

Dispute Resolution

Reciprocal Enforcement of Foreign Judgments Regime in Singapore to be Consolidated from 1 March 2023

Introduction

Commercial disputes commonly traverse national borders, and one of the key issues for litigants is how they may enforce judgments obtained from the courts of one country in another country. Singapore, as a regional hub for dispute resolution, has been developing its framework for the enforcement of foreign judgments, with arrangements in place with a number of countries for the reciprocal enforcement of judgments.

The reciprocal enforcement of foreign judgments regime in Singapore is now set to be consolidated under the Reciprocal Enforcement of Foreign Judgments Act ("**REFJA**"). The Commonwealth countries with which Singapore has reciprocal enforcement arrangements will be duly transferred to the REFJA from 1 March 2023.

Currently, the countries which fall within the reciprocal enforcement of foreign judgments regime are split between the REFJA and the Reciprocal Enforcement of Commonwealth Judgments Act ("**RECJA**"), with the RECJA governing prescribed Commonwealth countries. To consolidate the reciprocal enforcement regime, the reciprocating Commonwealth countries under the RECJA will be transferred to the REFJA, and the RECJA will be repealed from 1 March 2023.

The transfer of Commonwealth countries to the REFJA will also serve to expand the scope of registrable judgments from the listed countries. The developments serve to provide greater efficiency for foreign litigants seeking to enforce their judgments in Singapore, and for Singapore parties looking to register local judgments abroad.

Enhancement of Reciprocal Enforcement Framework

The consolidation is part of the enhancement of the framework for the reciprocal enforcement of foreign judgments.

- Under this framework, the Government may gazette countries with which it has arrangements for reciprocal enforcement.
- The REFJA or RECJA sets out the procedure for prescribed foreign judgments from such recognised countries and courts to be registered in Singapore.



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- Once registered, the foreign judgment has the same force and effect as if it had been a judgment originally obtained before the Singapore court.

In 2019, the Singapore Parliament passed two Acts relating to reciprocal enforcement – the Reciprocal Enforcement of Foreign Judgments (Amendment) Act 2019 ("**REFJA Amendment Act**") and the Reciprocal Enforcement of Commonwealth Judgments (Repeal) Act 2019 ("**RECJA Repeal Act**").

- The REFJA Amendment Act came into operation on 3 October 2019, expanding the scope of judgments that may be covered by reciprocal arrangements between Singapore and foreign countries, and allowing for a wider range of enforcement options.
- The RECJA Repeal Act would repeal the RECJA, following which the Commonwealth countries under the RECJA would be transferred to the REFJA. However, these amendments had yet to come into force.

On 21 February 2023, the RECJA amendments were given an effective date of implementation with the following instruments being published in the Government Gazette:

- RECJA Repeal Act (Commencement) Notification 2023 ("**Commencement Notification**")
- Reciprocal Enforcement of Foreign Judgments (United Kingdom and the Commonwealth) Order 2023 ("**UK and Commonwealth Order**")
- Supreme Court of Judicature Act 1969 Rules of Court (Amendment) Rules 2023

Consolidation of Reciprocal Enforcement Regime

The Commencement Notification announced that the RECJA Repeal Act will come into operation on 1 March 2023, thus repealing the RECJA from that date.

The UK and Commonwealth Order serves to transfer certain countries currently under the RECJA to the REFJA. The countries are as follows:

- United Kingdom of Great Britain and Northern Ireland
- Australia
- New Zealand
- Sri Lanka
- Malaysia
- India
- Pakistan
- Brunei Darussalam
- Papua New Guinea

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Apart from the countries listed in the UK and Commonwealth Order, the Hong Kong Special Administrative Region of the People's Republic of China is the only other jurisdiction already under the REFJA reciprocal enforcement framework.

Not all judgments from countries listed in the UK and Commonwealth Order will be recognised for the purpose of reciprocal enforcement under the REFJA. For each country, the UK and Commonwealth Order also sets out the specific courts and the types of judgment which are recognised. This means that judgments from these countries can only be registered under Part 1 of the REFJA if they meet the description of recognised judgments, and are issued by one of the recognised courts. It should be noted that the types of recognised judgments set out under the UK and Commonwealth Order include only "*any money judgment that is final and conclusive as between the parties to it*".

Currently, the RECJA only allows for the registration of money judgments given by superior courts in civil proceedings. Once transferred, the scope of registrable judgments from the countries listed in the UK and Commonwealth Order would be expanded to include:

- Money judgments from lower courts (in as far as such courts are listed as recognised courts in the UK and Commonwealth Order);
- Interlocutory money judgments (in as far as they are final and conclusive as between the parties to it); and
- Judicial settlements, consent judgments and consent orders (in as far as they are final and conclusive and a sum of money is payable under them).

Concluding Words

The consolidation of the countries currently under the RECJA into the REFJA is a welcome development after the amendments were initially introduced in 2019. This also brings greater consistency to the scope of registrable judgments from the countries with which Singapore has reciprocal enforcement arrangements. The development also marks a further step in the continued progress of Singapore's reciprocal enforcement regime.

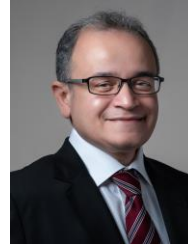
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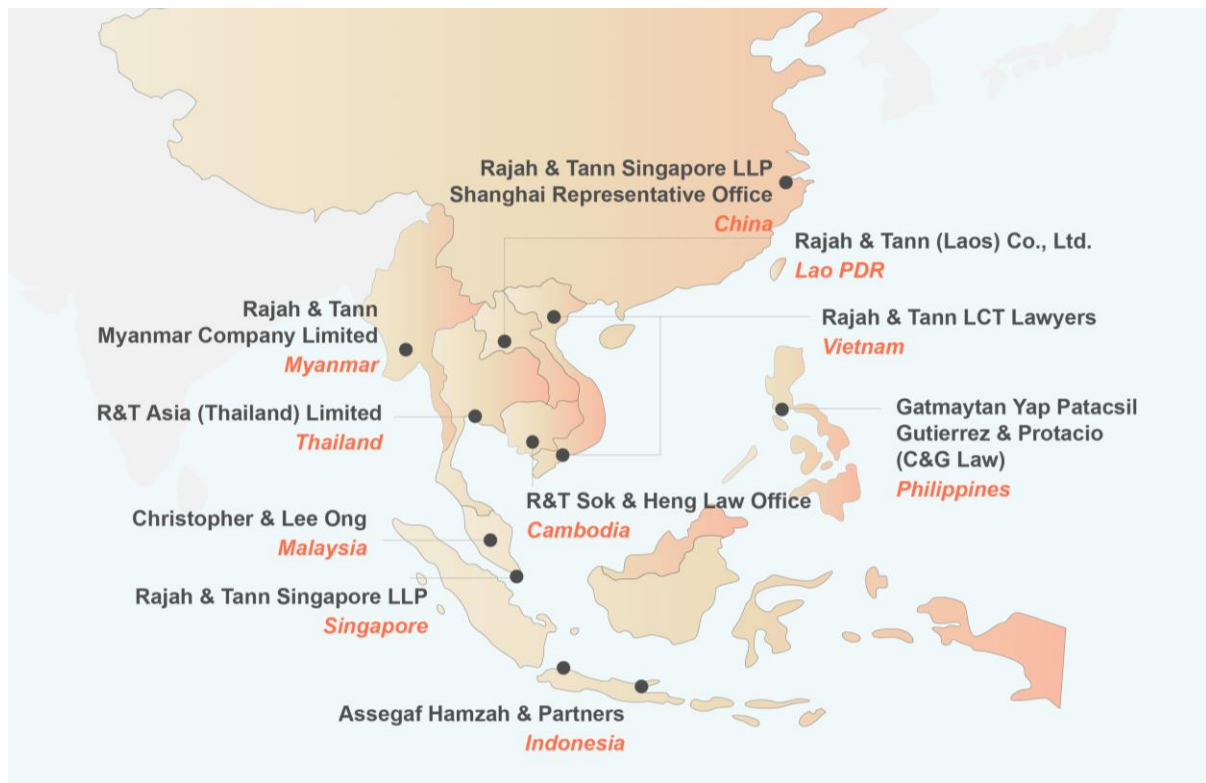
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