[2020 Gib LR 152]

REPUBLIC OF KAZAKHSTAN v. A. STATI, G. STATI, ASCOM GROUP S.A. and TERRA RAF TRANS TRADING LIMITED

SUPREME COURT (Yeats, J.): April 29th, 2020

Conflict of Laws—reciprocal enforcement of judgments—registration of foreign judgments—costs orders made by English High Court in proceedings concerning foreign arbitral award registered in Gibraltar under Judgments (Reciprocal Enforcement) Act 1935—orders registered even though moneys may be due by applicant to respondents in other jurisdictions

The applicant applied pursuant to s.4 of the Judgments (Reciprocal Enforcement) Act 1935 to register three judgments of the English High Court.

The respondents had obtained an arbitration award against the applicant, the Republic of Kazakhstan, in the sum of US$500m. following an arbitration which had taken place in Sweden. The respondents subsequently commenced proceedings in England to enforce the arbitration award. They obtained permission to enforce the award following a without notice hearing. The applicant then applied to set aside the order granting permission, claiming the arbitration award had been obtained by fraud. An English judge directed that the applicant's claim that the arbitration award had been obtained by fraud should proceed to trial. The respondents thereafter discontinued their enforcement proceedings. The English High

Court made three separate costs orders against the respondents and in favour of the applicant totalling £1,435,000.

The applicant applied to register the orders under s.4 of the Judgments (Reciprocal Enforcement) Act 1935.

Section 3(2) of the 1935 Act provided:

> "Subject to sub-section (2A), a judgment of a recognised court is within this sub-section if it satisfies the following conditions, namely—
>
> (a) it is either final and conclusive as between the judgment debtor and the judgment creditor or requires the former to make an interim payment of the latter; and
>
> (b) there is payable under it a sum of money, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty; and
>
> (c) it is given after the coming into force of the order which made that court a recognised court."

Section 3(2A) provided:

> "The following judgments of a recognised court are not within sub-section (2) of this section—
>
> (a) a judgment given by that court on appeal from a court which is not a recognised court;
>
> (b) a judgment or other instrument which is regarded for the purposes of its enforcement as a judgment of that court which was given or made in another country;
>
> (c) a judgment given by that court in proceedings founded on a judgment of a court in another country and having as their object the enforcement of that judgment."

Section 11A provided:

> "The provisions of this Act, except sections 3(5) and 8 shall apply as they apply to a judgment, in relation to an award in proceedings or an arbitration which 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."

The applicant submitted *inter alia* that (a) the underlying policy behind s.3(2A) was to prevent the laundering of judgments and that, consequently, "original" costs orders of the recognized court were not caught by the provision; (b) s.11A did not apply so as to exclude registration of a judgment of a recognized court in enforcement proceedings founded on an arbitration award in a third country; and (c) the fact that there might be moneys due by the applicant to the respondents in other jurisdictions did not prevent the court from registering the judgments.

Held, granting the application:

(1) The conditions in s.3(2) of the 1935 Act were satisfied in the present case. The first two costs orders were final and conclusive judgments as between the respondents (the judgment debtors) and the applicant (the judgment creditor) as required by s.3(2)(a). The third costs order required

the respondents to make an interim payment and therefore also fell within s.3(2)(a). As to s.3(2)(b), the judgments were orders for the payment of costs and were therefore orders for payment of moneys not being sums due for taxes, fines or penalties. Section 3(2)(c) was clearly met as the orders had been made in 2018 and 2019 (para. 8).

(2) The judgments fell within Part I of the 1935 Act as they satisfied the conditions of s.3(2) and were not excluded by s.3(2A). Certain types of judgments were excluded from registration under the 1935 Act. The exclusions were set out in s.3(2A). The judgments were not judgments of the English High Court on appeal from a court that was not recognized. They were orders of the English High Court itself. They were not therefore excluded under s.3(2A)(a). Nor were they excluded under s.3(2A)(b) because the costs judgments were not judgments given or made in a third country which had been registered in the recognized court and which had the same effect as a judgment of the recognized court. On the face of it, the exclusion in s.3(2A)(c) was also not relevant. The costs orders were made in proceedings which were founded on the arbitral award in Sweden and which had as their object the enforcement of an arbitral award, but an arbitration tribunal was not a court and an arbitral award was not a judgment of a court. The issue for consideration was whether s.11A of the 1935 Act extended the exclusion in s.3(2A)(c) to any judgment of a recognized court in enforcement proceedings founded on an arbitration award in a third country. It was clear that the purpose of s.3(2A) was to prevent the use of the 1935 Act for the registration of a judgment of a foreign court which could not, of itself, be registered in Gibraltar. There were two possible interpretations of s.3(2A)(c): (i) that "a judgment" referred to any judgment given by the recognized court in the course of the enforcement proceedings; or (ii) that "a judgment" referred to a judgment given by the recognized court in the course of the enforcement proceedings which related directly to the judgment of the court in the other country. Given that the purpose of the provision was to prevent the laundering of a judgment on a judgment, the narrower interpretation (ii) would be adopted. The judgments in the present case, which were original costs orders of the English High Court given in *inter partes* proceedings, would not therefore be excluded by s.3(2A)(c) and it was immaterial that they were made in the course of the enforcement proceedings (paras. 9–12; para. 20; paras. 22–23).

(3) The next step was to consider whether the application for registration of the costs orders could be made pursuant to s.4(1) of the 1935 Act, which required an application for registration to be made by a judgment creditor within a period of six years from the date of judgment. The applicant was a judgment creditor and had made the application well within the time limit. The proviso to s.4(1) stated that a judgment should not be registered if at the date of the application the judgment had been wholly satisfied or it could not be enforced by execution in the country of the original court. The fact that there might be moneys due by the

applicant to the respondents under costs orders made in proceedings in other jurisdictions which had not been satisfied by the applicant did not prevent the court registering the judgments. The judgment debts arising from the costs orders had not been satisfied and the applicant had not agreed to a set-off. Registration and enforcement of a judgment debt were two different things. Whilst there might well be an argument preventing enforcement of the judgments if registered, any potential set-off did not affect their registration. As to whether the costs orders were enforceable by execution in the country of origin, that was undoubtedly the case (paras. 24–26).

(4) In addition to the statutory requirements contained in the 1935 Act, there were further procedural requirements. CPR r.74.4 set out the evidence in support which had to be filed on an application under the English equivalent to the 1935 Act. The rule applied to this application in the usual way. The witness statement provided covered these formalities and provided the details required. CPR r.74.4(1)(a) required the exhibiting of "the judgment or a verified or certified or otherwise authenticated copy of it." Court-certified copies of the costs orders had not been obtained because the statutory framework upon which such copies could be sought did not allow the applicant to do so. The applicant had, however, exhibited office copies of the orders. The court was satisfied that the office copies of the orders provided were sufficient for the purposes of registration. CPR r.74.4(4)(c) required that the written evidence must confirm that the registration could not be set aside under s.6 of the 1935 Act. None of the grounds contained therein to set aside a registration appeared to be relevant to the present case (paras. 27–29).

(5) Section 4(1) mandated the court to register a judgment if all conditions were satisfied. There was no discretion to be exercised. In the present case, the statutory requirements were met and the application to register the three costs orders as judgments of this court would be granted. Having regard to the Covid-19 pandemic situation, the respondents would have 28 days within which to apply to have the registration order set aside (paras. 30–31).

Cases cited:

(1) *Clarke* v. *Fennoscandia Ltd.*, [2003] ScotCS 209; 2003 SCLR 894; [2004] SC 197, considered.

(2) *Morgan Stanley* v. *Pilot Lead Invs. Ltd.*, [2006] 4 HKC 93; [2006] 2 HKLRD 731, considered.

(3) *Strategic Technologies PTE Ltd.* v. *Procurement Bureau of the Republic of China Ministry of National Defence*, [2020] EWHC 362 (QB); [2020] 1 W.L.R. 3388, considered.

Legislation construed:

Judgments (Reciprocal Enforcement) Act 1935, s.3(2): The relevant terms of this sub-section are set out at para. 7.

s.3(2A): The relevant terms of this sub-section are set out at para. 9.
s.11(A): The relevant terms of this sub-section are set out at para. 11.

Civil Procedure Rules, r.74.4(1)(a): The relevant terms of this provision are set out at para. 28.
r.74.4(4)(c): The relevant terms of this provision are set out at para. 29.

L. Baglietto, *Q.C.* and *M. Levy* for the applicant.

1 **YEATS, J.:** By application notice dated February 20th, 2020, the Republic of Kazakhstan ("Kazakhstan") applies for the registration of three judgments of the High Court of Justice, Business and Property Courts of England and Wales. The application is made pursuant to s.4 of the Judgments (Reciprocal Enforcement) Act 1935 ("the 1935 Act"). It has been made without notice to the respondents as provided for by CPR 74.3(2)(b). The respondents, if registration is granted, are able to apply to have the registration set aside in accordance with the provisions of s.6 of the 1935 Act.

Background

2 The judgments are three separate orders for payment of costs totalling £1,435,000 (excluding interest) made by the English High Court. The background to the English proceedings is set out in the first witness statement of Philip Maitland Carrington dated February 20th, 2020 (Mr. Carrington is an English solicitor acting for the applicant in the English proceedings). I do not propose to rehearse it in depth save to say the following: on December 19th, 2013, the respondents to this application (who for convenience I shall refer to collectively as "the Statis") obtained an arbitration award against Kazakhstan in the sum of approximately US$500m. The arbitration took place in Sweden. On February 24th, 2014, the Statis commenced proceedings in England under the English Arbitration Act 1996 (and relying on the New York Convention) for enforcement of the arbitration award against Kazakhstan. They obtained permission to enforce the award following a without notice hearing. Kazakhstan then applied to set aside the order granting permission, claiming that the arbitration award had been obtained by fraud. On June 27th, 2017, Robin Knowles, J. directed that Kazakhstan's claim that the award had been obtained by fraud should proceed to trial. Thereafter, the Statis discontinued their enforcement proceedings.

The English High Court orders

3 The particulars of the orders which Kazakhstan seeks to register in this court arising from the proceedings in England are the following:

(i) An order of Mr. Justice Robin Knowles, C.B.E. dated May 21st, 2018 (sealed on May 24th, 2018). This is an order for the payment of the

sum of £30,000 in costs incurred by Kazakhstan in an application for permission to use, in proceedings in other jurisdictions, various documents disclosed by the Statis in the English proceedings;

(ii) An order of Mrs. Justice Cockerill, D.B.E. dated May 17th, 2019. This is an order for the payment of the sum of £25,000 in costs incurred by Kazakhstan in an application for disclosure of the Statis' funding arrangements; and

(iii) An order of Mr. Justice Jacobs dated July 2nd, 2019 (sealed on July 3rd, 2019). This is an order for an interim payment of the costs incurred by Kazakhstan in the English proceedings up to the date of the notice of discontinuance. The sum of £1,300,000 is payable on account of the costs of the proceedings. A further sum of £80,000 was ordered to be paid on account of the costs incurred by Kazakhstan in the costs hearing itself.

The 1935 Act

4 Section 12 of the 1935 Act provides that the Act has effect subject to the Civil Jurisdiction and Judgments Act 1993 ("the 1993 Act"). The 1993 Act cannot however be relied on in this case because neither Regulation (EU) 1215/2012 nor its predecessor Council Regulation (EC) 44/2001 apply to arbitration proceedings or to proceedings relating to the recognition or enforcement of an arbitral award. The same is true of the Brussels Convention and the Lugano Convention which both expressly state that they do not apply to arbitrations. (The other conventions or EU regulations referred to in the 1993 Act are not relevant.)

5 The 1935 Act applies to judgments of a court of a foreign country which has been designated as a recognized court—as provided for by s.3. The English High Court was designated as a recognized court by the Governor on June 26th, 1935. (Although s.3 was amended by the 1993 Act, any order of designation of a recognized court continued to apply unless varied or revoked. The order designating the English High Court has not been varied or revoked.)

6 The mechanics for registering a judgment under the 1935 Act are the following: a judgment of a recognized court can be registered if the judgment satisfies the conditions set out in s.3(2) and is not an excluded judgment under s.3(2A). If the judgment is one which can be registered, then an application can be made pursuant to s.4(1). I shall deal with these provisions in turn.

Section 3(2) of the 1935 Act

7 Section 3(2) provides as follows:

> "(2) Subject to sub-section (2A), a judgment of a recognised court is within this sub-section if it satisfies the following conditions, namely—
>
> (a) it is either final and conclusive as between the judgment debtor and the judgment creditor or requires the former to make an interim payment of the latter; and
>
> (b) there is payable under it a sum of money, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty; and
>
> (c) it is given after the coming into force of the order which made that court a recognised court."

8 The conditions in s.3(2) are satisfied in this case. The first two costs orders are final and conclusive judgments as between the Statis (who are the judgment debtors) and Kazakhstan (who is the judgment creditor) as required by s.3(2)(a). The third costs order requires the Statis to make an interim payment to Kazakhstan and therefore also falls within s.3(2)(a). As to s.3(2)(b), they are orders for payment of costs and are therefore orders for payment of moneys not being sums due for taxes, fines or penalties. The third of the conditions provided for in s.3(2)(c) is clearly met, the orders having been made in 2018 and 2019.

The exclusions contained in s.3(2A) of the 1935 Act

9 Certain types of judgments are excluded from registration under the 1935 Act. These exclusions are set out in s.3(2A) which provides as follows:

> "(2A) The following judgments of a recognised court are not within sub-section (2) of this section—
>
> (a) a judgment given by that court on appeal from a court which is not a recognised court;
>
> (b) a judgment or other instrument which is regarded for the purposes of its enforcement as a judgment of that court which was given or made in another country;
>
> (c) a judgment given by that court in proceedings founded on a judgment of a court in another country and having as their object the enforcement of that judgment."

10 The judgments are not judgments of the English High Court on appeal from a court that is not recognized. They are orders of the High

Court itself. They are not therefore excluded by s.3(2A)(a). Similarly, they are not excluded by s.3(2A)(b). The costs orders are not judgments given or made in a third country which have been registered in the recognized court and which have the same effect as a judgment of the recognized court.

11 The third exclusion requires particular consideration. The costs orders were made in proceedings which were founded on the arbitral award in Sweden. The proceedings had as their object the enforcement of the arbitral award. Of course, an arbitration tribunal is not a court and an arbitral award is not a judgment of a court. (Although, by s.2 of the 1935 Act, the term "court" is said to include a "tribunal," this must refer to a national tribunal and not a private arbitration tribunal.) Therefore, on the face of it, the exclusion is not relevant. However, s.11A of the 1935 Act provides as follows:

> "11A. The provisions of this Act, except sections 3(5) and 8 shall apply as they apply to a judgment, in relation to an award in proceedings or an arbitration which 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."

12 The question then becomes: does s.11A extend the exclusion contained in s.3(2A)(c) to any judgment of a recognized court in enforcement proceedings founded on an arbitration award in a third country? Mr. Lewis Baglietto, Q.C., who appeared for Kazakhstan, submitted that neither a literal or purposive interpretation of s.3(2A)(c) (as read with s.11A) has such an effect. In fact, his position on behalf of Kazkhstan is twofold. First, that the costs orders in this case are not caught by the exclusion contained in s.3(2A)(c), and secondly that s.11A does not apply so as to exclude these particular proceedings in any event.

13 (I should record here that the 1935 Act is modelled on the English Foreign Judgments (Reciprocal Enforcement) Act 1933 which has identical provisions to those contained in ss. 3(2A) and 11A.)

14 Mr. Baglietto submitted that what s.3(2A)(c) is referring to by the words "proceedings founded on a judgment of a court in another country and having as their object the enforcement of that judgment" is simply the process of instituting proceedings in country "A" claiming the judgment sum of a judgment in country "B" as a debt. This is referred to in Briggs, *Civil Jurisdiction & Judgments*, 6th ed., at para. 7.76 (2015) in the following way:

> ". . . [T]he foreign judgment itself is not what is enforced in England. The action will be commenced by the issue of process in the usual way, claiming the judgment sum as a debt."

15 Prior to 1998, when s.3(2A)(c) was inserted into the 1935 Act on commencement of the 1993 Act, the judgment given in country "A" could be registered in Gibraltar (assuming the other conditions in the Act were met) regardless of whether the court in country "B" was a recognized court. Such a process is commonly described as the "laundering of judgments." This is now prohibited by s.3(2A)(c). As is observed in *Spencer Bower & Handley: Res Judicata*, 5th ed., at para. 2.59 (2019):

> "Section 1(2A) [the English equivalent to s.3(2A) of the 1935 Act] prohibits the registration of a judgment based on the registration or enforcement of a foreign judgment. A judgment based on a foreign judgment is not enforceable in a third jurisdiction because it is not a judgment on the merits."

16 Mr. Baglietto referred the court to a number of authorities in support of the proposition that the underlying policy behind s.3(2A) was to prevent the "laundering" of judgments and that, consequently, "original" costs orders of the recognized court are not caught by the section.

17 *Clarke* v. *Fennoscandia Ltd.* (1) is a judgment of the Scottish Outer House where Lord Kingarth referred to this provision, and in particular to the equivalent of s.3(2A)(c), in the following way ([2003] ScotCS 257, at para. 31):

> "This provision, added by the Civil Jurisdiction and Judgments Act 1982, Schedule 10, Paragraph 1, was no doubt added, as many commentators have concluded, to avoid the 'laundering' of judgments obtained in countries to which the 1933 Act did not apply—ie. to prevent a party from obtaining a decree conform in respect of a 'foreign' judgment in a country to which the Act did apply and thereafter seeking enforcement by formal registration procedures under the Act in a country or countries which would not themselves otherwise contemplate the recognition of the 'foreign' judgment in question . . ."

18 In *Morgan Stanley* v. *Pilot Lead Invs. Ltd.* (2), the Hong Kong Court of First Instance was dealing with an application under the Hong Kong Foreign Judgments (Reciprocal Enforcement) Ordinance to register an order of the Singaporean High Court which had itself registered a judgment of the English High Court. The Hong Kong Ordinance did not have a provision equivalent to s.3(2A) of the 1935 Act but the question nevertheless arose as to whether it was permissible to register the Singaporean order. The Deputy Judge referred to para. 31 of Lord Kingarth's judgment in *Clarke* (1) and then observed the following [2006] 2 HKLRD 731, at para. 26):

> "26. This dicta suggests that prior to the introduction of section 2A, the so-called 'laundering' of foreign judgments was permissible

> under the 1933 Act. Then section 2A was introduced to stop this undesirable practice. In the absence of any provision similar to section 2A, this practice of 'laundering' foreign judgments, however undesirable it may be, is permissible under FJREO [the Hong Kong reciprocal enforcement statute]."

19 In *Strategic Technologies PTE Ltd.* v. *Procurement Bureau of the Republic of China Ministry of National Defence* (3), the English High Court was concerned with registration under the English Administration of Justice Act 1920 of a Cayman Islands judgment which was founded on a judgment from a court in Singapore. That Act did not have a provision similar to s.3(2A). In rejecting the submission that the Cayman Islands judgment should not have been registered by the English court, Carr, J. said ([2020] EWHC 362 (QB), at para. 87):

> "However desirable it might for judgments on judgments not to be registrable under the AJA and for there to be deterrence against the 'laundering' of judgments, there is no escaping the clear and express words of s. 12 of the AJA, legislation which, unlike the 1933 Act, has not been amended so as to exclude the registration of judgments on judgments."

20 It is clear that the purpose of s.3(2A) is to prevent the use of the 1935 Act for the registration of a judgment of a foreign court which could not, of itself, be registered in Gibraltar. If that is the mischief the section is trying to prevent, should the section not be interpreted with this purpose alone and not be interpreted so as to exclude an order of the English High Court which could itself ordinarily be registered in Gibraltar pursuant to the 1935 Act but which is made in the enforcement proceedings? A statute should be interpreted by having regard to the legislative purpose—*Bennion on Statutory Interpretation*, 7th ed., at s.11.1 (2019). The authors of this text say the following (at 342):

> "That the court should have regard to the purpose of an enactment is now taken as read. So, for example, in *Attorney-General's Reference (No 5 of 2002)*, Lord Steyn said:
>
> > 'No explanation for resorting to a purposive construction is necessary. One can confidently assume that Parliament intends its legislation to be interpreted not in the way of a black-letter lawyer, but in a meaningful and purposeful way giving effect to the basic objectives of the legislation.'"

21 Mr. Baglietto also referred me to *Craies on Legislation*, 11th ed. (2016) where at para. 18.1.14 the following conclusion is reached:

> "From the cases drawn on in this Chapter can be distilled the following principles:

(1) Legislation is always to be understood first in accordance with its plain meaning.

(2) Where the plain meaning is in doubt, the courts will start the process of construction by attempting to discover, from the provisions enacted, the broad purpose of the legislation.

(3) Where a particular reading would advance the purpose identified, and would do no violence to the plain meaning of the provisions enacted, the courts will be prepared to adopt that reading."

22 So what is the plain meaning of s.3(2A)? I set out s.3(2A)(c) again and suggest two possible interpretations (in the context of this case):

"(2A) The following judgments of a recognised court are not within sub-section (2) of this section—

. . .

(c) a judgment given by that court in proceedings founded on a judgment of a court in another country and having as their object the enforcement of that judgment."

(i) *Any judgment* given by the recognized court in the course of the enforcement proceedings.

(ii) The judgment given by the recognized court in the course of the enforcement proceedings *which relates directly* to the judgment of the court in the other country.

I consider that both these interpretations are possible meanings. It is therefore appropriate to have regard to the purpose of the provision to determine how the section is to be applied. I have already concluded that the purpose of the section is to prevent the "laundering" of a judgment on a judgment. It therefore seems to me that the interpretation which I should adopt is the narrower one at para. (ii). The judgments in this case, which are original costs orders of the English High Court given in *inter partes* proceedings, would not be excluded by s.3(2A)(c). It is immaterial that they were made in the course of the enforcement proceedings. Consequently, I do not have to consider whether s.11A has any application to this case.

23 I therefore conclude that the judgments fall within Part I of the 1935 Act. They satisfy the conditions of s.3(2) and are not excluded by s.3(2A).

Section 4(1) of the 1935 Act

24 The next step in the process is to consider whether the application for registration in Gibraltar of the costs orders can be made pursuant to s.4(1) of the 1935 Act. Section 4(1) requires an application for registration to be

made by a judgment creditor within a period of six years from the date of the judgment. Kazakhstan is a judgment creditor and has made the application well within the time limitation. The proviso to s.4(1) then states that a judgment shall not be registered if at the date of the application:

(i) The judgment has been wholly satisfied.

(ii) It could not be enforced by execution in the country of the original court.

25 Whether the judgment has been satisfied was a second area of concern. The litigation between the parties extends to many jurisdictions. In his witness statement, Mr. Carrington gives details of the various actions and sets out how a number of costs orders have been made against Kazakhstan in the Statis' favour. Those costs orders have not been satisfied by Kazakhstan. In correspondence, lawyers acting for the Statis have referred to this operating as a set-off. Mr. Baglietto nevertheless submitted that the fact that there may be moneys due by Kazakhstan to the Statis does not prevent the court from registering the judgments here. I agree. The judgment debts arising from the costs orders have not been satisfied and Kazakhstan has not agreed to a set-off. Registration and enforcement of a judgment debt are two different things. Whilst there may well be an argument preventing enforcement of the judgments if registered, any potential set-off does not affect their registration. For the purposes of s.4(1) of the 1935 Act, the judgment debts have not been satisfied.

26 As to whether the costs orders are enforceable by execution in the country of origin, this is undoubtedly the case because the costs orders are money judgments. If evidence of this were required, I am satisfied by the evidence of Mr. Carrington where at para. 62 of his witness statement he confirms this to be the case.

Further procedural requirements

27 In addition to the statutory requirements contained in the 1935 Act there are further procedural matters which need to be complied with by an applicant. Civil Procedure Rules r.74.4 sets out the evidence in support which needs to be filed on an application under the English equivalent to the 1935 Act. This rule applies to this application in the usual way. The witness statement of Mr. Carrington covers these formalities and provides the details required. I will refer briefly to two of the requirements.

28 CPR 74.4(1)(a) requires the exhibiting of "the judgment or a verified or certified or otherwise authenticated copy of it." Court-certified copies of the costs orders have not been obtained because the statutory framework upon which such copies can be sought did not allow Kazakhstan to

do so. Kazakhstan has however exhibited office copies of the orders. In addition, Kazakhstan has provided a transcript of the hearing before Robin Knowles, J. on May 21st, 2018 and copies of the judgments of Cockerill, J. of May 17th, 2019 and Jacobs, J. of July 2nd, 2019. I am satisfied that the office copies of the orders provided are sufficient for the purposes of registration.

29 CPR 74.4(4)(c) requires that the written evidence must "confirm that the registration could not be set aside under [s.6 of the 1935 Act]." Mr. Carrington's witness statement confirms this at para. 63. Mr. Baglietto also took me through s.6 and submitted that none of the grounds contained therein to set aside a registration apply to this case. It is of course a matter for the Statis to argue in due course if an application to set aside is made, but none of the grounds appear to be relevant.

Conclusion

30 Section 4(1) of the 1935 Act mandates the court to register a judgment if all conditions are satisfied. There is no discretion to be exercised. In this case, the statutory requirements are met and I therefore grant Kazakhstan's application to register the three costs orders of the English High Court as judgments of this court.

31 The draft order presented by Mr. Baglietto at the hearing provided for the first, second and third respondents to have a period of 21 days from service upon them of the registration order to apply to have the registration set aside. These respondents are domiciled out of the jurisdiction. The fourth respondent is a Gibraltar registered company. The draft order provides that it is to have a period of 7 days from the date of service within which to apply. The 7-day timeframe is the standard period (set out at CPR r.23.10) which is given to a person against whom an order has been made in a without notice application to apply to have the order set aside. It seems to me that having particular regard to the Covid-19 pandemic lock-down situation that a longer period would be appropriate. I shall order that all four respondents have a period of 28 days from the date of service within which to apply to have the registration order set aside.

Orders accordingly.