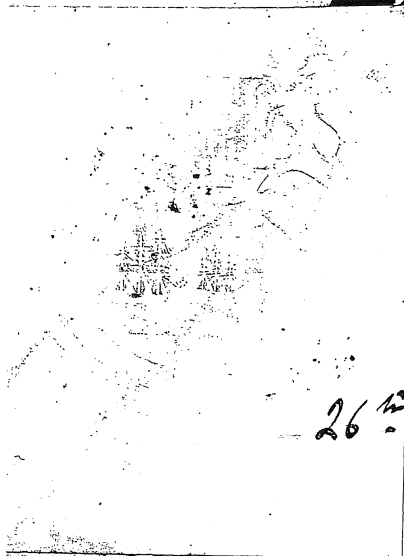


TRINIDAD AND TOBAGO.

No. 50.—1921.



I ASSENT,

J. W. Best

Acting Governor.

26th November, 1921.

AN ORDINANCE to make provision for the reciprocal enforcement in the Colony of Judgments of Courts of the United Kingdom and other parts of His Majesty's Dominions.

[By Proclamation.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Judgments Short title. Extension Ordinance, 1921.

2. In this Ordinance, unless the context otherwise requires, Interpretation. the term—

“ Judgment ” means any judgment or order given or made by a court in any civil proceedings, whether before or after the commencement of this Ordinance, whereby any sum of money is made payable, and includes an award in proceedings

[Price 3d.]

on an arbitration if the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place ;

“ Supreme Court ” means the Supreme Court of the Colony or a judge thereof ;

“ Original Court ” in relation to any judgment means the court by which the judgment was given ;

“ Registering Court ” in relation to any judgment means the court by which the judgment was registered ;

“ Judgment Creditor ” means the person by whom the judgment was obtained, and includes the successors and assigns of that person ;

“ Judgment Debtor ” means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable in the place where it was given.

Enforcement
in the Colony
of judgments
obtained in
superior courts
in the United
Kingdom.

3. Where a judgment has been obtained in a Superior Court in the United Kingdom the judgment creditor, on production of a certified copy of the judgment, may apply to the Supreme Court, at any time within twelve months after the date of the judgment, or such longer period as may be allowed by the Court, to have the judgment registered in the Court, and on any such application the Court may, if in all the circumstances of the case they think it is just and convenient that the judgment should be enforced in this Colony, and subject to the provisions of this Ordinance, order the judgment to be registered accordingly.

Judgments—
When not to
be registered.

4. No judgment shall be ordered to be registered under this Ordinance if—

- (a) the original court acted without jurisdiction ; or
- (b) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit or agree to submit to the jurisdiction of that court ; or

- (c) the judgment debtor, being the defendant in the proceedings, was not duly served with the process of the original court and did not appear, notwithstanding that he was ordinarily resident or was carrying on business within the jurisdiction of that court: or agreed to submit to the jurisdiction of that Court, or
- (d) the judgment was obtained by fraud; or
- (e) the judgment debtor satisfies the registering court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment; or
- (f) the judgment was in respect of a cause of action which for reasons of public policy or for some other similar reason could not have been entertained by the registering court.

5. Where a judgment is registered under this Ordinance— Effect of registration of judgments.

- (a) the judgment shall, as from the date of registration, be of the same force and effect, and proceedings may be taken thereon, as if it had been a judgment originally obtained or entered up on the date of registration in the registering court;
- (b) the registering court shall have the same control and jurisdiction over the judgment as it has over similar judgments given by itself, but in so far only as relates to execution under this Ordinance;
- (c) the reasonable costs of and incidental to the registration of the judgment (including the costs of obtaining a certified copy thereof from the original court and of the application for registration) shall be recoverable in like manner as if they were sums payable under the judgment.

6. In any action brought in the Supreme Court on any judgment which might be ordered to be registered under this Ordinance, the plaintiff shall not be entitled to recover any costs of the action unless an application to register the judgment under this Ordinance has previously been refused, or unless the Court otherwise orders. Actions brought on judgments which might have been registered.

Issue of certificates of judgment obtained in Supreme Court.

7. Where a judgment has been obtained in the Supreme Court against any person, the Court shall, on an application made by the judgment creditor and on proof that the judgment debtor is resident in the United Kingdom, issue to the judgment creditor a certified copy of the judgment.

Power to make rules of Court.

8. The Chief Justice, with the concurrence of a Puisne Judge, shall make Rules of Court to provide—

- (a) for service on the judgment debtor of notice of the registration of a judgment under this Ordinance; and
- (b) for enabling the registering Court on an application by the judgment debtor to set aside the registration of a judgment under this Ordinance on such terms as the Court thinks fit; and
- (c) for suspending the execution of a judgment registered under this Ordinance until the expiration of the period during which the judgment debtor may apply to have the registration set aside; and
- (d) generally for regulating the practice and procedure, (including scales of fees and evidence), in respect of proceedings of any kind under this Ordinance.

Approval of Rules of Court by Legislative Council.

9. Rules of Court made under this Ordinance shall not have any force or effect until they have been approved by the Governor and the Legislative Council, and when so approved shall have the same force and effect as if they were contained in an Ordinance, and may be disallowed by His Majesty in the same manner and with the same consequences as in the case of an Ordinance. Any such Rules approved as aforesaid shall, subject to disallowance by His Majesty, come into operation on the day appointed in such Rules in this behalf, or if no day is so appointed, on such day as the Governor by proclamation appoints.

Disallowance by His Majesty under this section shall take effect upon and from the day on which the proclamation notifying the same is published in the *Royal Gazette*, and shall not affect any proceedings taken before such publication.

10. This Ordinance shall come into operation on such day as may be fixed by the Governor by proclamation published in the *Royal Gazette*. Commence-
ment.

11.—(1.) Where the Governor is satisfied that reciprocal provisions have been made by the legislature of any part of His Majesty's dominions outside the United Kingdom for the enforcement within that part of His Majesty's dominions of judgments obtained in the Supreme Court, the Governor, in Executive Council may by proclamation published in the *Royal Gazette* declare that this Ordinance shall extend to judgments obtained in a Superior Court in that part of His Majesty's dominions in the like manner as it extends to judgments obtained in a Superior Court in the United Kingdom, and on any such proclamation being made this Ordinance shall extend accordingly. Extent of the
Ordinance.

(2.) For the purposes of this section the expression "part of His Majesty's dominions outside the United Kingdom" shall be deemed to include any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions.

(3.) Any such proclamation may be varied or revoked by the Governor in Executive Council.

Passed in Council this eighteenth day of November in the year of Our Lord one thousand nine hundred and twenty-one.


Clerk of the Council.