

MAINLAND JUDGMENTS (RECIPROCAL ENFORCEMENT) BILL

COMPARISON WITH THE ARRANGEMENT ON RECIPROCAL RECOGNITION AND ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS BY THE COURTS OF THE MAINLAND AND OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION PURSUANT TO CHOICE OF COURT AGREEMENTS BETWEEN PARTIES CONCERNED (“the Arrangement”)

Clause 2: Interpretation	
Clause 2(1):	
“choice of Hong Kong court agreement” (選用香港法院協議)	▪ See <u>Art. 3</u> of the Arrangement
“choice of Mainland court agreement” (選用內地法院協議)	
“designated court” (指定法院)	▪ See <u>Art. 2</u> and <u>Annex</u> to the Arrangement
“Hong Kong judgment” (香港判決)	▪ See <u>Art. 2</u> of the Arrangement
“Mainland judgment” (內地判決)	
“recognized Basic People’s Court” (認可基層人民法院)	▪ See <u>Art. 2 (1)(i)</u> and Annex to the Arrangement.
“specified contract” (指明合約)	▪ See <u>Art. 3</u> of the Arrangement
Clause 3: “choice of Hong Kong court agreement” and “choice of Mainland court agreement”	▪ See <u>Art. 3</u> of the Arrangement
Clause 4: Severability of choice of Hong Kong court agreement and choice of Mainland court agreement	▪ See <u>Art. 3(5)</u> of the Arrangement
Clause 5: Application for registration of Mainland judgments	
Clause 5(2)	▪ See <u>Art. 4</u> of the Arrangement

Clause 6 : Finality of Mainland judgments	
Clause 6(1)	▪ See <u>Art. 2(1)(i)</u> of the Arrangement
Clause 6(2)	▪ See <u>Art. 6(1)(iii)</u> of the Arrangement

Clause 7: Time limit for application for registration of Mainland judgments	
Clause 7(1)	▪ See <u>Art. 8(2)</u> of the Arrangement
Clause 7(2)	▪ See <u>Art. 8(3)</u> of the Arrangement

Clause 8: Application fee	▪ See <u>Art. 15</u> of the Arrangement
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Clause 12: Interest, costs, etc., to be included in registration of Mainland judgments	▪ See <u>Art. 16(1)</u> of the Arrangement
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Clause 13: Cases in which Mainland judgments are required to be performed in stages	
Clause 13(1)	▪ See <u>Art. 8(3)</u> of the Arrangement

Clause 14: Effect of registration	
Clause 14(1)	▪ See <u>Art. 11</u> of the Arrangement

Clause 18: Cases in which registration of registered judgments shall be set aside	
Clause 18(1)(c)	▪ See <u>Art. 9(1)(i)</u> of the Arrangement
Clause 18(1)(d)	▪ See <u>Art. 9(1)(ii)</u> of the Arrangement
Clause 18(1)(e)	▪ See <u>Art. 9(1)(iii)</u> of the Arrangement
Clause 18(1)(f)	▪ See <u>Art. 9(1)(iv)</u> of the Arrangement
Clause 18(1)(g)	▪ See <u>Art. 9(1)(v)</u> of the Arrangement
Clause 18(1)(h)&(i)	▪ See <u>Art. 9(1)(vi)</u> of the Arrangement
Clause 18(1)(j)	▪ See <u>Art. 9(2)</u> of the Arrangement
Clause 18(2)	▪ See <u>Art. 9(1)(iv)</u> of the

	Arrangement
Clause 19: Cases in which registration of registered judgments may be set aside or application to set aside registration may be adjourned	<ul style="list-style-type: none"> See <u>Art. 10(2)</u> of the Arrangement
Clause 21: Jurisdiction to issue certified copies of Hong Kong judgments and certificate for Hong Kong judgments	
Clauses 21(1) & 21(2)	<ul style="list-style-type: none"> See <u>Art. 2, 6(1)(ii) & 15</u> of the Arrangement.
Clause 21(3)	<ul style="list-style-type: none"> See <u>Art. 6(1)(iii)</u> of the Arrangement.
Clause 22: Restrictions on proceedings	
Clauses 22(1)(a)	<ul style="list-style-type: none"> See <u>Art. 13(1)</u> of the Arrangement.
Clauses 22(1)(b)	<ul style="list-style-type: none"> See Art. 13(2) of the Arrangement
Clause 23: Rules of court	
Clause 23(1)(b)	<ul style="list-style-type: none"> See <u>Art.14</u> of the Arrangement
Clause 23(1)(d)	<ul style="list-style-type: none"> See <u>Art. 5(2)</u> of the Arrangement
Clause 23(1)(g)	<ul style="list-style-type: none"> See <u>Art. 2(1)(ii), 6(1)(ii) & 6(1)(iii)</u> of the Arrangement
Clause 23(2)(a)	<ul style="list-style-type: none"> See <u>Art. 5(2)</u> of the Arrangement
Clause 23(2)(b)	<ul style="list-style-type: none"> See <u>Art. 2(1)(ii), 6(1)(ii) & 6(1)(iii)</u> of the Arrangement
SCHEDULE 1 - Designated Courts	<ul style="list-style-type: none"> See <u>Art. 2(1)</u> of and Annex to the Arrangement

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

The Rules of the High Court

ORDER 71A

RECIPROCAL ENFORCEMENT OF MAINLAND JUDGMENTS

Clause 3: Evidence in support of application for registration of Mainland judgments (O. 71A, r. 3)

Clause 3(1)(a)	▪ See <u>Art. 2(1), 6(1)(ii) & 6(1)(iii)</u> of the Arrangement
Clause 3(2)	▪ See <u>Art. 6(1)(iv)</u> of the Arrangement.

ORDER 71B

CERTIFIED COPIES OF JUDGMENTS GIVEN BY COURT OF FINAL APPEAL
AND HIGH COURT

Clause 2: Certified copies of judgments	▪ See <u>Art. 6(1)(ii) & 6(1)(iii)</u> of the Arrangement
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