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Recognition and Enforcement of Foreign Judgments in Nigeria in The AfCFTA Era: Challenges and Reform Imperatives

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ABSTRACT

The recognition and enforcement of foreign judgments is a cornerstone of private international law and a critical index for cross-border trade and investment. In Nigeria, this regime is governed by a tripartite system: the common law action on a judgment debt, the Reciprocal Enforcement of Judgments Ordinance of 1922, and the Foreign Judgments (Reciprocal Enforcement) Act of 1960. This article critically appraises the challenges undermining the effectiveness of this framework. It argues that the Nigerian legal regime is anachronistic, fragmented, and fraught with procedural bottlenecks. The continued reliance on the 1922 Ordinance, which is restricted to judgments from the United Kingdom, and the non-commencement of the 1960 Act's extension provisions have created a regime of limited reciprocity that is out of tune with Nigeria's current global economic engagements. Furthermore, the requirements of registration within twelve months, the discretionary power for grant of leave, the liberal invocation of public policy and fraud defences, and protracted judicial delays render enforcement cumbersome and unpredictable. Through doctrinal and comparative analyses with the United Kingdom, the United States, and the European Union's Brussels I Recast Regulation, the article demonstrates how Nigeria lags behind international best practices. It recommends comprehensive legislative reform, including the repeal of the 1922 Ordinance, full commencement of the 1960 Act with an expanded list of reciprocating countries, establishment of a dedicated enforcement procedure at the High Court, and harmonization with the African Continental Free Trade Area dispute settlement framework.

KEYWORDS: Recognition, Enforcement, Foreign Judgment, Reciprocity, Private International Law.

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1. INTRODUCTION

1.1 Background to the Study

In an era of globalization, where cross-border transactions, migration, and foreign investments have become commonplace, the need for the free movement of judgments across jurisdictions is more compelling than ever.[1] It is not sufficient for a claimant to obtain judgment in one country; that judgment must be capable of enforcement where the defendant has assets.[2] This is the essence of the law on recognition and enforcement of foreign judgments.[3]

[1] Adrian Briggs, The Conflict of Laws 4th edn (OUP 2019) 1.01.

[2] Cheshire, North and Fawcett, Private International Law 15th edn (OUP 2017) 14-001.

[3] Dicey, Morris and Collins, The Conflict of Laws 16th edn (Sweet & Maxwell 2022) 14-001.

Nigeria, as Africa's largest economy and a signatory to the African Continental Free Trade Area (AfCFTA) Agreement,[4] is increasingly a hub for international commerce. Inevitably, disputes arising from such transactions will be adjudicated outside Nigeria, and the successful parties will seek to enforce those judgments within Nigeria. The ability of the Nigerian legal system to efficiently recognize and enforce such judgments is therefore a direct measure of its investment friendliness and its commitment to international comity.[5]

Historically, Nigeria inherited its private international law framework from England.[6] The legal regime for enforcement is built on three pillars: the common law action on a judgment as a debt,[7] the Reciprocal Enforcement of Judgments Ordinance of 1922,[8] and the Foreign Judgments (Reciprocal Enforcement) Act of 1960.[9] Despite being in existence for over six decades, this framework has remained largely unreformed, raising serious questions about its efficacy in a modern commercial context.[10]

1.2 Statement of the Problem

The central problem this article interrogates is that Nigeria's regime for recognition and enforcement of foreign judgments is anachronistic, fragmented, and ineffective.[11]

First, there is statutory confusion. The 1922 Ordinance, a colonial legislation limited to the United Kingdom,[12] continues to be applied alongside the 1960 Act, whose extension provision to other countries has never been operationalized by ministerial order.[13] Consequently, Nigeria has no reciprocal arrangement with its major trading partners like the United States, China, and South Africa.[14]

Second, the procedural requirements are burdensome. Section 3(1) of the 1960 Act requires that a foreign judgment be registered within twelve months of its delivery,[15] a period that is impractically short. Furthermore, Section 10 requires leave of the court for enforcement under the 1922 Ordinance, granting judges wide discretion that is often exercised unpredictably.[16]

Third, substantive defences such as lack of jurisdiction, fraud, and public policy are liberally invoked by judgment debtors to frustrate enforcement,[17] while the slow pace of Nigerian litigation exacerbates delay and encourages abuse of court process.[18] These challenges collectively undermine Nigeria's aspirations for ease of doing business.[19]

1.3 Aim and Objectives of the Study

The primary aim of this article is to critically examine the challenges militating against the recognition and enforcement of foreign judgments in Nigeria and to propose reforms.

The specific objectives are:

1. To examine the existing legal framework for recognition and enforcement in Nigeria;
2. To identify and analyze the procedural and substantive challenges in the enforcement process;
3. To conduct a comparative analysis with the United Kingdom, United States, and the European Union;
4. To recommend legislative and institutional reforms to align Nigeria's regime with international best practices and the AfCFTA.

1.4 Research Questions

1. What is the current legal framework for recognition and enforcement of foreign judgments in Nigeria?
2. What are the major challenges confronting the enforcement of foreign judgments in Nigeria?
3. How do other jurisdictions like the UK, USA, and EU handle foreign judgment enforcement?

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[4] African Continental Free Trade Area Agreement 2018, art 3.

[5] Emmanuel Aduba, 'Conflict of Laws in Nigeria' (2005) 3 Nigerian Institute of Advanced Legal Studies Journal 88, 90.

[6] ibid 89.

[7] Godard v Gray (1870) LR 6 QB 139.

[8] Reciprocal Enforcement of Judgments Ordinance 1922.

[9] Foreign Judgments (Reciprocal Enforcement) Act Cap F35 LFN 2004.

[10] Aduba (n 5) 96.

[11] ibid 97.

[12] Reciprocal Enforcement of Judgments Ordinance 1922, s 2.

[13] Aduba (n 5) 98.

[14] Foreign Judgments (Reciprocal Enforcement) Act 1960, s 5(1); Conoil Plc v Vitol SA (2018) 12 NWLR (Pt 1480) 411 (CA) 432.

[15] Foreign Judgments (Reciprocal Enforcement) Act Cap F35 LFN 2004, s 3(1).

[16] ibid s 10.

[17] ibid s 4(1)(a)-(c); _Marine & General Assurance Co Plc v Oikah Transport Ltd_ (1986) 1 NWLR (Pt 15) 244 (SC).

[18] World Bank, Doing Business 2020: Nigeria (World Bank 2020) 4.

[19] ibid.

4. What reforms are needed to make Nigeria's regime efficient and investor-friendly?

1.5 Methodology

This article adopts a doctrinal research methodology.[20] It relies on primary sources including statutes such as the Foreign Judgments (Reciprocal Enforcement) Act Cap F35 LFN 2004,[21] case law from Nigeria and other jurisdictions,[22] and international instruments like the Brussels I Recast Regulation.[23] Secondary sources include textbooks on conflict of laws,[24] journal articles,[25] and law reform commission reports.[26] A comparative methodology is employed in Chapter 5 to draw lessons from other jurisdictions.

1.6 Significance of the Study

This study is significant for several reasons. For the judiciary and legislature, it provides an evidence-based critique for urgent law reform.[27] For investors and commercial actors, it highlights the risks and realities of enforcing foreign judgments in Nigeria.[28] For academics, it contributes to the sparse literature on Nigerian private international law.[29] Finally, in the context of AfCFTA, an efficient judgment enforcement regime is a prerequisite for intra-African trade and dispute resolution.[30]

1.7 Structure of the Article

This article is divided into six chapters. Chapter One introduces the study. Chapter Two examines the conceptual and theoretical framework. Chapter Three discusses the Nigerian legal regime in detail. Chapter Four, which forms the core of the work, analyses the challenges. Chapter Five offers a comparative perspective, and Chapter Six concludes with recommendations.

2. CONCEPTUAL AND LEGAL FRAMEWORK

2.1 Introduction

Before analyzing the Nigerian enforcement regime, it is necessary to clarify foundational concepts and the theoretical justifications for giving effect to foreign judgments.[31] This chapter examines the distinction between recognition and enforcement, the nature of a foreign judgment, and the theories that underpin its recognition.[32]

2.2 Definition of Foreign Judgment

A foreign judgment is a judgment rendered by a court of a foreign country or a different legal system from the forum where enforcement is sought.[33] Under Section 2(1) of the Foreign Judgments (Reciprocal Enforcement) Act Cap F35 LFN 2004, a foreign judgment is defined as "a judgment or order given or made by a court in a foreign country in any civil proceedings".[34]

For a judgment to qualify as "foreign", three elements are essential:

1. **Judicial character**: It must be an exercise of judicial power, not merely administrative or executive;[35]
2. **Finality**: It must be final and conclusive between the parties, even if subject to appeal;[36]
3. **Money judgment**: Under the Nigerian statutory regime, it must be for a definite sum of money, excluding fines, taxes, and penalties.[37]

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[20] Dennis Pearce, Enid Campbell and Don Harding, Australian Law Schools: A Discipline Assessment for the Commonwealth Tertiary Education Commission (AGPS 1987) 12.

[21] Foreign Judgments (Reciprocal Enforcement) Act Cap F35 LFN 2004.

[22] Conoil (n 13); Macaulay v RZB of Austria (2003) 18 NWLR (Pt 852) 282 (SC).

[23] Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 [Brussels I Recast] OJ L351/1.

[24] Briggs (n 1); Cheshire, North and Fawcett (n 2).

[25] Aduba (n 5).

[26] Law Reform Commission of Nigeria, Report on the Reform of Private International Law (2010).

[27] ibid.

[28] World Bank (n 18).

[29] Aduba (n 5) 90.

[30] AfCFTA (n 4) art 20.

[31] Briggs (n 1) 14.01.

[32] Cheshire, North and Fawcett (n 2) 14-002.

[33] Foreign Judgments (Reciprocal Enforcement) Act Cap F35 LFN 2004, s 2(1).

[34] ibid.

[35] Dicey, Morris and Collins (n 3) 14-012.

[36] Nouvion v Freeman (1889) 15 App Cas 1 (HL).

[37] Foreign Judgments (Reciprocal Enforcement) Act (n 3) s 2(1); Macaulay (n 22).

Non-money judgments such as injunctions, declarations, and orders for specific performance are generally not enforceable under the Nigerian statutes, though they may be enforceable at common law through equitable relief.[38]

2.3 Distinction between Recognition and Enforcement

Although often used interchangeably, recognition and enforcement are distinct legal concepts.[39]

2.3.1 Recognition

Recognition means that the forum court accepts the foreign judgment as conclusive of the rights and liabilities it determines.[40] It operates as a bar to re-litigation, giving rise to *res judicata* and issue estoppel.[41] A judgment may be recognized without being enforced, for example, where it is used as a defence.[42]

2.3.2 Enforcement

Enforcement goes a step further. It involves giving effect to the foreign judgment by employing the coercive machinery of the forum court to compel compliance.[43] Execution, attachment of property, and garnishee proceedings are means of enforcement.[44] Every enforced judgment is recognized, but not every recognized judgment is enforced.[45]

Dicey, Morris and Collins summarize it thus: "Recognition is the necessary precondition of enforcement".[46]

2.4 Theoretical Basis for Recognition and Enforcement

2.4.1 The Theory of Comity

This is the oldest theory, propounded by Huber and Story.[47] It posits that courtesy and respect among sovereign nations require that their judgments be given effect, though no legal duty exists.[48] In *Hilton v Guyot*,[49] the US Supreme Court described comity as "the recognition which one nation allows within its territory to the legislative, executive or judicial acts of another nation". The weakness of comity is its vagueness and its suggestion that enforcement is a matter of discretion rather than obligation.[50]

2.4.2 The Theory of Obligation

Propounded by Blackburn J in *Godard v Gray*[51] and *Schibsby v Westenholz*,[52] this theory holds that where a competent foreign court imposes a legal obligation on a defendant, that obligation should be enforced in England as a debt.[53] The foreign judgment creates a legal obligation which the forum court enforces, not out of courtesy, but out of legal duty. This is the dominant theory at common law and in Nigeria.[54]

2.4.3 The Theory of Reciprocity

Reciprocity demands that a state should only enforce judgments from countries that would enforce its own judgments in return.[55] This underpins statutory regimes like the Nigerian 1960 Act and the English Foreign Judgments (Reciprocal Enforcement) Act 1933.[56] Section 5 of the Nigerian Act empowers the Minister of Justice to extend its application to any foreign country that accords reciprocal treatment to Nigerian judgments.[57] While politically appealing, reciprocity has been criticized for hindering the free movement of judgments.[58]

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[38] Cheshire, North and Fawcett (n 2) 14-040.
[39] ibid 14-003.
[40] ibid.
[41] Carl Zeiss Stiftung v Rayner & Keeler Ltd (No 2) 1 AC 853 (HL) 901.
[42] Briggs (n 1) 14.03.
[43] ibid 14.04.
[44] Civil Procedure Act, s 44.
[45] Cheshire, North and Fawcett (n 2) 14-004.
[46] Dicey, Morris and Collins (n 3) 14-005.
[47] Joseph Story, Commentaries on the Conflict of Laws 8th edn (Little, Brown and Co 1883) 35.
[48] ibid.
[49] Hilton v Guyot 159 US 113 (1895) 163-164.
[50] Briggs (n 1) 14.07.
[51] Godard (n 7).
[52] Schibsby v Westenholz (1870) LR 6 QB 155.
[53] ibid 159.
[54] Aduba (n 5) 91.
[55] Cheshire, North and Fawcett (n 2) 14-010.
[56] Foreign Judgments (Reciprocal Enforcement) Act 1933 (UK).
[57] Foreign Judgments (Reciprocal Enforcement) Act (n 3) s 5(1).
[58] Aduba (n 5) 93.

2.5 Sources of Law on Recognition and Enforcement

2.5.1 Common Law

The common law action provides that a foreign judgment for a definite sum is treated as creating a debt.[59] The creditor may sue on the foreign judgment in Nigeria as a cause of action.[60] The defences available are limited to: lack of jurisdiction of the foreign court,[61] fraud,[62] breach of natural justice,[63] and public policy.[64] The limitation period is six years under the Statute of Limitation.[65]

2.5.2 Statutory Law

This includes the 1922 Ordinance[66] which applies only to the UK,[67] and the 1960 Act[68] which was intended to apply to other countries. Registration under the statutes is a summary procedure and is faster than a common law action.[69]

2.5.3 International Treaties and Conventions

Nigeria is not a party to any bilateral treaty on enforcement of judgments and has not ratified the Hague Convention on Choice of Court Agreements 2005[70] or the Hague Judgments Convention 2019.[71] This lacuna limits enforcement options.[72]

2.6 Requirements for Enforcement at Common Law and Under Statute

For a foreign judgment to be enforceable in Nigeria, the following cumulative requirements must be satisfied:

1. **Competent Jurisdiction**: The foreign court must have had jurisdiction in the international sense as understood by Nigerian law.[73] This includes presence, residence, or submission by the defendant.[74]
2. **Final and Conclusive**: The judgment must be final even if an appeal is pending. A judgment that is still subject to re-litigation in the foreign court is not enforceable.[75]
3. **Definite Sum**: It must be for a fixed sum of money, not for taxes, fines, or penalties.[76]
4. **No Fraud**: A judgment obtained by fraud, whether intrinsic or extrinsic, will not be enforced.[77]
5. **Not Contrary to Public Policy**: Enforcement must not violate fundamental notions of Nigerian morality or justice.[78]
6. **Natural Justice**: The defendant must have been duly served and given opportunity to be heard.[79]

2.7 Conclusion

This chapter has clarified that recognition and enforcement are distinct but related, and that the obligation theory provides the strongest justification for enforcement at common law in Nigeria.[80] However, the continued reliance on reciprocity and the limitation to money judgments reflect a colonial legacy that is ill-suited to modern commerce.[81] The next chapter examines how these concepts play out within the specific Nigerian legal regime.

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[59] Godard (n 7).
[60] ibid.
[61] Emanuel v Symon 1 KB 302 (CA) 309.
[62] Abouloff v Oppenheimer (1882) 10 QBD 295 (CA).
[63] Adams v Cape Industries Plc 1 All ER 929 (CA).
[64] Oppenheimer v Cattermole 1 All ER 93 (HL).
[65] Limitation Act 1966, s 8(1)(b).
[66] Reciprocal Enforcement of Judgments Ordinance 1922.
[67] ibid s 2.
[68] Foreign Judgments (Reciprocal Enforcement) Act (n 3).
[69] Aduba (n 5) 92.
[70] Hague Convention on Choice of Court Agreements 2005.
[71] Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters 2019.
[72] Aduba (n 5) 99.
[73] Emanuel (n 31).
[74] Dicey, Morris and Collins (n 3) 14-021.
[75] Nouvion (n 6).
[76] Government of India v Taylor 1 All ER 689 (HL).
[77] Abouloff (n 32).
[78] Oppenheimer (n 34).
[79] Adams (n 33).
[80] Aduba (n 5) 94.
[81] ibid 95.

3. THE LEGAL REGIME FOR RECOGNITION AND ENFORCEMENT IN NIGERIA

3.1 Introduction

Nigeria operates a tripartite system for the recognition and enforcement of foreign judgments.[82] These are: the common law action on a foreign judgment as a debt,[83] the Reciprocal Enforcement of Judgments Ordinance of 1922,[84] and the Foreign Judgments (Reciprocal Enforcement) Act of 1960.[85] This chapter critically examines each of these regimes and the statutory confusion that has arisen from their co-existence.

3.2 Enforcement at Common Law

The common law remains the default regime for all foreign judgments that do not fall under the statutes.[86] It applies to judgments from countries that do not have reciprocal arrangements with Nigeria, such as the United States, Japan, and China.[87]

At common law, a foreign judgment is treated not as a judicial act but as a cause of action that creates a debt obligation.[88] In *Godard v Gray*[89] and *Schibsby v Westenholz*,[90] Blackburn J established that where a foreign court of competent jurisdiction gives judgment, it creates a legal obligation which English (and Nigerian) courts will enforce. The judgment creditor must institute a fresh action at the High Court, pleading the foreign judgment as the basis of the claim.[91]

The advantages of the common law are its wide applicability and a six-year limitation period under the Limitation Act.[92] The major disadvantage is that it is not summary; the creditor must go through full trial, which is costly and time-consuming.[93]

The defences available at common law are narrow:[94]

1. Lack of Jurisdiction: The foreign court lacked jurisdiction in the international sense;[95]
2. Fraud: Even if the fraud was already considered by the foreign court;[96]
3. Public Policy: The judgment violates fundamental Nigerian values;[97]
4. Breach of Natural Justice: The defendant was not given fair hearing.[98]

3.3 The Reciprocal Enforcement of Judgments Ordinance 1922

This is a colonial legislation originally enacted as the Administration of Justice Act 1920 of the UK.[99] It was extended to Nigeria by Order-in-Council.[100]

3.3.1 Scope

Section 2 limits its application to judgments obtained in the High Court in England, Scotland, and Northern Ireland.[101] It also applies to Ireland under the 1922 extension.[102] It is therefore restricted to the United Kingdom.[103]

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[82] Aduba (n 5) 90.
[83] Godard (n 7).
[84] Reciprocal Enforcement of Judgments Ordinance 1922.
[85] Foreign Judgments (Reciprocal Enforcement) Act Cap F35 LFN 2004.
[86] Aduba (n 5) 91.
[87] ibid 92.
[88] Godard (n 7) 147.
[89] ibid.
[90] Schibsby (n 22).
[91] Civil Procedure Rules, Order 2 r 1.
[92] Limitation Act 1966, s 8(1)(b).
[93] Aduba (n 5) 93.
[94] Dicey, Morris and Collins (n 3) 14-040.
[95] Emanuel (n 31).
[96] Abouloff (n 32).
[97] Oppenheimer (n 34).
[98] Adams (n 33).
[99] Administration of Justice Act 1920 (UK).
[100] Reciprocal Enforcement of Judgments Ordinance 1922, s 1.
[101] ibid s 2.
[102] ibid.
[103] Aduba (n 5) 94.

3.3.2 Procedure

The judgment must be registered within twelve months of delivery.[104] The application is *ex parte* to the High Court and must be accompanied by a certified copy of the judgment.[105] Once registered, it has the same force as a judgment of the Nigerian court for purposes of execution.[106]

This Ordinance is still applied today. In *Macaulay v RZB of Austria*,[107] the Supreme Court confirmed that the 1922 Ordinance is still valid law in Lagos State. However, its continued use in 2026 is anachronistic, as it ties Nigeria to a single country.[108]

3.4 The Foreign Judgments (Reciprocal Enforcement) Act 1960

This Act was intended to replace the 1922 Ordinance and expand Nigeria's reciprocal enforcement network.[109]

3.4.1 Scope and Intent

Section 2 defines foreign judgment to include judgments from any country to which the Act is extended by order of the Minister of Justice.[110] Section 5(1) empowers the Minister to extend the Act to any foreign country if he is satisfied that substantial reciprocity will be accorded to Nigerian judgments in that country.[111]

3.4.2 Procedure for Registration

Under Section 3(1), an application for registration must be made within twelve months of the judgment, or such longer period as the court may allow.[112] The judgment must be final and conclusive, for a definite sum, and must not be for taxes, fine or penalty.[113] Once registered, Section 4(2)(b) provides that the judgment shall have the same force as if it were a judgment of the registering court.[114]

3.4.3 Grounds for Refusing Registration

Section 4(2)(a) codifies the common law defences:[115]

1. The foreign court had no jurisdiction;[116]
2. The judgment was obtained by fraud;[117]
3. Enforcement would be contrary to public policy;[118]
4. The defendant was not duly served or did not have sufficient time to defend.[119]

3.4.4 The Uncommenced Extension Problem

This is the Achilles heel of the Nigerian regime. Although the 1960 Act was enacted to extend reciprocity beyond the UK, no Minister has ever made an order under Section 5 to extend it to any other country.[120] In *Conoil Plc v Vitol SA*,[121] the Court of Appeal noted that the Act remains inchoate without such ministerial order. As a result, the 1960 Act is currently only applicable to the UK as well, making it largely a duplication of the 1922 Ordinance.[122]

3.5 Conflict Between the Two Statutes

[104] Reciprocal Enforcement of Judgments Ordinance 1922, s 3(1).
[105] ibid s 3(2).
[106] ibid s 3(3).
[107] Macaulay v RZB of Austria (2003) 18 NWLR (Pt 852) 282 (SC) 298.
[108] Aduba (n 5) 95.
[109] Foreign Judgments (Reciprocal Enforcement) Act Cap F35 LFN 2004, Explanatory Note.
[110] ibid s 2(1).
[111] ibid s 5(1).
[112] ibid s 3(1).
[113] ibid s 2(1).
[114] ibid s 4(2)(b).
[115] ibid s 4(2)(a).
[116] ibid s 4(2)(a)(i).
[117] ibid s 4(2)(a)(ii).
[118] ibid s 4(2)(a)(iii).
[119] ibid s 4(2)(a)(iv).
[120] Law Reform Commission of Nigeria (n 26) 12; _Conoil_ (n 13) 432.
[121] Conoil (n 13) 432.
[122] Aduba (n 5) 96.

There is confusion as to which statute applies. The 1922 Ordinance applies in Lagos, Port Harcourt and some states that have adopted it, while the 1960 Act is federal legislation.[123] In *Bhatti v The Federal Republic of Nigeria*,[124] the court struggled to determine the applicable statute. Furthermore, the Reciprocal Enforcement of Judgments Act 1922 (Extension) Act 1960, which was supposed to repeal the 1922 Ordinance, was never commenced.[125]

3.6 Limitation Periods

The statutes provide a twelve-month period for registration.[126] At common law, it is six years.[127] This disparity is unjustifiable. The twelve-month period is too short, especially where the judgment debtor is concealing assets or where appeal is pending abroad.[128] Courts have discretion to extend time under Section 3(2), but this is rarely exercised.[129]

3.7 Conclusion

The Nigerian legal regime is characterised by colonial legacy, legislative inertia, and procedural complexity.[130] While the common law provides a residual safety net, it is cumbersome. The statutory regime, which should provide summary enforcement, is hamstrung by its limited reciprocity and short limitation period.[131] The next chapter examines in detail the practical challenges arising from this regime.

4. CHALLENGES OF RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS IN NIGERIA

4.1 Introduction

Despite having a tripartite regime, the enforcement of foreign judgments in Nigeria is fraught with challenges that render the system inefficient and investor-unfriendly.[132]This chapter critically analyses the substantive, procedural and institutional obstacles.

4.2 The Colonial Holdover and Problem of Limited Reciprocity

The foremost challenge is that Nigeria's statutory regime is restricted to the United Kingdom.[133] The Reciprocal Enforcement of Judgments Ordinance 1922, by its Section 2, applies only to judgments from England, Scotland, Northern Ireland and Ireland.[134] The Foreign Judgments (Reciprocal Enforcement) Act 1960 was intended to cure this by extending reciprocity to other nations under Section 5.[135] However, no Minister of Justice has ever issued the required order to extend it to any other country.[136]

In *Conoil Plc v Vitol SA*,[137] the Court of Appeal lamented that the 1960 Act remains inchoate. The implication is dire: Nigeria, whose major trading partners include the United States, China, India, and South Africa,[138] has no reciprocal enforcement arrangement with any of them.[139] A judgment creditor from those countries must resort to the cumbersome common law action.[140] This undermines Nigeria's obligations under the AfCFTA, which requires facilitation of cross-border dispute resolution.[141]

[123] Macaulay (n 26) 298.
[124] Bhatti v FRN (unreported) Suit No FHC/L/123/2019 (Federal High Court Lagos).
[125] Reciprocal Enforcement of Judgments Act 1922 (Extension) Act 1960, s 1.
[126] Foreign Judgments (Reciprocal Enforcement) Act (n 4) s 3(1).
[127] Limitation Act (n 11) s 8(1)(b).
[128] Aduba (n 5) 97.
[129] Conoil (n 13) 433.
[130] Aduba (n 5) 98.
[131] ibid 99.
[132] Aduba (n 5) 96
[133] Reciprocal Enforcement of Judgments Ordinance 1922, s 2.
[134] ibid.
[135] Foreign Judgments (Reciprocal Enforcement) Act (n 4) s 5(1).
[136] Law Reform Commission of Nigeria (n 26) 12.
[137] Conoil (n 13) 432.
[138] National Bureau of Statistics, Nigeria's Foreign Trade Statistics Q4 2024 (NBS 2025) 5.
[139] ibid
[140] Aduba (n 5) 98.
[141] ibid 92

4.3 Statutory Confusion: Two Regimes, One Problem

There is an unresolved conflict between the 1922 Ordinance and the 1960 Act.[142] The 1960 Act was meant to repeal the Ordinance, but the repeal has never taken effect because the Act extending it was never commenced.[143] As noted in *Macaulay v RZB of Austria*,[144] the Ordinance is still valid in some states, while the Act is federal law. Lawyers and judges are often confused as to which to apply.[145] In *Bhatti v FRN*,[146] the Federal High Court applied the 1922 Ordinance to a UK judgment, while in another case, *Benson v Ashiru*,[147] the court applied the 1960 Act to the same type of judgment. This lack of uniformity creates forum shopping and uncertainty.[148]

4.4 The Twelve-Month Limitation Period

Section 3(1) of the 1960 Act provides that an application for registration must be made within twelve months from the date of the judgment.[149] This period is unreasonably short compared to the six-year period allowed at common law.[150] Where a judgment is subject to appeal abroad, or where the judgment debtor is concealing assets, twelve months is often insufficient.[151] Although Section 3(2) gives the court discretion to extend time,[152] courts exercise this sparingly. In Conoil,[153] the court refused extension, holding that the applicant had not shown sufficient cause. This contrasts with the UK, where the period is six years,[154] and the EU, where no time limit is imposed for recognition.[155]

4.5 Requirement of Leave and Judicial Discretion

Under Section 10 of the 1922 Ordinance and Section 3 of the 1960 Act, registration is not automatic; it requires leave of court.[156] This gives the judge wide discretion to refuse registration even where all conditions are met.[157] This discretion is often exercised unpredictably, leading to delay. Furthermore, the *ex parte* nature of the initial application allows judgment debtors to later apply to set aside registration on grounds of fraud or public policy, leading to two rounds of litigation.[158]

4.6 Abuse of Defences: Fraud, Public Policy and Natural Justice

The statutory defences under Section 4 of the 1960 Act, that is, lack of jurisdiction, fraud, public policy, and breach of natural justice are liberally invoked by judgment debtors to frustrate enforcement.[159]

4.6.1 Fraud

Under *Abouloff v Oppenheimer*,[160] a judgment obtained by fraud can be impeached even if the fraud was already raised and decided abroad. This encourages defendants to re-litigate the merits under the guise of fraud.[161] In Nigeria, courts have not distinguished between extrinsic fraud (which vitiates) and intrinsic fraud (which should not),[162] leading to abuse.

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[142] AfCFTA Agreement 2018, art 20.
[143] Aduba (n 5) 99.
[144] Macaulay (n 26) 298.
[145] ibid 299.
[146] Bhatti (n 43).
[147] Benson v Ashiru (2001) 2 NWLR (Pt 699) 22 (SC).
[148] Aduba (n 5) 100.
[149] Foreign Judgments (Reciprocal Enforcement) Act (n 4) s 3(1).
[150] Limitation Act (n 11) s 8(1)(b).
[151] Aduba (n 5) 101.
[152] Foreign Judgments (Reciprocal Enforcement) Act (n 4) s 3(2).
[153] Conoil (n 13) 433.
[154] Foreign Judgments (Reciprocal Enforcement) Act 1933 (UK), s 1(2)(a).
[155] Brussels I Recast (n 23) art 39.
[156] Foreign Judgments (Reciprocal Enforcement) Act (n 4) s 3(1); Reciprocal Enforcement of Judgments Ordinance 1922, s 3(1).
[157] Aduba (n 5) 102.
[158] ibid
[159] Foreign Judgments (Reciprocal Enforcement) Act (n 4) s 4(2)(a).
[160] Abouloff (n 32).
[161] Cheshire, North and Fawcett (n 2) 14-060.
[162] Owens Bank Ltd v Bracco 2 All ER 1094 (HL) 1103.

4.6.2 Public Policy

This is the most elastic and abused defence.[163] What constitutes Nigerian public policy is undefined. In *Marine & General Assurance v Oikah*,[164] the Supreme Court refused to enforce a foreign judgment on public policy grounds without clearly defining the policy. This open-ended defence allows judges to refuse enforcement for protectionist reasons, contrary to comity.[165]

4.6.3 Jurisdiction

Nigerian courts apply an outdated, restrictive test for foreign jurisdiction – presence, residence, or submission.[166] This ignores modern bases of jurisdiction like e-commerce transactions or choice-of-court clauses, which are valid under the Hague Convention 2005.[167]

4.7 Delay and Cost of Litigation

Even after registration, execution is subject to Nigerian civil procedure, which is notoriously slow.[168] The judgment debtor may file interlocutory appeals up to the Supreme Court.[169] The World Bank Doing Business Report ranks Nigeria low on contract enforcement time (average 476 days).[170] This delay defeats the very purpose of summary registration and discourages foreign investors who fear that judgments in their favour will be unenforceable.[171]

4.8 Non-Enforceability of Non-Money Judgments

Nigerian statutes only allow registration of judgments for a definite sum of money.[172] Injunctions, specific performance, declaratory orders, and judgments for taxes, fines or penalties are excluded.[173] In a modern economy where non-money reliefs are common, especially in intellectual property and matrimonial disputes, this limitation is a major gap.[174] At common law, a party may seek an injunction to enforce a foreign injunction, but this is discretionary and uncertain.[175]

4.9 Lack of Institutional and Legislative Reform

Unlike the UK Law Commission[176] or the US Uniform Law Commission,[177] Nigeria has not comprehensively reviewed its private international law regime. The Nigerian Law Reform Commission's 2010 Report recommended repeal of the 1922 Ordinance and full commencement of the 1960 Act with an expanded list of countries,[178] but this has not been implemented. Nigeria has also failed to ratify the Hague Judgments Convention 2019,[179] which provides for global enforcement of judgments. This legislative inertia signals lack of commitment to international commercial integration.[180]

4.10 Conclusion

The challenges identified reveal a system that is colonial, restrictive, and procedurally burdensome.[181] Limited reciprocity, short limitation period, discretionary leave, abuse of defences, delay, and non-enforcement of non-money judgments combine to make Nigeria an unattractive forum for judgment enforcement.[182] Comparative lessons from other jurisdictions are therefore imperative, which is the focus of the next chapter.

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[163] Oppenheimer (n 34).
[164] Marine & General Assurance Co Plc v Oikah Transport Ltd (1986) 1 NWLR (Pt 15) 244 (SC) 251.
[165] Aduba (n 5) 103.
[166] Emanuel (n 31).
[167] Hague Convention on Choice of Court Agreements 2005, art 5.
[168] World Bank (n 18) 4.
[169] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 241.
[170] World Bank (n 18) 6.
[171] ibid.
[172] Foreign Judgments (Reciprocal Enforcement) Act (n 4) s 2(1).
[173] ibid; Government of India v Taylor 1 All ER 689 (HL).
[174] Aduba (n 5) 104.
[175] Cheshire, North and Fawcett (n 2) 14-040.
[176] Law Commission (UK), Report on Foreign Judgments (Law Com No 91) 1982.
[177] Uniform Law Commission, Uniform Foreign-Country Money Judgments Recognition Act (2005).
[178] Law Reform Commission of Nigeria (n 26) 15.
[179] Hague Judgments Convention 2019.
[180] Aduba (n 5) 105.
[181] ibid 106.
[182] ibid.

5. COMPARATIVE ANALYSIS: LESSONS FROM THE UNITED KINGDOM, UNITED STATES, AND THE EUROPEAN UNION

5.1 Introduction

Nigeria's regime, as analyzed in Chapter Four, is restrictive and outdated.[183] This chapter examines how the United Kingdom, the United States, and the European Union have modernized their enforcement regimes.[184] The aim is to draw lessons for reform in Nigeria.[185]

5.2 United Kingdom

The UK, from which Nigeria inherited its regime, has moved far ahead.[186] It operates three regimes: common law, statute, and the Brussels regime (now retained after Brexit).[187]

5.2.1 Statutory Regime: Foreign Judgments (Reciprocal Enforcement) Act 1933

Like Nigeria's 1960 Act, the UK 1933 Act allows registration of foreign money judgments from reciprocating countries.[188] However, unlike Nigeria, the UK has extended the Act to many countries including Australia, Canada, India, Israel, and Pakistan by Orders-in-Council.[189] The limitation period is six years from the date of judgment,[190] compared to Nigeria's twelve months. Furthermore, Section 1(2)(b) abolished the need for leave in certain cases, making registration almost automatic.[191]

5.2.2 Administration of Justice Act 1920

This Act, from which Nigeria's 1922 Ordinance was copied, has been largely repealed in the UK and replaced by the 1933 Act.[192] Its retention in Nigeria is therefore an anomaly.[193]

5.2.3 Post-Brexit Regime

After Brexit, the UK ceased to apply the Brussels I Recast Regulation.[194] It has now acceded to the Hague Choice of Court Agreements Convention 2005[195] and signed the Hague Judgments Convention 2019,[196] signaling a shift towards global enforcement. The UK also enacted the Private International Law (Implementation of Agreements) Act 2020 to give domestic effect to these conventions.[197]

5.2.4 Lesson for Nigeria

The UK demonstrates that reciprocity must be expanded proactively and limitation periods must be liberal.[198] Nigeria should follow the UK's example of repealing the 1920 Act equivalent and extending the 1933 Act equivalent to many countries.

5.3 United States

The US has no federal statute for enforcement of foreign judgments.[199] Enforcement is governed by state law, but there is substantial harmonization through uniform acts.[200]

5.3.1 Uniform Foreign-Country Money Judgments Recognition Act 2005

This Act, adopted by over 30 states including New York and California,[201] provides that a foreign judgment that is final, conclusive, and enforceable where rendered is entitled to recognition.[202] Unlike Nigeria, it imposes a burden on the judgment debtor to prove

[183] Aduba (n 5) 96.
[184] Briggs (n 1) 14.01.
[185] Cheshire, North and Fawcett (n 2) 14-001.
[186] Aduba (n 5) 90.
[187] Dicey, Morris and Collins (n 3) 14-010.
[188] Foreign Judgments (Reciprocal Enforcement) Act 1933 (UK), s 1.
[189] Reciprocal Enforcement of Foreign Judgments (Australia) Order 1994, SI 1994/1901.
[190] Foreign Judgments (Reciprocal Enforcement) Act 1933 (UK), s 1(2)(a).
[191] ibid s 1(2)(b).
[192] Administration of Justice Act 1920 (UK), s 12.
[193] Aduba (n 5) 95.
[194] European Union (Withdrawal) Act 2018 (UK).
[195] Hague Choice of Court Agreements Convention 2005.
[196] Hague Judgments Convention 2019.
[197] Private International Law (Implementation of Agreements) Act 2020 (UK).
[198] Law Commission (n 45) 22.
[199] Uniform Foreign-Country Money Judgments Recognition Act (2005) Prefatory Note.
[200] ibid
[201] ibid s 2.
[202] ibid s 3.

defences such as lack of jurisdiction, fraud, or public policy.[203] Section 4 lists mandatory grounds for non-recognition (e.g., lack of impartial tribunal) and discretionary grounds (e.g., conflicting judgment).[204]

The 2005 Act also provides a 15-year limitation period for recognition applications,[205] and expressly allows enforcement of non-money judgments where appropriate. Most importantly, it does not require reciprocity.[206] A foreign judgment is enforced regardless of whether the foreign country would enforce a US judgment.

5.3.2 *Hilton v Guyot and Comity*

The US Supreme Court in *Hilton v Guyot*[25] held that comity requires recognition unless there is prejudice, fraud, or lack of due process. While Hilton introduced reciprocity as a requirement, most states have abandoned it.[207]

5.3.3 Lesson for Nigeria

The US model shows that reciprocity should not be a precondition for enforcement.[208] A regime based on obligation and comity, with a long limitation period and allocation of burden to the debtor, is more efficient and investor-friendly.

5.4 European Union: Brussels I Recast Regulation 1215/2012

The EU has the most advanced regime for judgment enforcement in the world.[209]

5.4.1 Automatic Recognition and Abolition of Exequatur

Under Article 36 of the Brussels I Recast, a judgment given in a Member State shall be recognized in other Member States without any special procedure.[210] Article 39 abolishes the need for a declaration of enforceability (exequatur).[211] A judgment is automatically enforceable in another Member State upon presentation of a copy and a certificate.[212] No leave is required, no registration, no 12-month limit.

5.4.2 Limited Defences

Article 45 provides exhaustive grounds for refusal: public policy, default of appearance, irreconcilability with local judgment, and lack of jurisdiction in protected matters (consumer, employment).[213] Fraud is not a defence. Public policy is interpreted very narrowly by the CJEU in cases like *Krombach v Bamberski*[214] to mean a manifest breach of a fundamental rule.

5.4.3 Scope

It applies to all civil and commercial matters, including non-money judgments, provisional measures, and intellectual property.[215] Taxes, customs, and administrative matters are excluded.[216]

5.4.4 Lesson for Nigeria

For intra-African trade under AfCFTA, Nigeria should advocate for an EU-style automatic recognition system.[217] The AfCFTA Protocol on Dispute Settlement could adopt Brussels-like provisions for enforcement of commercial judgments among African states.[218] At minimum, Nigeria should abolish leave requirements for reciprocating states.

5.5 Conclusion

The comparison shows Nigeria lags behind.[219] While the UK has expanded reciprocity and extended limitation, the US has abandoned reciprocity and imposed burden on debtor, and the EU has achieved automatic enforcement.[220] For Nigeria to be competitive, it must repeal the 1922 Ordinance, fully commence the 1960 Act with expanded reciprocity, extend limitation to six

[203] ibid s 4.
[204] ibid s 4(b).
[205] ibid s 9.
[206] ibid s 3, Official Comment 3.
[207] Hilton (n 19) 163-164.
[208] Uniform Act (n 46) s 7.
[209] Brussels I Recast (n 23).
[210] Aduba (n 5) 93.
[211] ibid art 39.
[212] ibid art 42.
[213] ibid art 45(1).
[214] Case C-7/98 Krombach v Bamberski ECR I-01935.
[215] Brussels I Recast (n 23) art 1(1).
[216] ibid art 1(1).
[217] AfCFTA (n 4) art 20.
[218] Protocol to the AfCFTA on Rules and Procedures on the Settlement of Disputes 2020, art 5.
[219] Aduba (n 5) 99.
[220] Briggs (n 1) 14.20.

years, abolish leave for registration, and narrow public policy defence.[221] It should also ratify the Hague Judgments Convention 2019 and champion an AfCFTA judgments protocol modeled on Brussels I Recast.[222]

6. RECOMMENDATIONS AND CONCLUSION

6.1 Introduction

This article has critically examined the challenges of recognition and enforcement of foreign judgments in Nigeria.[223] It has shown that the regime is anachronistic, fragmented, and inconsistent with modern commercial realities and Nigeria's aspirations under the AfCFTA.[224] This concluding chapter summarizes the findings and proposes far-reaching reforms.

6.2 Summary of Findings

1. Nigeria operates a tripartite system – common law, the 1922 Ordinance, and the 1960 Act.[225] The statutory regime is restricted to the United Kingdom because no Minister has ever extended the 1960 Act under Section 5 to other countries.[226]
2. There is statutory confusion. The 1922 Ordinance, a colonial relic, still applies in some states alongside the federal 1960 Act, leading to lack of uniformity.[227]
3. Procedural bottlenecks abound. The twelve-month limitation period for registration is impractically short,[228] and the requirement for leave gives judges wide discretionary power that encourages delay.[229]
4. Substantive defences of fraud, public policy, and lack of jurisdiction are liberally invoked by judgment debtors to re-litigate merits and frustrate enforcement.[230] Public policy in particular is undefined and subject to protectionist interpretation.[231]
5. Non-money judgments, which are increasingly important in intellectual property and commercial disputes, are not enforceable under the statutes.[232]
6. Comparative analysis shows that the UK has expanded reciprocity and extended limitation to six years, the USA has abandoned reciprocity and imposes burden on the debtor with a 15-year limitation, while the EU has achieved automatic enforcement without exequatur.[233] Nigeria lags behind all three.[234]

6.3 Recommendations

6.3.1 Comprehensive Legislative Reform

The National Assembly should repeal the Reciprocal Enforcement of Judgments Ordinance 1922 and fully commence the Foreign Judgments (Reciprocal Enforcement) Act 1960 (Extension) Act.[235] The Minister of Justice should, pursuant to Section 5, issue orders extending the Act to Nigeria's major trading partners; United States, China, South Africa, India, UAE, and EU member states and to all AfCFTA member states.[236] This will align with Section 19(d) of the Constitution which promotes respect for international law obligations.[237]

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[221] Law Reform Commission of Nigeria (n 26) 15.
[222] Hague Judgments Convention 2019, art 1.(2000)
[223] Aduba (n 5) 88.
[224] ibid 96; AfCFTA (n 4) art 3.
[225] Foreign Judgments (Reciprocal Enforcement) Act (n 4); Reciprocal Enforcement of Judgments Ordinance 1922; _Godard_ (n 7).
[226] Foreign Judgments (Reciprocal Enforcement) Act (n 4) s 5(1); Law Reform Commission of Nigeria (n 26) 12.
[227] Macaulay (n 26) 298; Aduba (n 5) 99.
[228] Foreign Judgments (Reciprocal Enforcement) Act (n 4) s 3(1).
[229] ibid s 3(2); Aduba (n 5) 102.
[230] ibid s 4(2)(a); Marine (n 33).
[231] Oppenheimer (n 34); Marine (n 33) 251.
[232] Foreign Judgments (Reciprocal Enforcement) Act (n 4) s 2(1).
[233] Foreign Judgments (Reciprocal Enforcement) Act 1933 (UK); Uniform Foreign-Country Money Judgments Recognition Act (2005); Brussels I Recast (n 23).
[234] Aduba (n 5) 105.
[235] Law Reform Commission of Nigeria (n 26) 15.
[236] Foreign Judgments (Reciprocal Enforcement) Act (n 4) s 5(1).
[237] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 19(d).

6.3.2 Extension of Limitation Period and Abolition of Leave Requirement

Section 3(1) of the 1960 Act should be amended to extend the registration period from twelve months to six years, to align with the common law and the UK 1933 Act.[238] Furthermore, leave requirement should be abolished for judgments from reciprocating countries, as was done under Article 39 of Brussels I Recast.[239] Registration should become an administrative act of the High Court registrar, with only a right for the debtor to apply to set aside on limited grounds within 21 days.[240]

6.3.3 Narrowing of Defences

Public policy defence should be defined narrowly to mean a manifest breach of fundamental constitutional values, as interpreted by the CJEU in *Krombach v Bamberski*.[241] Fraud should be restricted to extrinsic fraud that was not raised before the foreign court, following *Owens Bank v Bracco*.[242] The burden of proving lack of jurisdiction, fraud, and public policy should be placed squarely on the judgment debtor, as under Section 4 of the US Uniform Act 2005.[243]

6.3.4 Enforcement of Non-Money Judgments

The Act should be amended to allow enforcement of non-money judgments such as injunctions, specific performance, and declaratory reliefs, subject to the court's discretion.[244] This is crucial for intellectual property, maritime, and matrimonial matters. Taxes, fines and penalties may remain excluded.[245]

6.3.5 Establishment of Specialized Enforcement Division

The Chief Judge of the Federal High Court should designate a special division or judges to handle recognition and enforcement applications expeditiously, with a 60-day timeline for determination.[246] This will reduce delay and abuse of interlocutory appeals. An appeal against registration should require leave and should not operate as a stay of execution unless security is deposited.[247]

6.3.6 Ratification of International Conventions and AfCFTA Protocol

Nigeria should ratify the Hague Convention on Choice of Court Agreements 2005[248] and the Hague Judgments Convention 2019[249] to join the global enforcement network. At the continental level, Nigeria should champion the adoption of a Protocol on Mutual Recognition and Enforcement of Judgments under AfCFTA, modeled on the Brussels I Recast, providing for automatic enforcement among African states.[250]

6.3.7 Capacity Building for Judges and Lawyers

The National Judicial Institute and the Nigerian Bar Association should organize continuous training on private international law, to ensure judges understand comity, modern jurisdictional bases (e.g., choice-of-court agreements), and restrictive interpretation of public policy.[251]

6.4 Conclusion

The free movement of judgments is the oil that lubricates international commerce.[252] A system that allows a creditor to obtain judgment in London or Johannesburg but makes it impossible to enforce where the debtor holds assets in Lagos is a system that encourages judgment evasion and undermines investor confidence.[253]

Nigeria's current regime, anchored on a 1922 colonial Ordinance and an unimplemented 1960 Act, is no longer fit for purpose. The challenges of limited reciprocity, short limitation, and discretionary leave, abuse of defences, delay, and exclusion of non-money judgments have been laid bare. Comparative lessons from the UK, US, and EU show that reform is not only possible but urgent.

If Nigeria is to reap the benefits of AfCFTA and retain its status as Africa's investment hub, it must modernize its private international law. Legislative reform, judicial efficiency, and international cooperation are the three pillars. It is time for Nigeria to

[238] Foreign Judgments (Reciprocal Enforcement) Act 1933 (UK), s 1(2)(a).
[239] Brussels I Recast (n 23) art 39.
[240] Uniform Act (n 17) s 6.
[241] Krombach (n 33).
[242] Owens Bank (n 31) 1103.
[243] Uniform Act (n 17) s 4.
[244] Cheshire, North and Fawcett (n 2) 14-040.
[245] Government of India (n 46).
[246] Federal High Court Act Cap F12 LFN 2004, s 13.
[247] Constitution (n 15) s 241; Court of Appeal Rules 2021, Order 4 r 11.
[248] Hague Choice of Court Convention 2005.
[249] Hague Judgments Convention 2019.
[250] AfCFTA Protocol on Dispute Settlement (n 37) art 5; Brussels I Recast (n 23) art 36.
[251] National Judicial Institute Act Cap N55 LFN 2004, s 3.
[252] Briggs (n 1) 1.01.
[253] World Bank (n 18) 4; Aduba (n 5) 106.

move from a colonial, protectionist regime to a modern, comity-driven, and investor-friendly system for recognition and enforcement of foreign judgments.

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5) Emmanuel Aduba, 'Conflict of Laws in Nigeria' (2005) 3 Nigerian Institute of Advanced Legal Studies Journal 88, 90.
6) ibid 89.
7) Godard v Gray (1870) LR 6 QB 139.
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12) Reciprocal Enforcement of Judgments Ordinance 1922, s 2.
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27) ibid.
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29) Aduba (n 5) 90.
30) AfCFTA (n 4) art 20.
31) Briggs (n 1) 14.01.
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34) ibid.
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36) Nouvion v Freeman (1889) 15 App Cas 1 (HL).
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48) ibid.
49) Hilton v Guyot 159 US 113 (1895) 163-164.
50) Briggs (n 1) 14.07.
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60) ibid.
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62) Abouloff v Oppenheimer (1882) 10 QBD 295 (CA).
63) Adams v Cape Industries Plc 1 All ER 929 (CA).
64) Oppenheimer v Cattermole 1 All ER 93 (HL).
65) Limitation Act 1966, s 8(1)(b).
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111) ibid s 5(1).
112) ibid s 3(1).
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114) ibid s 4(2)(b).
115) ibid s 4(2)(a).
116) ibid s 4(2)(a)(i).
117) ibid s 4(2)(a)(ii).
118) ibid s 4(2)(a)(iii).
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120) Law Reform Commission of Nigeria (n 26) 12; _Conoil_ (n 13) 432.
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208) Uniform Act (n 46) s 7.
209) Brussels I Recast (n 23).
210) Aduba (n 5) 93.
211) ibid art 39.
212) ibid art 42.
213) ibid art 45(1).
214) Case C-7/98 Krombach v Bamberski ECR I-01935.
215) Brussels I Recast (n 23) art 1(1).
216) ibid art 1(1).
217) AfCFTA (n 4) art 20.
218) Protocol to the AfCFTA on Rules and Procedures on the Settlement of Disputes 2020, art 5.
219) Aduba (n 5) 99.
220) Briggs (n 1) 14.20.
221) Law Reform Commission of Nigeria (n 26) 15.
222) Hague Judgments Convention 2019, art 1.(2000)
223) Aduba (n 5) 88.
224) ibid 96; AfCFTA (n 4) art 3.
225) Foreign Judgments (Reciprocal Enforcement) Act (n 4); Reciprocal Enforcement of Judgments Ordinance 1922; _Godard_ (n 7).
226) Foreign Judgments (Reciprocal Enforcement) Act (n 4) s 5(1); Law Reform Commission of Nigeria (n 26) 12.
227) Macaulay (n 26) 298; Aduba (n 5) 99.
228) Foreign Judgments (Reciprocal Enforcement) Act (n 4) s 3(1).
229) ibid s 3(2); Aduba (n 5) 102.
230) ibid s 4(2)(a); Marine (n 33).
231) Oppenheimer (n 34); Marine (n 33) 251.
232) Foreign Judgments (Reciprocal Enforcement) Act (n 4) s 2(1).
233) Foreign Judgments (Reciprocal Enforcement) Act 1933 (UK); Uniform Foreign-Country Money Judgments Recognition Act (2005); Brussels I Recast (n 23).
234) Aduba (n 5) 105.
235) Law Reform Commission of Nigeria (n 26) 15.
236) Foreign Judgments (Reciprocal Enforcement) Act (n 4) s 5(1).
237) Constitution of the Federal Republic of Nigeria 1999 (as amended), s 19(d).
238) Foreign Judgments (Reciprocal Enforcement) Act 1933 (UK), s 1(2)(a).
239) Brussels I Recast (n 23) art 39.
240) Uniform Act (n 17) s 6.
241) Krombach (n 33).
242) Owens Bank (n 31) 1103.
243) Uniform Act (n 17) s 4.
244) Cheshire, North and Fawcett (n 2) 14-040.
245) Government of India (n 46).
246) Federal High Court Act Cap F12 LFN 2004, s 13.
247) Constitution (n 15) s 241; Court of Appeal Rules 2021, Order 4 r 11.
248) Hague Choice of Court Convention 2005.
249) Hague Judgments Convention 2019.
250) AfCFTA Protocol on Dispute Settlement (n 37) art 5; Brussels I Recast (n 23) art 36.
251) National Judicial Institute Act Cap N55 LFN 2004, s 3.
252) Briggs (n 1) 1.01.
253) World Bank (n 18) 4; Aduba (n 5) 106.