



State Immunity Act 1978

1978 CHAPTER 33

PART II

JUDGMENTS AGAINST UNITED KINGDOM IN CONVENTION STATES

18 Recognition of judgments against United Kingdom

- (1) This section applies to any judgment given against the United Kingdom by a court in another State party to the European Convention on State Immunity, being a judgment—
 - (a) given in proceedings in which the United Kingdom was not entitled to immunity by virtue of provisions corresponding to those of sections 2 to 11 above; and
 - (b) which is final, that is to say, which is not or is no longer subject to appeal or, if given in default of appearance, liable to be set aside.
- (2) Subject to section 19 below, a judgment to which this section applies shall be recognised in any court in the United Kingdom as conclusive between the parties thereto in all proceedings founded on the same cause of action and may be relied on by way of defence or counter-claim in such proceedings.
- (3) Subsection (2) above (but not section 19 below) shall have effect also in relation to any settlement entered into by the United Kingdom before a court in another State party to the Convention which under the law of that State is treated as equivalent to a judgment.
- (4) In this section references to a court in a State party to the Convention include references to a court in any territory in respect of which it is a party.

19 Exceptions to recognition

- (1) A court need not give effect to section 18 above in the case of a judgment—
 - (a) if to do so would be manifestly contrary to public policy or if any party to the proceedings in which the judgment was given had no adequate opportunity to present his case; or

Status: This is the original version (as it was originally enacted).

- (b) if the judgment was given without provisions corresponding to those of section 12 above having been complied with and the United Kingdom has not entered an appearance or applied to have the judgment set aside.
- (2) A court need not give effect to section 18 above in the case of a judgment—
- (a) if proceedings between the same parties, based on the same facts and having the same purpose—
 - (i) are pending before a court in the United Kingdom and were the first to be instituted ; or
 - (ii) are pending before a court in another State party to the Convention, were the first to be instituted and may result in a judgment to which that section will apply; or
 - (b) if the result of the judgment is inconsistent with the result of another judgment given in proceedings between the same parties and—
 - (i) the other judgment is by a court in the United Kingdom and either those proceedings were the first to be instituted or the judgment of that court was given before the first-mentioned judgment became final within the meaning of subsection (1)(b) of section 18 above ; or
 - (ii) the other judgment is by a court in another State party to the Convention and that section has already become applicable to it.
- (3) Where the judgment was given against the United Kingdom in proceedings in respect of which the United Kingdom was not entitled to immunity by virtue of a provision corresponding to section 6(2) above, a court need not give effect to section 18 above in respect of the judgment if the court that gave the judgment—
- (a) would not have had jurisdiction in the matter if it had applied rules of jurisdiction corresponding to those applicable to such matters in the United Kingdom; or
 - (b) applied a law other than that indicated by the United Kingdom rules of private international law and would have reached a different conclusion if it had applied the law so indicated.
- (4) In subsection (2) above references to a court in the United Kingdom include (references to a court in any dependent territory in respect of which the United Kingdom is a party to the Convention, and references to a court in another State party to the Convention include references to a court in any territory in respect of which it is a party.