage, under section 5, it appears to the registering court that –

(a) such foreign judgment was given *inter parte*, the registering court shall pronounce a declaration recognising such judgment in Sri Lanka; or

(b) such foreign judgment was obtained *ex parte*, the registering court shall issue a notice to the other party to the marriage.

(2) For the purpose of paragraph (b) of subsection (1), the provisions of sections 59 to 71 of the Civil Procedure Code shall, *mutatis mutandis*, apply in relation to the service of notice.

Recognition of a foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage in Sri Lanka

8 *Reciprocal Recognition, Registration and
Enforcement of Foreign Judgments*

(3) Where there is no objection made under section 7 within the period specified in the notice issued under paragraph (b) of subsection (1) and upon the court being satisfied of the proper service of notice under paragraph (b) of subsection (1), the registering court may pronounce a declaration recognising such foreign judgment.

7. A respondent to an application for the recognition and registration of a foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage, upon receipt of a notice issued under paragraph (b) of subsection (1) of section 6, may appear before the registering court and object to such application on the ground that-

(a) the applicant has failed to satisfy any of the requirements set out in section 4;

(b) there is fraud; or

(c) there is a misrepresentation of facts relevant to the application and the affidavit made under section 4.

Objections against recognition of a foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage in Sri Lanka

8. (1) Where the party who made an objection under section 7, fails to satisfy the registering court of the existence of any ground for the refusal of an application specified in section 7, the court may reject such objection by an order made in that behalf and shall pronounce a declaration recognising such foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage in respect of which such application is made.

Refusal of objections and recognition and registration of a judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage

(2) Such declaration shall have the effect of such foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage being recognised as if it had been issued by a competent court of Sri Lanka.

Reciprocal Recognition, Registration and 9
Enforcement of Foreign Judgments

9. The court may grant and apportion costs for any application made under section 4, as the court deems fit. Court may grant costs

10. Where the registering court pronounces a declaration in the case of a foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage, recognising such judgment in Sri Lanka, the Registrar of the registering court shall send a copy of such declaration certified by such Registrar as true copy, to the Registrar-General for the purposes of the Marriage Registration Ordinance (Chapter 112). Registration of foreign judgments for dissolution of marriages etc with the Registrar-General

11. (1) The registering court shall, at any time after registration of a foreign judgment, upon application in that behalf duly made by the judgment debtor or any party whose rights, interests, benefits, title, status or entitlements have been adversely affected, or on its own motion, set aside the registration of the judgment, if the registering court is satisfied that – Setting aside of a registered judgment

- (a) the judgment was registered in contravention of the provisions of subsection (1) of section 5;
- (b) notice or sufficient notice has not been given to the judgment-debtor in accordance with the law of the country of the original court to enable him to defend the proceedings;
- (c) the registered judgment was obtained by fraud;
- (d) the person by whom the application for recognition, registration and enforcement of the judgment was made, has not derived any right, interest, benefit, title, status or entitlement under the judgment of the original court; or

10 *Reciprocal Recognition, Registration and
 Enforcement of Foreign Judgments*

(e) the judgment has been reversed or set aside in appeal by the original court or a higher court of the country of the original court in terms of the law of the country of the original court.

5 (2) Notwithstanding anything to the contrary in any other provisions of this Act, the registering court may, if it considers appropriate, allow the parties to lead evidence in respect of an application to set aside the registration of a judgment under this Act.

10 (3) The provisions of section 389 of the Civil Procedure Code shall, *mutatis mutandis*, apply in respect of an application to set aside the registration of a judgment under this Act.

15 (4) The setting aside of the registration of a judgment under this section shall not prevent a fresh application for registration of a judgment being filed in compliance with the provisions of this Act.

20 **12.** (1) No appeal shall lie against any order made by the registering court under the provisions of this Act in respect of an application made for the recognition, registration and enforcement of a foreign judgment, other than a judgment for the dissolution or annulment of a marriage or separation of parties to a marriage. Appeals

25 (2) Any party who is dissatisfied with any recognition awarded or any order made by the registering court under the provisions of this Act in respect of an application made for the recognition, registration and enforcement of a foreign judgment for the dissolution or annulment of a marriage or separation of parties to a marriage, may appeal to the relevant High Court established by Article 154P of the Constitution, with leave first had and obtained from the relevant High Court.

30

Reciprocal Recognition, Registration and 11
Enforcement of Foreign Judgments

13. Where both parties to a foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage have made separate applications for the recognition and registration of the same judgment, the registering court shall consolidate both such applications and make an order in the same proceedings.
- Making separate applications in respect of recognition and registration of a foreign judgment for the dissolution of a marriage, &c

PART III

GENERAL PROVISIONS

14. From and after the date on which an Order under subsection (1) of section 2 is published in the *Gazette*, any proceedings for the recognition, registration and enforcement of a judgment of a court of such foreign country shall not be entertained by any court in Sri Lanka, except in accordance with the provisions of this Act.
- Foreign judgments which may be registered, not to be enforceable otherwise
15. Notwithstanding anything to the contrary contained in any other written law-
- Jurisdiction in respect of applications for recognition, registration and enforcement of foreign judgments
- (a) in the case of an application for the recognition, registration and enforcement of a foreign judgment to which the provisions of this Act apply, other than a judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage, the District Court of Colombo or any other court as may be designated by the Minister by Order published in the *Gazette*; and
- (b) in the case of an application for the recognition and registration of a foreign judgment for the dissolution or annulment of a marriage or separation

12 *Reciprocal Recognition, Registration and
 Enforcement of Foreign Judgments*

of the parties to a marriage to which the provisions of this Act apply, the District Court of Colombo or the District Court within the local limits of whose jurisdiction any party to such judgment resides,

5 shall have the jurisdiction, cognizance of, and full power, in the manner provided for by this Act and the rules made under section 20 to hear and determine such application.

16. Service of summons, notices or any other documents relating to recognition, registration and enforcement, as the case may be, of foreign judgments under this Act shall be made in the manner provided for in Chapters VIII and XXII of the Civil Procedure Code.

Application of the Civil Procedure Code

17. (1) Where the language of a foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage is in a language other than the English language, such judgment shall be accompanied by a translation thereof in the English language made and signed by an interpreter of the Supreme Court, the Court of Appeal or the High Court, or by a sworn translator or an interpreter of any District Court, Family Court, Magistrate's Court or Primary Court, or by a sworn translator.

Language of the documents produced to the court

(2) For the purposes of this section, "sworn translator" means a translator who has taken and subscribed the oath or made and subscribed the affirmation before a District Judge of a District Court of Sri Lanka.

18. Any person who willfully and dishonestly makes any false statement of facts in an affidavit made under this Act commits an offence and shall, on conviction by the Magistrate's Court, be liable to a fine not less than two hundred thousand rupees or to imprisonment for a period not less than one year, or to both such fine and imprisonment.

Making false statement of facts in affidavits

Reciprocal Recognition, Registration and 13
Enforcement of Foreign Judgments

5 **19.** In any matter or question of procedure not provided for in this Act, the procedure laid down in the Civil Procedure Code in respect of a like matter or question shall be followed by the court if such procedure is not inconsistent with the provisions of this Act. *Casus omisus*

20. (1) The Minister may, from time to time, make rules under this Act, in respect of all matters for which rules are authorised or required to be made for the purpose of giving effect to the provisions of this Act. *Rules*

10 (2) In particular and without prejudice to the generality of the provisions of subsection (1), rules may be made in respect of the following matters: -

- 15 (a) filing of an application for the recognition, registration and enforcement of a foreign judgment, and setting aside of a registered judgment and forms to be used for such purposes;
- (b) statement of facts that the affidavits made under this Act shall contain;
- 20 (c) prescribing the documents that shall accompany an application filed under this Act;
- (d) tendering of security when applying for the recognition, registration and enforcement of a foreign judgment;
- 25 (e) the manner of serving the notice of registration and the content of such notice;
- (f) subject to the time limits expressly provided for in this Act, the time limits for performing any act required to be performed under this Act;
- 30 (g) prescribing the method by which any interest payable under a foreign judgment under the law of the country of the original court is to be determined;
- (h) the matters relating to the award of costs; and

14 *Reciprocal Recognition, Registration and
 Enforcement of Foreign Judgments*

- (i) any other matter which is required to be prescribed under this Act in order to achieve the objectives of this Act.

(3) Every rule made by the Minister under this section shall be published in the *Gazette* and shall come into operation from the date of such publication or on another date as may be specified in such rule.

21. With effect from the appointed date- Repeals

10 (a) the Enforcement of Foreign Judgments Ordinance (Chapter 93); and

(b) the Reciprocal Enforcement of Judgments Ordinance (Chapter 94),

shall stand repealed.

15 **22.** Notwithstanding the repeal of the Reciprocal Enforcement of Judgments Ordinance (Chapter 94) (in this section referred to as the “repealed Ordinance”)- Savings and transitional provisions

20 (a) every Order made under section 6 of the repealed Ordinance and in force on the day immediately preceding the appointed date shall be valid and effectual in respect of the judgments of the courts declared in such Order, until an Order is made under section 2 of this Act extending the provisions of this Act to the judgments of the corresponding courts;

25 (b) all applications filed and proceedings instituted under the repealed Ordinance and pending on the day immediately preceding the appointed date shall be proceeded with and concluded under the provisions of the repealed Ordinance; and

Reciprocal Recognition, Registration and 15
Enforcement of Foreign Judgments

- 5 (c) all judgments, decrees or orders entered into or made under the repealed Ordinance and remaining unsatisfied either wholly or partially on the day immediately preceding the appointed date shall be proceeded with and concluded under the provisions of the repealed Ordinance.

23. In this Act, unless the context otherwise requires – Interpretation

10 “applicant” for the purposes of this Act, includes a judgment creditor or any person who has derived any right, interest, benefit, title, status or entitlement under the judgment of the original court, as at the date of the judgment or thereafter;

“Civil Procedure Code” means the Civil Procedure Code (Chapter 101);

15 “country of the original court” means the country in which the original court is situated;

20 “dissolution or annulment of a marriage or separation of the parties to a marriage” means any divorce, annulment of a marriage or judicial separation of the parties to a marriage obtained by means of proceedings in a competent court of law of a country specified by the Minister under section 2 of this Act;

25 “domiciled in a country” means domiciled in terms of the law of that country;

“judgment” means a judgment, decree or order given or made by a competent court of a foreign country which has been specified by the Minister by Order published in the *Gazette* in

16 *Reciprocal Recognition, Registration and
 Enforcement of Foreign Judgments*

terms of section 2 of this Act, but does not include a judgment, decree or order given or made-

- (a) against any Sovereign State;
- 5 (b) in relation to property settlement in any matrimonial matter;
- (c) in proceedings relating to insolvency;
- 10 (d) in proceedings relating to winding-up of companies;
- (e) in proceedings relating to unsoundness of mind;
- 15 (f) in proceedings relating to guardianship, custody or maintenance of a minor, or curatorship of the estate of a minor; or
- 20 (g) in proceedings relating to guardianship and management of the estate of a person of unsound mind;

“judgment-creditor” means the person in whose favour the judgment was given and includes any person who has derived any right, interest, benefit, title, status or entitlement under the judgment sought to be registered in Sri Lanka;

25

Reciprocal Recognition, Registration and 17
Enforcement of Foreign Judgments

“judgment-debtor” means the person against whom the judgment was given and includes any person against whom the judgment is enforceable;

5 “Minister” means the Minister assigned the subject of Justice in terms of Article 44 or 45 of the Constitution;

10 “original court” in relation to any judgment, means the court by which the judgment was given or a higher court which has affirmed or entered a judgment in the exercise of appellate jurisdiction;

“prescribed” means prescribed by rules made under this Act; and

15 “registering court”-

20 (a) in relation to a judgment other than a judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage, means the District Court of Colombo or any other court as may be specified by the Minister by Order published in the *Gazette*; and

25 (b) in relation to a judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage, means the District Court of Colombo or the
30 District Court within the local limits of whose jurisdiction any party to such judgment resides.

18 *Reciprocal Recognition, Registration and
Enforcement of Foreign Judgments*

24. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency

