

(e) where the judgment debtor, being a defendant in the original court, had, within the country of the original court, either a commercial establishment or a branch office, and the proceedings were in respect of a transaction effected through, or at, such establishment or branch office.

Nevertheless, the jurisdiction of the original court shall not be recognised in the cases referred to in sub-paragraphs (d) and (e) above if the judgment debtor satisfies the court applied to that the bringing of the proceedings in the original 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 courts of the country of the original court.

2. The provisions of paragraph 1 of this article do not apply to judgments where the subject matter of the proceedings is immovable property, nor to judgments *in rem* in respect of movable property. Nevertheless, in these cases the jurisdiction of the original court shall be recognised if such property was situated within the country of the original court.

3. The provisions of paragraph 1 of this article do not apply:

(a) to judgments in matters of family law or status (including divorces or other judgments in matrimonial causes);

(b) to judgments in matters of succession, or the administration of the estates of deceased persons;

(c) to judgments in bankruptcy proceedings, or proceedings for the winding up of companies or other bodies corporate.

In the case of judgments given in proceedings of the kind referred to in the present paragraph, the jurisdiction of the original court shall be recognised in all cases where such recognition is in accordance with the rules of Private International Law observed by the court applied to.

4. Recognition of the jurisdiction of the original court shall not be refused on the ground that the original court had no jurisdiction under the law of its own country, if the judgment is executory in the country of the original court.

ARTICLE 5.

1. Judgments, to which the present article applies, given by a superior court in the territory of one High Contracting Party shall be enforced by the courts of the territory of the other High Contracting Party in the manner and upon the conditions set out in Articles 6 to 8 inclusive.

2. The judgments to which the present article applies are judgments in civil or commercial matters, including judgments for the payment of a sum of money as compensation upon the claim of an injured party appearing as "partie civile" in criminal proceedings,

(a) which are capable of being executed in the country of the original court although still open to proceedings by way of opposition, appeal or setting aside;

(b) whereby a definite sum of money is made payable, including judgments for the payment of costs in civil or commercial matters;

(c) to the recognition of which none of the objections set out in Article 3 can be established.

3. The provisions of this article do not apply to judgments for the payment of a sum of money for any form of taxation, State or Municipal, or for the payment of penalties.

ARTICLE 6.

1. In order that any judgment of a superior court in the territory of His Majesty the King and Emperor should be enforced in Belgium, it is necessary that an application for the grant of an exequatur accompanied by a certified copy of the judgment issued by the original court, including full particulars as regards the proceedings and the causes of action in respect of which it was given, should be made in Belgium, in accordance with the procedure of the court applied to, to the Tribunal of First Instance of the district where the execution is sought.

2. Any judgment in respect of which a certified copy has been issued by the original court shall be deemed to have been a judgment which was capable of execution in the country of the original court at the time the certified copy was issued.

3. If such application is made, exequatur shall be granted unless the judgment debtor satisfies the court applied to:

(a) that the judgment debt has been wholly satisfied, or

(b) that the right to enforce the judgment debt is not vested in the person by whom the application is made.

ARTICLE 7.

1. In order that any judgment of a superior court in the territory of His Majesty the King of the Belgians should be enforced in the United Kingdom, it is necessary that an application for its registration accompanied by a certified copy of the judgment issued by the original court, including the reasons therefor, should be duly made:

(a) in England and Wales to the High Court of Justice;

(b) in Scotland to the Court of Session;

(c) in Northern Ireland to the Supreme Court of Judicature, in accordance with the procedure of the court applied to.

2. All Belgian judgments which bear the executory formula prescribed by Belgian law shall be deemed to be capable of execution in Belgium within the meaning of Article 5, 2 (a). The formula at present in force is that set out in the *Annex* to the present Convention.

3. If such application is made, registration shall be granted unless the judgment debtor satisfies the court applied to:

(a) that the judgment debt has been wholly satisfied, or

(b) that the right to enforce the judgment debt is not vested in the person by whom the application is made.

ARTICLE 8.

1. Where an exequatur has been granted in respect of any judgment under Article 6, or where any judgment has been registered under Article 7, such judgment shall, as from the date of registration or grant of exequatur, be as regards all questions relating to its