

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
42ND CONSTITUTION REGULAR SESSION, 2021**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**UNIFORM FOREIGN MONEY-JUDGMENT
(AMENDMENT) ACT 2021**

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**UNIFORM FOREIGN MONEY-JUDGMENT
(AMENDMENT) ACT 2021**

AN ACT to amend Section 402, 403, 404, 405, 406 of the Uniform Money-Judgment Recognition Act, 30 MIRC Ch.4, and to add a new Section 408 to the Act for the following reasons: (1) to clarify the language of the Act; (2) to expressly provide that the person seeking recognition of a foreign judgment has the burden to prove the judgment comes under the Act, (3) to expressly provide that the person raising a ground for non-recognition has the burden to prove it, and (4) to provide a statute of limitations for enforcement of foreign judgments.

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 (Amendment) Act 2021*.

§102. Amendments.

(1) Section 402 of the Uniform Foreign Money-Judgment Act, 30 MIRC Ch.4, is amended to read as follows:

§402. Definitions.

As used in this Chapter.:

- (1) "foreign country" means a government other than the Republic of the Marshall Islands, or political subdivision thereof;
- (2) "foreign judgment" means any judgment of a foreign country, and

(3) "foreign court" means a court of a foreign country.

(2) *Section 403 of the Uniform Foreign Money-Judgment Act, 30 MIRC Ch.4, is amended to read as follows:*

§403. Applicability.

(1) Except as otherwise provided in Subsection (2) of this Chapter, this Chapter applies to a foreign judgment to the extent that the foreign judgment:

- a. Grant or denies recovery of a sum of money; and
- b. Under the law of the foreign country where rendered, is final, conclusive and enforceable, even though an appeal there from is pending, or subject to appeal.

(2) This Chapter does not apply to a foreign, even if the foreign judgment grants or denies recovery of a sum of money, to the extent that the foreign-country judgment is:

- a. a judgment for taxes;
- b. a fine or other penalty; or

(3) The party seeking recognition of a foreign judgment has the burden of establishing that this Chapter applies to the foreign judgment.

(3). *Section 404 of the Uniform Foreign Money-Judgment Act, 30 MIRC Ch.4, is amended to read as follows:*

§404. Recognition and Enforcement.

Except as provided in Section 405, a court of the Republic recognize and enforce a foreign judgment to which this Chapter applies.

(4) *Section 405 of the Uniform Foreign Money-Judgment Act, 30 MIRC Ch.4, is amended to read as follows:*

§405. Mandatory and Discretionary Grounds for Non-recognition.

(1) A court of the Republic shall not recognize a foreign judgment 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 does not have personal jurisdiction over the defendant; or
 - c. The foreign court does not have jurisdiction over the subject matter.
- (2) A court of the Republic need recognize a foreign judgment 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 that deprived the losing party of an adequate opportunity to present its case;
 - 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 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 inconveniently forum for the trial of the action;
 - g. The judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment;
 - h. The specific proceeding in the foreign country leading to the foreign judgment was not compatible with the requirements of due process of law; or
 - i. the foreign country does not recognize or enforce the judgments of any other foreign nation.
- (3) The party resisting recognition of the foreign judgment has the burden of establishing that one of the grounds for non-recognition stated in Subsection (1) or (2) of this Section exists.

(5) Section 406 of the Uniform Foreign Money-Judgment Act, 30 MIRC Ch.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 country;
 - 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 country when the proceedings were instituted, or, being a body corporate had its principle place of business, was incorporated, or had otherwise acquired corporate status in the foreign state country;
 - e. The defendant had a business office in the foreign country and the proceeding in the foreign country 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.

(6) Section 408 of the Uniform Foreign Money-Judgment Act, 30 MIRC Ch.4, are re-number Sections 409 and 410, and a new Section 408 is inserted to read as follows:

§408. Statute of Limitations.

An action to recognize a foreign country judgment shall be commenced within the earlier of the time during which the foreign judgment is effective

in the foreign country or fifteen years from the date that the foreign country judgment became effective in the foreign country.

§409. Uniformity of Interpretation.

This Chapter shall be so construed as to effectuate its general purpose to make uniform the law of those jurisdictions which enact it.

§410. Savings Clause.

This Act does not prevent the recognition of a foreign judgment in situation 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: 54ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 12th day of November 2021; and
2. That I am satisfied that Nitijela Bill No: 54ND1 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 30th day of November 2021.



Kenneth A. Kedi

Speaker

Nitijela of the Marshall Islands

Attest:



Morean S. Watak

Clerk

Nitijela of the Marshall Islands