

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
39TH CONSTITUTIONAL REGULAR SESSION, 2018



Republic of the Marshall Islands
Jepililin Ke Ejukaan

UNIFORM FOREIGN MONEY-JUDGEMENT
RECOGNITION (AMENDMENT) ACT, 2018

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**UNIFORM FOREIGN MONEY-JUDGEMENT
RECOGNITION (AMENDMENT) ACT, 2018**

AN ACT to amend Sections 405, 406, and 409 of the Uniform Foreign Money-Judgment Recognition Act, 30 MIRC Chp. 4, to conform more closely with the internationally approved version of the Uniform Foreign Money-Judgment Recognition Act.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short Title.

This Act may be cited as the *Uniform Foreign Money-Judgment Recognition Act (Amendment) Act 2018*.

§102. Amendments.

Section 405 of the Uniform Foreign Money-Judgment Recognition Act, 30 MIRC Chp. 4, is amended to read as follows:

§405. Grounds for Non-recognition.

- (1) A foreign judgment is not conclusive if:
 - (a) the judgment was rendered under a system which does not provided impartial tribunals or procedures compatible with the requirements of due process of law;
 - (b) the foreign court did not have personal jurisdiction over the defendant; or

- (c) the foreign court did not have jurisdiction over the subject matter.
- (2) A foreign judgment need not be recognized if:
 - (a) the defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to defend;
 - (b) the judgment was obtained by fraud;
 - (c) the cause of action on which the judgment is based is repugnant to the public policy of the Republic;
 - (d) the judgment conflicts with another final and conclusive judgment;
 - (e) the proceeding in the foreign 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 court;
 - (f) in the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action; or
 - (g) the foreign state does not recognize or enforce the judgments of any other foreign nation.

Section 406 of the Uniform Foreign Money-Judgment Recognition Act, 30 MIRC Chp. 4, is amended to read as follows:

§406. Personal Jurisdiction.

- (1) The foreign judgment shall not be refused recognition for lack of personal jurisdiction if:
 - (a) the defendant was served personally in the foreign state;
 - (b) the defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or a contesting the jurisdiction of the court over him;
 - (c) the defendant prior to the commencement of the proceedings had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;
 - (d) the defendant was domiciled in the foreign state when the proceedings were instituted, or, being a body corporate had its

principal place of business, was incorporated, or had otherwise acquired corporate status in the foreign state;

- (e) the defendant had a business office in the foreign state and the proceeding in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign state; or
- (f) the defendant operated a motor vehicle or airplane in the foreign state and proceedings involved a cause of action arising out of such operation.

(2) The courts of the Republic may recognize other bases of jurisdiction.

Section 409 of the Uniform Foreign Money-Judgment Recognition Act, 30 MIRC Chp. 4, is amended to read as follows:

§409. Savings Clause.

This Act does not prevent the recognition of a foreign judgment in situations not covered by this Act.

§103. Effective Date.

This Act shall take effect on the date of certification in accordance with Article IV, Section 21 of the Constitution.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 110 was passed by the Nitijela of the Republic of the Marshall Islands on the 20th day of February 2018; and
2. That I am satisfied that Nitijela Bill No: 110 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 15th day of March 2018.



Hon. Kenneth A. Kedi
Speaker
Nitijela of the Marshall Islands

Attest:



Morean Watak
Clerk
Nitijela of the Marshall Islands

