



محاكمة قطر الدولية
ومركز تسوية المنازعات
QATAR INTERNATIONAL COURT
AND DISPUTE RESOLUTION CENTRE

MEMORANDUM OF GUIDANCE AS TO ENFORCEMENT OF MONEY JUDGMENTS

BETWEEN

THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE

AND

QATAR INTERNATIONAL COURT AND DISPUTE RESOLUTION CENTRE

Introduction

1. The purpose of this Memorandum of Guidance ("MOG") is to set out the parties' understanding of the procedures for the enforcement of each party's money judgments in the other party's courts. This MOG is concerned only with judgments requiring a person to pay a sum of money to another person.
2. This MOG does not create any binding legal obligations on the parties. This MOG does not constitute a treaty or legislation, is not binding on the judicial officers of either party and does not supersede any existing or future laws, judicial decisions or court rules. It is not intended to be exhaustive and is not intended to create or alter any existing or future legal rights or relations or to create any binding arrangements for the reciprocal enforcement of each party's money judgments in the other party's courts.
3. The parties desire and believe that the cooperation demonstrated by this MOG will provide a mutual understanding of their laws and judicial processes and will improve public perception and understanding.

The Supreme Court of Singapore

4. The Supreme Court of Singapore is a superior court of law. It comprises the Singapore High Court and the Singapore Court of Appeal. The Singapore International Commercial Court is a division of the Singapore High Court and part of the Supreme Court of Singapore.

Qatar International Court and Dispute Resolution Centre

5. The Qatar International Court and Dispute Resolution Centre ("QICDRC") comprises the Qatar Financial Centre (QFC) Civil and Commercial Court and QFC Regulatory Tribunal – judicial bodies established pursuant to the relevant provisions of QFC Law No. 7 of 2005 (as amended).

The requirements for enforcing judgments of QICDRC in the Supreme Court of Singapore

6. There is currently no treaty in place pursuant to which either party's judgments may be enforced by the other party's courts. In the absence of a relevant treaty, a foreign judgment may be enforced in the Supreme Court of Singapore by a claim made at common law.
7. The approach of the Supreme Court of Singapore is similar to the position found in the English common law. Where a foreign court of competent jurisdiction has determined that a certain sum is due from one person to another (i.e., a money judgment), a legal obligation arises on the debtor to pay that judgment debt. This legal obligation to pay is separate from the underlying cause of action that gave rise to the judgment. The creditor may then bring a claim at common law to enforce that obligation as a debt.
8. The judgment of QICDRC must be final and conclusive on the merits of the case, and for a fixed or ascertainable sum of money. The fact that there is an appeal to a higher court does not prevent the judgment from being final and conclusive.
9. The Supreme Court of Singapore will not enforce a judgment of QICDRC which would amount to the direct or indirect enforcement of any foreign penal, revenue or public law, or that orders the person against whom the judgment was given to do anything else apart from the payment of the judgment sum.
10. QICDRC must have had jurisdiction, according to the conflict of laws rules determined to be applicable by the Supreme Court of Singapore, to determine the subject matter of the dispute. The Supreme Court of Singapore will generally consider QICDRC to have had the required jurisdiction only where the person against whom the judgment was given:
 - (a) was, at the time the proceedings were commenced, present or resident in the jurisdiction of QICDRC;
 - (b) was the claimant, or counterclaimant, in the proceedings;
 - (c) submitted to the jurisdiction of QICDRC; or
 - (d) agreed, before commencement of the proceedings, in respect of the subject matter of the proceedings, to submit to the jurisdiction of QICDRC.
11. Where the above requirements are established to the satisfaction of the Supreme Court of Singapore, a judgment of QICDRC may be challenged in the Supreme Court of Singapore only on limited grounds. Those grounds include, but are not limited to:
 - (a) where the judgment was procured by fraud;
 - (b) where the enforcement of the judgment would be contrary to Singapore public policy; and

- (c) where the proceedings in which the judgment was obtained were conducted in a manner which the Supreme Court of Singapore regards as contrary to the principles of natural justice.
12. The Supreme Court of Singapore will not re-examine the merits of a judgment of QICDRC. The judgment may not be challenged on the grounds that it contains an error of fact or law. A judgment of QICDRC will be enforced on the basis that the judgment debtor has a legal obligation, recognised by the Supreme Court of Singapore, to satisfy a judgment of QICDRC.

The requirements for enforcing judgments of the Supreme Court of Singapore in QICDRC

13. In all cases, judgments of the Supreme Court of Singapore which are capable of enforcement by the QFC Civil and Commercial Court will be enforced in accordance with the relevant provisions of the QFC Law and the QFC Civil and Commercial Court's Regulations and Procedural Rules.
14. Similar principles to those set out above will be applied to determine whether a party may sue on a judgment of the Supreme Court of Singapore in QICDRC.
15. In order to be sued upon in QICDRC, the judgment of the Supreme Court of Singapore must be final and conclusive on the merits of the case, and for a fixed or ascertainable sum of money. The fact that there is an appeal to a higher court does not prevent the judgment from being final and conclusive.
16. QICDRC will not enforce a judgment of the Supreme Court of Singapore which would amount to the direct or indirect enforcement of any foreign penal, revenue or public law, or that orders the person against whom the judgment was given to do anything else apart from the payment of the judgment sum.
17. The Supreme Court of Singapore must have had jurisdiction, according to the conflict of laws rules determined to be applicable by the QFC Civil and Commercial Court, to determine the subject matter of the dispute. QICDRC will generally consider the Supreme Court of Singapore to have had the required jurisdiction only where the person against whom the judgment was given:
- (a) was, at the time when the proceedings were commenced, present or resident in the jurisdiction of the High Court of Singapore or the Singapore International Commercial Court;
 - (b) was the claimant, or counterclaimant, in the proceedings;
 - (c) submitted to the jurisdiction of the High Court of Singapore or the Singapore International Commercial Court by voluntarily appearing in the proceedings; or

- (d) agreed, before commencement of the proceedings, in respect of the subject matter of the proceedings, to submit to the jurisdiction of the High Court of Singapore or the Singapore International Commercial Court.
18. Where the above requirements are established to the satisfaction of QICDRC, a judgment of the Supreme Court of Singapore may be challenged in QICDRC only on limited grounds. Those grounds include, but are not limited to:
- (a) where the judgment was procured by fraud;
 - (b) where the enforcement of the judgment would be contrary to public policy; and
 - (c) where the proceedings in which the judgment was obtained were conducted in a manner which QICDRC regards as contrary to the principles of natural justice.
19. QICDRC will not re-examine the merits of a judgment of the Supreme Court of Singapore. The judgment may not be challenged on the grounds that it contains an error of fact or law. A judgment of the Supreme Court of Singapore will be enforced on the basis that the judgment debtor has a legal obligation, recognised by QICDRC, to satisfy a judgment of the Supreme Court of Singapore.

The procedure for enforcement of judgments of QICDRC in the Supreme Court of Singapore

20. In order to enforce a judgment of QICDRC in the Supreme Court of Singapore, the judgment creditor must commence an action by filing a writ of summons in the Supreme Court of Singapore, providing a concise statement of the nature of the claim and claiming the amount of the judgment debt. A certified copy of the judgment should be exhibited to the writ.
21. A judgment creditor may obtain a certified copy of a QICDRC judgment by making an application to QICDRC. The application may be made without notice and must exhibit a copy of the judgment which the judgment which is required to be certified. Where QICDRC provides a certified copy of a QICDRC judgment, it will provide a copy of the judgment on which will be endorsed a certificate that it is a true copy. The certificate will be signed by a Judge or by the Registrar. The certified copy of the judgment will be sealed with the seal of QICDRC.
22. Where the judgment debtor is outside of Singapore, the judgment creditor will have to seek the leave of court to serve the writ out of jurisdiction in accordance with Order 11 of the Singapore Rules of Court. The application for leave should be supported by an affidavit:
- (a) exhibiting a certified copy of the QICDRC judgment;
 - (b) stating that the claim is brought to enforce a QICDRC judgment (see Order 11, Rule 1(m) of the Singapore Rules of Court);
 - (c) stating that the judgment creditor believes that it has a good cause of action; and



- (d) stating the place or country the judgment debtor is, or probably may be found.
23. If, following service, the judgment debtor does not respond to the claim by entering an appearance, the judgment creditor will be entitled to obtain judgment in default of appearance under Order 13 of the Singapore Rules of Court.
 24. If the judgment debtor acknowledges service and enters an appearance, the judgment creditor must file and serve a statement of claim setting out the material facts which are relied upon for the claim, and the necessary particulars of the claim.
 25. In most cases, a judgment creditor will be entitled to apply to obtain summary judgment without trial under Order 14 of the Singapore Rules of Court, unless the judgment debtor can show that there is a triable issue in relation to a defence, which include, but are not limited to, the grounds set out in paragraph 11 above. Applications for summary judgment are dealt with swiftly, without the need for oral evidence.
 26. If the claim on the QICDRC judgment is successful, the judgment creditor will then have the benefit of a judgment of the Supreme Court of Singapore. The judgment creditor will be entitled, if necessary, to use the procedures of the Supreme Court of Singapore to enforce the judgment under Order 45 of the Singapore Rules of Court.

The procedure for enforcement of judgments of the Supreme Court of Singapore in QICDRC

27. The procedure for enforcing judgements of the Supreme Court of Singapore in QICDRC are as per the relevant provisions of the QFC Law as regards the enforcement of foreign judgments and the QFC Civil and Commercial Court's Regulations and Procedural Rules.
28. Enforcement of a Supreme Court of Singapore judgment shall take place by an application to be filed with the Registry, signed by the judgment creditor or by his representative. The said application shall be accompanied by a certified copy of the judgment.
29. A judgment creditor may obtain a certified copy of a judgment of the Supreme Court of Singapore by making an application in accordance with the Supreme Court of Singapore Practice Directions or the Singapore International Commercial Court Practice Directions (as the case may be).
30. A judgment creditor must, upon filing his application, pay any applicable prescribed fee(s) and the application shall be accompanied by a number of copies equal to the number of judgment debtors.
31. The Registry shall record the application and accompanying documents in the relevant enforcement Registry of the Civil and Commercial Court. The judgment creditor shall be

- issued with a receipt including the registration date and details of the application and accompanying documents.
32. The Registry shall, on the following day after the filing of the application for enforcement, serve a notice to the judgment debtor, attaching a copy of the enforcement application and any accompanying documents.
 33. There is no requirement to obtain the permission of QICDRC before serving proceedings outside the jurisdiction. However, it remains open to the judgment debtor to challenge the jurisdiction of QICDRC.
 34. In most cases, the Enforcement Judge will determine the application for enforcement without the need for a hearing.
 35. If the claim on the judgment of the Supreme Court of Singapore is successful, the judgment creditor will then have the benefit of a QICDRC judgment. The judgment creditor will be entitled, if necessary, to use the procedures of QICDRC to enforce the judgment, including:
 - (a) third party debt orders, requiring third parties who are indebted to the judgment debtor to pay the sum owed to the judgment creditor;
 - (b) charging orders, imposing charges over the judgment debtor's property in favour of the judgment creditor;
 - (c) orders for or relating to:
 - (i) possession of land;
 - (ii) sale of land or other property over which the judgment creditor has the benefit of a charge;
 - (iii) requiring judgment debtors to provide information about their means or any other matter about which information is needed to enforce a judgment or order;
 - (iv) appointing enforcement officers to seize and sell the judgment debtor's goods;
 - (v) appointing receivers;
 - (vi) committal for contempt of courts; or
 - (vii) insolvency procedures.

Term of MOG

36. This MOG shall commence on the date of this MOG. Either party may terminate this MOG by giving the other party six (6) months' notice in writing.



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Variation of MOG

37. This MOG may be varied in writing and any such variation shall be signed by both Parties.

Contacting the Courts

38. Further information about the Supreme Court of Singapore can be obtained:

- (a) by visiting the website of the Supreme Court of Singapore at <http://www.supremecourt.gov.sg>; or
- (b) by contacting the Registry of the Supreme Court of Singapore:
 - (i) at Level 2, 1 Supreme Court Lane, Singapore 178879;
 - (ii) by telephone at +65 6336 0644; or
 - (iii) by email at supcourt_registry@supcourt.gov.sg.

39. Further information about QICDRC can be obtained:

- (a) by visiting the website of QICDRC at <http://www.qicdrccom.qa>; or
- (b) by contacting the QICDRC Registry:
 - (i) at Registry, QICDRC, P.O. Box 13667, QFC Tower 2, Omar Al Mukhtar Street, Doha, Qatar;
 - (ii) by telephone at +974 4496 8225; or
 - (iii) by email at Registrar@qicdrc.com.qa.

SIGNED in Singapore on the 17th day of October 2017.

Sundaresh Menon
Chief Justice
Supreme Court
Republic of Singapore

Masoud Mohamed Al-Ameri
President of the Court of Cassation
President of the Supreme Judiciary Council
State of Qatar