
Current Law Cases

Scope foreign judgments; enforcement; recovery of Equitas premiums; Canada

Case **Society of Lloyd's** v Saunders _____

Court (CJ (Gen Div) (Ont)) Ontario Court of Justice (General Division)

Jurisdiction Can

Judgment March 7, 2000

Judges Swinton, J.

Reported [2001] I.L.Pr. 18

Abstract L applied for the registration in Canada of an English court order that S was liable to reimburse L for Equitas premiums due under a reconstruction and renewal plan. The plan had been instigated in 1996 following litigation between L and its Names. Those Names who did not accept the plan were nevertheless reinsured under it, the premiums being paid by L. L sought to recover the premiums from S, who had refused to join the plan, and was successful in the English court. In the instant application, S contended that registration of the order in the Canadian court would be contrary to natural justice and public policy on the ground that L had made fraudulent misrepresentations in recruiting S as a Name. Further, that the claim had already been settled in part as sums had been paid into escrow in England.

Held, allowing the application, that the issue of natural justice in cases such as this only related to procedure not to the substantive merits. S had had a proper opportunity to put his case before the English court and had been adequately represented, and England was the proper forum for disputes between L and its Names, *Ash v Lloyd's Corp* [1993] I.L.Pr. 330 applied. The public policy consideration of international comity took precedence. S had freely entered into an English contract with L and had been given sufficient and proper information before doing so. The judgment had not been settled in whole or in part as no money had yet been paid by S.

Subject Conflict of laws

Keywords Canada, Enforcement, Foreign judgments, Lloyds Names

Counsel Not specified

Solicitors Not specified

Cases cited *Ash v Lloyd's Corp* [1993] I.L.Pr. 330