

**Reprint
as at 22 December 1938**



**Reciprocal Enforcement of
Judgments (Belgium) Rules 1938**
(SR 1938/177)

Galway, Governor-General

Order in Council

At the Government Buildings at Wellington, this 13th day of
December 1938

Present:

The Right Hon M J Savage presiding in Council

Whereas by section 3 of the Reciprocal Enforcement of Judgments Act 1934 the Governor-General, if he is satisfied that in the event of the benefits conferred by Part 1 of the said Act being extended to judgments given in the superior courts of any foreign country substantial reciprocity of treatment will be assured as respects the enforcement in that foreign country of judgments given in the superior courts of New Zealand, is empowered to direct by Order in Council that Part 1 of the said Act shall extend to that foreign country and that such courts of that foreign country as are specified in the order shall

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These rules are administered by the Ministry of Justice.

be deemed to be superior courts of that country for the purposes of the said Part 1:

And whereas a Convention, a copy of the English text whereof is set out in the Schedule, relating to the Reciprocal Enforcement of Judgments, signed at Brussels on 28 May 1934, has been ratified by His Majesty the King and His Majesty the King of the Belgians:

And whereas an agreement having been concluded by an exchange of notes as to the courts which shall be deemed to be superior courts for the purposes of the Convention and the courts to which application for registration of any judgment shall be made (the New Zealand court to be deemed such a superior court being the Supreme Court, and the New Zealand court to be deemed the court to which application for registration of any judgment shall be made being also the Supreme Court), His Majesty has by a notification given through the diplomatic channel acceded to the Convention in respect of the Dominion of New Zealand, whose Government has expressed its desire that such accession should be effected:

And whereas such accession came into force on 2 March 1938:

And whereas His Excellency is satisfied that in the event of Part 1 of the said Act being extended to judgments given in the superior courts of Belgium substantial reciprocity of treatment will, under the terms of the said Convention, be assured as respects the enforcement in Belgium of judgments given in the superior courts of New Zealand, and is accordingly minded to direct that Part 1 of the said Act shall extend to Belgium:

And whereas it is expedient to specify the courts in Belgium which are for the purposes of this Act to be deemed to be superior courts; and, further, in order to give effect to the said Convention, to make certain provisions in relation to matters with respect to which there is power to make rules of court for the purposes of the said Act:

Now, therefore, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and with the concurrence therein so far as the order hereby made amounts to rules of procedure in relation to proceedings of the Supreme Court of the Right Honourable the Chief Justice and of 6 other members of the Rules Committee constituted under the Judicature Amendment Act 1930 (2 of such other members being Judges of the Supreme Court), doth hereby make the following rules.

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Rules

- 1**
- These rules may be cited as the Reciprocal Enforcement of Judgments (Belgium) Rules 1938, and shall come into operation on the date of their notification in the *Gazette*.
- 2**
- Part 1 of the Reciprocal Enforcement of Judgments Act 1934 shall extend to Belgium.
- 3**
- The following courts of Belgium shall be deemed superior courts of Belgium for the purposes of Part 1 of the Reciprocal Enforcement of Judgments Act 1934, that is to say:
- the Court of Cassation:
- all Courts of Appeal:
- Tribunals of First Instance:
- Tribunals of Commerce.
- 4**
- In their application to the subject matter of these rules the Reciprocal Enforcement of Judgments Rules 1935 (*Gazette*, 5 December 1935, Vol III, page 3600) shall be read subject to

the special provisions hereinafter contained and to the provisions of the Convention aforesaid.

5

All Belgian judgments which bear the executory formula prescribed by Belgian law shall, in the absence of proof to the contrary, be deemed to be capable of execution in Belgium. The executory formula at present prescribed by Belgian law is that appended to the Convention aforesaid.

6

If upon an application to register a judgment of a superior court of Belgium the interest due up to the date of judgment on the claim in respect of which the judgment is given has been determined in the said judgment, or if a certificate given by the original court is produced specifying the rate of interest due under Belgian law upon the sum for which the judgment is given, the said judgment or the said certificate (as the case may be) shall be accepted as conclusive evidence as to the interest due up to the date of the said judgment and as to the rate of interest due under Belgian law upon the sum for which the judgment is given.

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If the interest due up to the date of judgment on the claim in respect of which the judgment is given has not been determined in the judgment, or if no such certificate is produced, the party applying for registration may prove what is the interest due under the judgment by Belgian law up to the time of registration or what is the rate of interest due under Belgian law upon the sum for which judgment is given.

Schedule

Convention

HIS Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of the Belgians, being desirous to provide on the basis of reciprocity for the recognition and enforcement of judgments in civil and commercial matters, have resolved to conclude a Convention for this purpose, and have appointed as their Plenipotentiaries:—

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India—

For Great Britain and Northern Ireland—

George Nevile Maltby Bland, Esquire, CMG, His Britannic Majesty's Chargé d'Affaires at Brussels; and

His Majesty the King of the Belgians—

Mr Paul Hymans, His Minister for Foreign Affairs,

Mr Victor Kinon, Honorary Director-General of the Ministry of Justice, Commander of the Order of the Crown, Officer of the Order of Leopold;

who, having communicated their full powers, found in good and due form, have agreed as follows:—

Article 1

In this Convention—

1. The words "His Majesty the King and Emperor" shall mean His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India.
2. The words "territory of one (or of the other) High Contracting Party" shall be interpreted as meaning—
 - (a) On the part of His Majesty the King and Emperor, the United Kingdom (England and Wales, Scotland, and Northern Ireland), and any territories to which the Convention applies by reason of extensions under Article 11, or accessions under Article 13; and
 - (b) On the part of His Majesty the King of the Belgians, Belgium, and any territories to which the Convention applies by reason of extensions under Article 12.
3. The words "superior Court" shall be deemed to mean—

Article 1—*continued*

- (a) In the case of the United Kingdom, the House of Lords, and for England and Wales, the Supreme Court of Judicature (Court of Appeal and High Court of Justice), and the Courts of Chancery of the Counties Palatine of Lancaster and Durham; for Scotland, the Court of Session; and for Northern Ireland, the Supreme Court of Judicature:
- (b) And in the case of Belgium, the Court of Cassation, all Courts of Appeal, Tribunals of First Instance, and Tribunals of Commerce.

All other Courts in these territories shall be deemed to be “inferior Courts” for the purpose of this Convention.

- 4. The word “judgment” means any decision of a Court, however described (judgment, order, and the like), by which the rights of the parties are finally determined.
- 5.
 - (a) The words “original Court” shall be deemed to mean, in relation to any judgment, the Court by which such judgment was given; and the words “Court applied to,” the Court in which it is sought to obtain recognition of a judgment, or to which an application for registration or grant of exequatur is made.
 - (b) The words “judgment debtor” mean the person against whom the judgment was given in the original Court, and include any person against whom such judgment is enforceable in the country of the original Court; and the words “judgment creditor” mean the person in whose favour the judgment was given, and include his successors and assigns.

Article 2

- 1. The Judgments pronounced after the date of the entry into force of the present Convention by a superior Court in the territory of one High Contracting Party, other than judgments rendered on appeal from inferior Courts, shall, whatever the nationality of the judgement creditor or debtor, be recognized and enforced in the territory of the other in the cases and upon

Article 2—continued

the conditions laid down in Articles 3 to 8 inclusive of the present Convention.

2. Nothing in the present Convention shall be deemed to preclude the recognition and enforcement in the territory of one High Contracting Party, in accordance with the municipal law for the time being in force in the country concerned, of judgments pronounced by a Court in the territory of the other High Contracting Party, being judgments to which the present Convention does not apply, or judgments given in circumstances where the provisions of the present Convention do not require such recognition or enforcement.

Article 3

1. Judgments in civil and commercial matters, given by any superior Court in the territory of one High Contracting Party, and executory in the country of the original Court, although still open to proceedings by way of opposition, appeal, or setting aside, shall, in the Courts of the territory of the other, be recognized in all cases where no objection to the judgment can be established on any of the grounds hereinafter enumerated, that is to say, unless—
 - (a) In the case in question the jurisdiction of the original Court is not recognized under the rules of Private International Law with regard to jurisdiction observed by the Court applied to:
 - (b) The judgment was given in default, and the judgment debtor did not appear in the proceedings and satisfies the Court applied to that he did not actually acquire knowledge of the proceedings in reasonably sufficient time to act upon it. It is understood that in all cases where it is proved that notice of the proceedings has been duly served on the defendant in conformity with the provisions of Articles 3 and 4 of the Convention signed between the High Contracting Parties on the 21st June, 1922, it shall be deemed to be conclusive evidence that the defendant actually acquired knowledge of the proceedings:

Article 3—*continued*

- (c) The judgment is one which is contrary to the public policy of the country of the Court applied to:
- (d) The judgment is in respect of a cause of action which had already at the date when it was given, as between the same parties, formed the subject of another judgment which is recognized under the law of the Court applied to as final and conclusive:
- (e) The judgment has, in the opinion of the Court applied to, been obtained by fraud:
- (f) In the opinion of the Court applied to, the judgment was given against a person, defendant in the proceedings, who under the rules of public international law was entitled to immunity from the jurisdiction of the original Court, and did not submit to the jurisdiction of the original Court; or is sought to be enforced against a person who is entitled under the rules of public international law to immunity from the jurisdiction of the Court applied to:
- (g) The judgment debtor satisfies the Court applied to that proceedings by way of appeal, opposition, or setting aside have been instituted against the judgment in the country of the original Court:

It is understood that if such proceedings have not been actually instituted, but the time for lodging an appeal, opposition, or application to set aside has not expired under the law of the country of the original Court, the Court applied to may, if it thinks fit, adjourn its decision on the recognition of the judgment so as to allow the judgment debtor a reasonable opportunity of instituting such proceedings.

2. Recognition of a judgment shall not be refused merely on the ground that the original Court has applied, in the choice of the system of law applicable to the case, rules of Private International Law different from those observed by the Court applied to.
3. In recognition of a judgment under paragraph 1 of this article means that such judgment shall be treated as conclusive as to

Article 3—*continued*

the matter thereby adjudicated upon in any further action as between the parties (judgment creditor and judgment debtor), and as to such matter shall constitute a defence against further action between them in respect of the same cause of action.

Article 4

1. Notwithstanding the provisions of Article 3, 1 (a), and without prejudice to the provisions of paragraphs 2 and 3 of the present article, the original Court shall be recognized as possessing jurisdiction in all cases:—
 - (a) Where the judgment debtor was in respect of the matter, which is the subject of the judgment, a plaintiff or counter-claimant in the proceedings in the original Court:
 - (b) Where the judgment debtor, being a defendant in the proceedings in the original Court, submitted to the jurisdiction by voluntarily appearing in the proceedings. It is understood that the expression “voluntarily appearing in the proceedings” does not include an appearance merely for the purpose of protecting property situated within the jurisdiction of the original Court from seizure, or of obtaining the release of property seized, or for the purpose of contesting the jurisdiction of the original Court:
 - (c) Where the judgment debtor, being a defendant in the proceedings in the original Court, had before the commencement of the proceedings agreed, in respect of the subject-matter of the proceedings, to submit to the jurisdiction of the original Court or of the Courts of the country of the original Court:
 - (d) Where, at the time when the proceedings were instituted, the judgment debtor, being a defendant in the original Court, was resident in the country of the original Court, or, being a company or other body corporate, had its head office in the country of the original Court:
 - (e) Where the judgment debtor, being a defendant in the original Court, had, within the country of the original

Article 4—*continued*

Court, either a commercial establishment or a branch of-
fice, and the proceedings were in respect of a transaction
effected through, or at, such establishment or branch of-
fice.

Nevertheless the jurisdiction of the original Court shall not be
recognized in the cases referred to in sub-paragraphs (d) and
(e) above if the judgment debtor satisfies the Court applied
to that the bringing of the proceedings in the original Court
was contrary to an agreement between the parties under which
the dispute in question was to be settled otherwise than by
proceedings in the Courts of the country of the original Court.

2. The provisions of paragraph 1 of this article do not apply to
judgments where the subject-matter of the proceedings is im-
movable property, nor to judgments *in rem* in respect of mov-
able property. Nevertheless, in these cases the jurisdiction of
the original Court shall be recognized if such property was
situated within the country of the original Court.
3. The provisions of paragraph 1 of this article do not apply—
 - (a) To judgments in matters of family law or status (includ-
ing divorces or other judgments in matrimonial causes);
 - (b) To judgments in matters of succession, or the adminis-
tration of the estates of deceased persons;
 - (c) To judgments in bankruptcy proceedings, or proceed-
ings for the winding up of companies or other bodies
corporate.

In the case of judgments given in proceedings of the
kind referred to in the present paragraph, the jurisdic-
tion of the original Court shall be recognized in all cases
where such recognition is in accordance with the rules
of Private International Law observed by the Court ap-
plied to.

4. Recognition of the jurisdiction of the original Court shall not
be refused on the ground that the original Court had no jur-
isdiction under the law of its own country, if the judgment is
executory in the country of the original Court.

Article 5

1. Judgments, to which the present article applies, given by a superior Court in the territory of one High Contracting Party shall be enforced by the Courts of the territory of the other High Contracting Party in the manner and upon the conditions set out in Articles 6 to 8 inclusive.
2. The judgments to which the present article applies are judgments in civil or commercial matters, including judgments for the payment of a sum of money as compensation upon the claim of an injured party appearing as *partie civile* in criminal proceedings,—
 - (a) Which are capable of being executed in the country of the original Court although still open to proceedings by way of opposition, appeal, or setting aside:
 - (b) Whereby a definite sum of money is made payable, including judgments for the payment of costs in civil or commercial matters:
 - (c) To the recognition of which none of the objections set out in Article 3 can be established.
3. The provisions of this article do not apply to judgments for the payment of a sum of money for any form of taxation, State or Municipal, or for the payment of penalties.

Article 6

1. In order that any judgment of a superior Court in the territory of His Majesty the King and Emperor should be enforced in Belgium, it is necessary that an application for the grant of an exequatur accompanied by a certified copy of the judgment issued by the original Court, including full particulars as regards the proceedings and the causes of action in respect of which it was given, should be made in Belgium, in accordance with the procedure of the Court applied to, to the Tribunal of First Instance of the district where the execution is sought.
2. Any judgment in respect of which a certified copy has been issued by the original Court shall be deemed to have been a judgment which was capable of execution in the country of the original Court at the time the certified copy was issued.

Article 6—continued

3. If such application is made, exequatur shall be granted unless the judgment debtor satisfies the Court applied to—
 - (a) That the judgment debt has been wholly satisfied; or
 - (b) That the right to enforce the judgment debt is not vested in the person by whom the application is made.

Article 7

1. In order that any judgment of a superior Court in the territory of His Majesty the King of the Belgians should be enforced in the United Kingdom, it is necessary that an application for its registration accompanied by a certified copy of the judgment issued by the original Court, including the reasons therefor, should be duly made—
 - (a) In England and Wales to the High Court of Justice:
 - (b) In Scotland to the Court of Session:
 - (c) In Northern Ireland to the Supreme Court of Judicature, in accordance with the procedure of the Court applied to.
2. All Belgian judgments which bear the executory formula prescribed by Belgian law shall be deemed to be capable of execution in Belgium within the meaning of Article 5, 2 (a). The formula at present in force is that set out in the Annex to the present Convention.
3. If such application is made, registration shall be granted unless the judgment debtor satisfies the Court applied to—
 - (a) That the judgment debt has been wholly satisfied; or
 - (b) That the right to enforce the judgment debt is not vested in the person by whom the application is made.

Article 8

1. Where an exequatur has been granted in respect of any judgment under Article 6, or where any judgment has been registered under Article 7, such judgment shall, as from the date of registration or grant of exequatur, be as regards all questions relating to its execution in the country of the Court applied to in the same position as a judgment originally given by the Court

Article 8—*continued*

applied to at the date of registration or grant of exequatur, and the Court applied to shall have the same control and jurisdiction over the judgment, in so far as related to its execution, as it has over similar judgments given by itself.

2. Any copy of any judgment, certified by the original Court, and attested with its seal, shall be accepted without the necessity of further legalization.
3. The procedure for the registration of a judgment under Article 7, and the procedure for the grant of an exequatur to a judgment under Article 6 shall be simple and summary, and no deposit by way of security for costs or *cautio judicatum solvi* shall be required of any person making application for such registration, or for the grant of an exequatur.
4. A period of not less than six years, running from the date of the judgment of the original Court, if no proceedings have been taken against the judgment in the country of the original Court, or from the date of the judgment given in the last instance if such proceedings have been taken, shall be allowed for the purpose of making an application for registration under Article 7 or for the grant of an exequatur under Article 6.
5. It is understood—
 - (1) That, if it is found by the Court applied to that the judgment debt, whose enforcement is sought by registration under Article 7 or by exequatur under Article 6 has been partly but not wholly satisfied, registration or exequatur shall be granted so as to permit of its execution in respect of the unpaid balance provided that the judgment is otherwise one which satisfies the conditions laid down in the present Convention:
 - (2) That, if it is found by the Court applied to that a judgment, whose enforcement is sought by registration under Article 7 or by exequatur under Article 6, is one under which sums of money are payable in respect of different heads of claim, and that reasons for the refusal of the registration or executory declaration exist in respect of some, but not of all, the grounds of claim, registration, or exequatur shall be granted in respect

Article 8—*continued*

of the sums of money due under those portions of the judgment to the enforcement of which no objection under the provisions of this Convention is established:

- (3) That, if under a judgment a sum of money is payable, which is expressed in a currency other than that of the country of the Court applied to, the law of the country of the Court applied to shall determine if, and, if so, in what manner, the amount payable under the judgment may or shall be converted into the currency of the Court applied to for the purposes of the satisfaction or enforcement of the judgment debt.

6. When granting registration or exequatur, the Court applied to shall, if so requested by the proper party, include the amount due by way of interest up to the date of the grant of registration or exequatur. If the interest due on the claim up to the date of the judgment has been determined in the judgment of the original Court, and a certificate is produced emanating from the original Court, specifying the rate at which, in accordance with the law of the country of the original Court, interest should be allowed as from that date upon the sum for which the judgment is given, the Court applied to shall follow the indications so given in determining the amount of the interest. If this is not the case, the party claiming interest may prove what is the sum due under the law of the original Court by way of interest on the claim which forms the subject of the judgment.

As from the date of registration or exequatur, interest shall be allowed at 4 per cent. on the total sum (principal and interest) in respect of which registration or exequatur is granted.

Article 9

Any difficulties which may arise in connection with the interpretation of this Convention shall be settled through the diplomatic channel.

It is, however, understood that the decisions of the respective Courts of the territories of the High Contracting Parties cannot be reopened.

Article 10

The present Convention, of which the English and French texts are equally authentic, shall be subject to ratification. Ratifications shall be exchanged in London.

The Convention shall come into force one month after the date on which ratifications are exchanged, and shall remain in force for three years after the date of its coming into force. If neither of the High Contracting Parties shall have given notice through the diplomatic channel to the other not less than six months before the expiration of the said period of three years of his intention to terminate the Convention, it shall remain in force until the expiration of six months from the day on which either of the High Contracting Parties shall have given notice to terminate it.

Article 11

1. His Majesty the King and Emperor may at any time, while the Convention is in force under Article 10, and provided that an agreement has been first concluded by an exchange of notes on the points mentioned in paragraph 2 of this article, by a notification given through His Ambassador at Brussels, extend the operation of this Convention to the Channel Islands, the Isle of Man, any of His Colonies, overseas territories or Protectorates, or to any territories under His suzerainty, or to any mandated territories in respect of which the mandate is exercised by His Government in the United Kingdom.
2. Prior to any notification of extension in respect of any territory under the preceding paragraph, an agreement shall be concluded between the High Contracting Parties by exchange of notes as to the Courts of the territory concerned which shall be deemed to be “superior Courts” for the purpose of the Convention, and the Courts to which application for registration of any judgment shall be made.
3. The date of the coming into force of any such extension shall be one month from the date of such notification.
4. Either of the High Contracting Parties may, at any time after the expiry of three years from the coming into force of an extension of this Convention to any of the territories referred to

Article 11—*continued*

in paragraph 1 of this article, terminate such extension on giving six months' notice of termination through the diplomatic channel.

5. The termination of the Convention under Article 10 shall, unless otherwise expressly agreed to by both High Contracting Parties, *ipso facto* terminate it in respect of any territories to which it has been extended under paragraph 1 of this article.

Article 12

1. His Majesty the King of the Belgians may at any time, while the Convention is in force under Article 10, and provided that an agreement has been first concluded by an exchange of notes on the points mentioned in paragraph 2 of this article, extend this Convention to the Belgian Congo or to the mandated territories administered by Belgium by a notification given through His Ambassador in London.
2. Prior to any notification of extension in respect of any territory under the preceding paragraph, an agreement shall be concluded between the High Contracting Parties by exchange of notes as to the Courts of the territory concerned which shall be deemed to be "superior Courts" for the purposes of the present Convention, and the Courts to which application for the grant of an exequatur in respect of any judgment shall be made.
3. The provisions of paragraphs 3, 4, and 5 of Article 11 shall apply to any of the territories above mentioned to which this Convention has been extended.

Article 13

1. The High Contracting Parties agree that His Majesty the King and Emperor may, at any time, while the present Convention is in force, either under Article 10 or by virtue of any accession under this article, and provided that an agreement has been concluded by an exchange of notes on the points mentioned in paragraph 2 of this article, by a notification given through the diplomatic channel, accede to the present Convention in respect of any other member of the British Commonwealth

Article 13—*continued*

of Nations whose Government may desire that such accession should be effected, provided that no notification of accession may be given at any time when His Majesty the King of the Belgians has given notice of termination in respect of all the territories of His Majesty the King and Emperor to which the Convention applies.

2. Prior to any notification of accession under the preceding paragraph an agreement shall be concluded between the High Contracting Parties by an exchange of notes as to the Courts in the country concerned which shall be deemed to be “superior Courts” for the purposes of the present Convention, and the Courts to which application for registration of any judgment shall be made.
3. Any such accession shall take effect one month after the date of the notification.
4. After the expiry of three years from the date of the coming into force of any accession under paragraph 1 of this article, either of the High Contracting Parties may, by giving a six months’ notice of termination through the diplomatic channel, terminate the application of the Convention to any country in respect of which a notification of accession has been given. The termination of the Convention under Article 10 shall not affect its application to any such country.
5. Any notification of accession under paragraph 1 of this article may include any dependency or mandated territory administered by the Government of the country in respect of which such notification of accession is given; and any notice of termination in respect of any such country under paragraph 4 shall apply to any dependency or mandated territory which was included in the notification of accession in respect of that country.

In witness whereof the undersigned have signed the present Convention, in English and French texts, and have affixed thereto their seals.

Done in duplicate at Brussels, this 2nd day of May, 1934.

Nevile Bland.
Hymans.
V. Kinon.

Annex

The formula referred to in paragraph 2 of Article 7 is as follows:—

1. In French:—

Nous, Léopold III, Roi des Belges,
A tous, présents et à venir, faisons savoir.

(Texte.)

“Mandons et ordonnons à tous huissiers, à ce requis, de mettre le présent arrêt (jugement, ordonnance, mandat ou acte) à exécution;

“A nos procureurs généraux et à nos procureurs près les tribunaux de première instance d’y tenir la main, et à tous commandants et officiers de la force publique d’y prêter main-forte lorsqu’ils en seront légalement requis;

“En foi de quoi, le présent arrêt (jugement, ordonnance, mandat ou acte) a été signé et scellé du sceau de la cour (du tribunal ou du notaire).”

(Arrêté royal du 23 Février 1934.)

2. In Flemish:—

Wij, Leopold III, Koning der Belgen,
Aan allen tegenwoordigen en toekomstenden, doen te weten:

(Texte.)

“Gelasten en bevelen aan al de daartoe aanzochte deurwaarders, dit arrest (dit vonnis, dit bevelschrift, dit mandaat of deze akte) ten uitvoer te brengen:

“Aan Onze Procureurs-Generaal en aan Onze Procureurs bij de rechtbanken van eersten aanleg er de hand aan te houden en aan alle Bevelhebbers en Officieren der Openbare Macht daartoe mede te helpen, wanneer zij ertoe wettig aanzocht worden:

“Ter oorkonde waarvan, dit arrest (dit vonnis, dit bevelschrift, dit mandaat of deze akte) ondertekend is geworden en gezegeld met het zegel van het hof (de rechtbank of den notaris).”

(Arrêté royal du 23 Février 1934.)

Annex—continued

3. German:—

Wir, Leopold III, König der Belgier,

tun Kund allen gegenwärtigen und zukünftigen:

“Befehlen und verordnen allen darum ersuchten Gerichtsvollziehern gegenwärtigen Akt zur Vollstreckung zu bringen: unsern General-Prokuratoren und unsern Prokuratoren bei den erstinstanzlichen Gerichten denselben zu handhaben, allen Kommandanten und Beamten der bewaffneten Macht auf Erfordern starke Hand dabei zu leisten, wenn sie rechtmässig dazu aufgefordert werden. Zur Bekräftigung alles dessen wurde Gegenwärtiges von dem unterzeichneten . . . unter Beidrückung des Amtssiegels unterschrieben.

“Im Namen des Königs der Belgier wird das gegenwärtige (Erkenntnis, Urteil oder urkundliche Schriftstück) hiermit für vollstreckbar erklärt.”

(Arrêté royal du 17 Mars 1934.)

Protocol

The undersigned Plenipotentiaries at the moment of signing the Convention between His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of the Belgians, relating to the Reciprocal Enforcement of Judgments, declare that it is understood that nothing in Article 4 of the said Convention shall be deemed to oblige the Belgian Courts to recognize the jurisdiction of a Court in the territory of His Majesty the King and Emperor in cases relating to contracts of assurance where the assured are persons of Belgian nationality and exclusive jurisdiction is conferred on the Belgian Courts by Article 1 of the Belgian law of the 20th April, 1920 (which article is incorporated as Article 43 *bis* in the Belgian law of the 25th March, 1876, relating to the jurisdiction of the Belgian Courts).

This Protocol shall be deemed to be an integral part of the Convention to which it relates.

Done in duplicate at Brussels, this 2nd day of May, 1934, in English and French, both texts being equally authentic.

Protocol—*continued*

[LS]	Nevile Bland.
[LS]	Hymans.
[LS]	V Kinon.

C A Jeffery,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 21 December 1938.

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Notes

1 *General*

This is a reprint of the Reciprocal Enforcement of Judgments (Belgium) Rule 1938. The reprint incorporates all the amendments to the rules as at 22 December 1938, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
