

Judgments (European Community) (Enforcement) **1973-19**

JUDGMENTS (EUROPEAN COMMUNITY) (ENFORCEMENT) ACT

Principal Act

Act. No. 1973-19	<i>Commencement</i>	31.5.1973
	<i>Assent</i>	31.5.1973

Amending enactments	Relevant current provisions	Commencement date
None		
English source		
None cited		

1973-19 Judgments (European Community) (Enforcement)

ARRANGEMENT OF SECTIONS

Section

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AN ACT TO PROVIDE FOR THE REGISTRATION IN GIBRALTAR OF JUDGMENTS AND ORDERS OF THE EUROPEAN COMMUNITY.

Short title.

1. This Act may be cited as the Judgments (European Community) (Enforcement) Act.

Interpretation.

2 In this Act—

“Community judgment” means any decision, judgment or order which is enforceable under or in accordance with Article 187 or 192 of the European Economic Community Treaty, Article 18, 159 or 164 of the Euratom Treaty or Article 44 or 92 of the European Coal and Steel Community Treaty;

“Euratom inspection order” means an order made by or in the exercise of the functions of the President of the European Court or by the Commission of the European Communities under Article 81 of the Euratom Treaty;

“order for enforcement” means an order by or under the authority of the Governor that the Community judgment to which it is appended is to be registered for enforcement in Gibraltar.

Registration of judgments.

3.(1) The Supreme Court shall, upon application duly made for the purpose by the person entitled to enforce it, forthwith register any Community judgment to which the Governor has appended an order for enforcement or any Euratom inspection order.

(2) Where a sum of money is payable under a Community judgment which is to be registered, the judgment shall be registered as if it were a judgment for such sum in the currency of Gibraltar as, on the basis of the rate of exchange prevailing at the date when the Community judgment was originally given, is equivalent to the sum so payable.

(3) Such rules of court as may be necessary shall be made requiring notice to be given of the registration of a Community judgment or Euratom inspection order to the persons against whom the judgment was given or the order was made.

(4) Where it appears that a Community judgment under which a sum of money is payable has been partly satisfied at the date of the application for its registration, the judgment shall be registered only in respect of the balance remaining payable at that date.

(5) Where, after the date of registration of a Community judgment under which a sum of money is payable, it is shown that at that date the judgment had been partly or wholly satisfied, the registration shall be varied or cancelled accordingly with effect from that date.

Effect of registration.

4. A Community judgment registered in accordance with section 3 shall, for all purposes of execution, be of the same force and effect, and proceedings may be taken on the judgment, and any sum payable under the judgment shall carry interest, as if the judgment had been a judgment or order given or made by the Supreme Court on the date of registration.

Suspension of enforcement.

5. An order of the European Court that enforcement of a registered Community judgment be suspended shall, on production to the Supreme Court, be registered forthwith and shall be of the same effect as if the order had been an order made by the Supreme Court on the date of its registration staying the execution of the judgment for the same period and on the same conditions as are stated in the order of the European Court; and no steps to enforce the judgment shall thereafter be taken while such an order remains in force.

Effect of registration of Euratom inspection order.

6. Upon registration of a Euratom inspection order in accordance with section 3, the Supreme Court may make such order as it thinks fit against any person for the purpose of ensuring that effect is given to the Euratom inspection order.