

## LEGISLATION UPDATE

8 August 2019

### RECIPROCAL ENFORCEMENT OF FOREIGN JUDGMENTS STREAMLINED

#### SUMMARY

The Reciprocal Enforcement of Foreign Judgments (Amendment) Bill and Reciprocal Enforcement of Commonwealth Judgments (Repeal) Bill were introduced in Parliament on 5 August 2019.

This follows from the Ministry of Law's public consultation held in April this year.

#### BACKGROUND TO THE STATUTORY REGIME

The registration of foreign judgments in Singapore is presently governed by the Reciprocal Enforcement of Commonwealth Judgments Act and the Reciprocal Enforcement of Foreign Judgments Act. These Acts allow foreign judgments to be enforced more quickly in Singapore through registration in the Singapore High Court, rather than under the alternative common law route.

The benefits of registration are presently available only to judgments from the superior courts of countries gazetted under the Acts. These would include judgments from the superior courts of a total of eleven jurisdictions, including the United Kingdom, Australia, Hong Kong and Malaysia.

#### LEGISLATIVE CHANGES

The proposed repeal of the Reciprocal Enforcement of Commonwealth Judgments Act and the proposed amendments to the Reciprocal Enforcement of Foreign Judgments Act will see Singapore moving to a single statutory regime.

More importantly, the proposed amendments to the Reciprocal Enforcement of Foreign Judgments Act will also provide for a wider range of foreign judgments that may be registered under the Reciprocal Enforcement of Foreign Judgments Act.

With these changes, more types of judgments, including non-money judgments and civil judgments from any foreign court (and not only judgments from foreign superior courts) can be registered in the Singapore High Court. This will allow Singapore to enter into multilateral or bilateral reciprocal enforcement treaties providing for the recognition and enforceability of a wider range of Singapore judgments in foreign jurisdictions. The wider ambit of the Reciprocal Enforcement of Foreign Judgments Act is something that parties should take into account when deciding on the governing law and jurisdiction clauses that they use for any agreements.

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