

LAWS OF TRINIDAD AND TOBAGO

DEBTORS ACT

CHAPTER 8:07

Act

37 of 1917

Amended by

11 of 1918

26 of 1936

45 of 1979

Current Authorised Pages

<i>Pages</i>	<i>Authorised</i>
<i>(inclusive)</i>	<i>by L.R.O.</i>
1-31	.. 1/2006

LAWS OF TRINIDAD AND TOBAGO

2

Chap. 8:07

Debtors

Index of Subsidiary Legislation

	<i>Page</i>
Debtors Rules (G. 31.5.1918; G. 4.7.1918; G. 25.8.1938; 45 of 1979) ...	8

CHAPTER 8:07

DEBTORS ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
 2. Interpretation.
 3. Abolition of imprisonment for debt with exceptions.
Limitation of imprisonment.
 4. Bankruptcy.
 5. Power of committal in certain cases.
Proof of means.
Chambers.
Instalments.
Imprisonment not to extinguish debt.
Discharge on payment.
 6. Rules.
-

CHAPTER 8:07

DEBTORS ACT

An Act relating to imprisonment for debt.

1950 Ed.
Ch. 6. No. 3.
37 of 1917.

Commencement.

[17TH DECEMBER 1917]

Short title.

1. This Act may be cited as the Debtors Act.

Interpretation.

2. In this Act “Civil Court” includes the High Court and any Petty Civil Court.

Abolition of imprisonment for debt with exceptions.

3. (1) Subject to the exceptions mentioned below, no person shall be arrested or imprisoned for making default in payment of a sum of money.

(2) There shall be exempted from the operation of subsection (1)—

- (a) default in payment of a penalty or sum in the nature of a penalty, other than a penalty in respect of any contract;
- (b) default in payment of any sum recovered summarily before a Magistrate not sitting as Judge of a Petty Civil Court, or before any Justice;
- (c) default by a trustee or person acting in a fiduciary capacity and ordered to pay by a Civil Court any sum in his possession or under his control;
- (d) default by an Attorney-at-law in payment of costs when ordered to pay costs for misconduct as such, or in payment of a sum of money when ordered to pay the same in his character of an officer of the High Court;
- (e) default in payment for the benefit of creditors of any portion of a salary or other income in respect of the payment of which any Court is authorised to make an order;

- (f) default in payment of sums in respect of the payment of which orders are authorised to be made under this Act,

but no person shall be imprisoned in any case excepted from the operation of this section for a longer period than one year; and nothing in this section shall alter the effect of any judgment or order of any Court for payment of money except as regards the arrest and imprisonment of the person making default in paying the money. Limitation of imprisonment.

4. Nothing in this Act shall in any way affect any right or power under any Act for the time being relating to bankruptcy to arrest or imprison any person. Bankruptcy.

5. (1) Subject to the provisions contained below and to the Rules made under this Act, any Civil Court may commit to the Port-of-Spain Prison for a term not exceeding six weeks or until payment of the sum due, any person who makes default in payment of any debt or instalment of any debt due from him in pursuance of any order or judgment of that or any other competent Civil Court but— Power of committal in certain cases. [45 of 1979].

- (a) the jurisdiction given by this section of committing a person to prison shall, in the case of a Petty Civil Court, be exercised only subject to the following restrictions:
- (i) by an order made in open Court and showing on its face the ground on which it is issued;
 - (ii) in respect of a judgment of the Court making the order, or in the case of a judgment of another Court, where the amount actually due does not exceed two thousand five hundred dollars or is reduced to that amount by abandonment of excess and the judgment debtor is resident within the district of the Court;

(iii) a summons to a judgment debtor residing out of the district of any such Court shall not issue for service without the leave of the Judge thereof;

(b) the jurisdiction shall only be exercised where it is proved to the satisfaction of the Court that the person making default has, or has had since the date of the order or judgment, the means to pay the sum in respect of which he has made default and has refused or neglected, or refuses or neglects, to pay the same.

Proof of means. (2) Proof of the means of the person making default may be given in such manner as the Court thinks just; and, for the purposes of such proof, the debtor and any witnesses may be summoned and examined on oath according to the Rules made under this Act.

Chambers. (3) Any jurisdiction by this section given to the High Court may be exercised by a Judge sitting in Chambers or otherwise in the prescribed manner.

Instalments. (4) For the purposes of this section, any Civil Court may direct any debt due from any person in pursuance of any order or judgment of that or any other competent Civil Court to be paid by instalments, and may from time to time rescind or vary the order.

Imprisonment not to extinguish debt. (5) No imprisonment under this section shall operate as a satisfaction or extinguishment of any debt or demand or cause of action, or deprive any person of any right to take out execution against the lands, goods or chattels of the person imprisoned in the same manner as if the imprisonment had not taken place.

Discharge on payment. (6) Any person imprisoned under this section shall be discharged out of custody upon a certificate signed in the prescribed manner to the effect that he has satisfied the debt or instalment of a debt in respect of which he was imprisoned together with the prescribed costs (if any).

6. The Rules Committee established by the Supreme Court of Judicature Act may make Rules of Court for the purpose of carrying out the provisions of this Act, and of fixing the fees payable in respect of all proceedings and matters under this Act, and of providing for any such other matters as are authorised by this Act to be prescribed.

Rules.
Ch. 4:01.

SUBSIDIARY LEGISLATION

DEBTORS RULES

ARRANGEMENT OF RULES

RULE

1. Citation.
2. Order of commitment.
3. Application.
4. Judgment summons.
5. Filing affidavit.
6. Issuing judgment summons.
7. Judgment debtor as witness.
8. Judgment debtor about to remove, etc.
9. Successive summons.
10. Hearing.
11. Non-appearance.
12. Hearing summons in Chambers.
13. Summoning witnesses.
14. Order of commitment.
15. Receiving order.
16. Filing affidavit.
17. Judgment debtor arrested.
18. Order of commitment not made.
19. Judgment or order given, etc.
20. Order for non-payment of money.
21. Prisoner delivered into custody.
22. Discharging prisoner.
23. Costs.
24. Costs due in pursuance of judgment.
25. Definition.
26. Leave of Judge to issue judgment summons.
27. Forms to be used.

LAWS OF TRINIDAD AND TOBAGO

Debtors

Chap. 8:07

9

Debtors Rules

[Subsidiary]

RULE

28. Fees.
29. Attorney's-at-law costs.

PETTY CIVIL COURTS

30. Petty Civil Courts.
31. Application.
32. Registrar.
33. Judgment summons issued out of Petty Civil Court.
34. Fees, costs of judgment summons.

SCHEDULE.

[Subsidiary]

G. 31.5.1918.
[4.7.1918
25.8.1938
45 of 1979].

DEBTORS RULES

made under section 6

Citation.

1. These Rules may be cited as the Debtors Rules.

Order of
commitment.

2. No order of commitment under the Act shall be made unless a summons to appear and be examined on oath has been personally served on the judgment debtor, which summons may be issued without the leave of the Court or a Judge.

Application.

3. An application by a judgment creditor for the issue of a judgment summons shall be grounded on an affidavit stating the judgment as obtained and the amount due thereon at the time of the application.

Judgment
summons.

4. Where a judgment has been given or an order made against two or more persons the person entitled to enforce the judgment or order may require a judgment summons to be issued against all or any one or more of the persons liable under the judgment or order.

Filing affidavit.

5. (1) Where a judgment or order is against a firm or against a person carrying on business in any name other than his own in such other name and the person entitled to enforce the judgment or order desires to do so by judgment summons against any person whom he alleges to be liable under the judgment or order as a partner in or a sole member of the firm, or as the person carrying on business in such other name he shall file an affidavit together with a copy thereof according to the form in the Schedule and thereupon a judgment summons may issue according to the form in the Schedule directed to the person alleged to be liable as mentioned above and there shall be annexed to the judgment summons and served therewith a copy of the affidavit sealed with the seal of the Court.

Form 1.
Schedule.

(2) If such person does not appear on the return day of the judgment summons he shall be deemed to admit his liability as

a partner in or the sole member of the firm or as the person carrying on business in such other names as mentioned above to pay the amount due and payable under the judgment or order. But if such person appears and denies his liability the Judge may decide the question on the evidence then before him or may order an issue to be stated and tried.

6. A judgment summons shall be according to the form in the Schedule and shall be issued not less than fourteen clear days and served not less than seven clear days before the day on which the judgment debtor is required to appear.

Issuing judgment summons. Form 2. Schedule.

7. A judgment summons shall, if at the time of the service thereof sufficient conduct money has been paid or tendered therewith, be deemed to be a summons for the attendance of a judgment debtor as a witness. A notice according to the Form 3 in the Schedule shall be printed at the foot or annexed to the summons. The affidavit of service shall state the fact of the tender and receipt or refusal as the case may be of the conduct money and a judgment debtor refusing or neglecting to attend the summons may be dealt with accordingly.

Judgment debtor as witness.

Form 3. Schedule.

8. Where the person applying for a judgment summons states to the Registrar that the judgment debtor is about to remove from his residence or place of business or is keeping out of the way to avoid service, the judgment summons may be issued and served at any time before the hearing but the Court or Judge shall dismiss a summons issued under this rule in the absence of the judgment debtor unless at the hearing the Judge is satisfied by evidence on oath that at the time of the application for the judgment summons such party was either about to remove from his residence or place of business or was keeping out of the way to avoid service; and also if it appears to the Court or a Judge that reasonable efforts have been made to effect personal service and either that the summons has come to the knowledge of the debtor or that he wilfully evades service, an order be made as if

Judgment debtor about to remove, etc.

LAWS OF TRINIDAD AND TOBAGO

12

Chap. 8:07

Debtors

[Subsidiary]

Debtors Rules

personal service had been effected upon such terms as the Judge may seem fit, or the Judge may order substituted service in such manner and on such terms as he thinks fit.

Successive
summons.

9. Where a judgment summons has not been served in due time, a successive summons may be issued without fee at any time within three months, but if the successive summons is not served in due time, no further successive summons shall be allowed, but a fresh summons may be issued on payment of the fee. Any successive or subsequent judgment summons may be served by such person as the Judge may direct and subject to such directions and conditions as to costs and otherwise as he deems fit.

Hearing.

10. The hearing of a judgment summons may by leave of a Judge be adjourned from time to time.

Non-
appearance.

11. In the case of the non-appearance of a judgment debtor on the day fixed for the hearing of the summons the Judge may, on being satisfied that the debtor has been duly served with the summons, proceed in his absence to dispose of the summons or may adjourn the hearing or make such order as he may think fit.

Hearing
summons In
Chambers.

12. Any Judge of the High Court may hear any such summons in Chambers when in his discretion he thinks fit to do so, but subject to such discretion the same shall be heard in Court.

Summoning
witnesses.

13. Witnesses may be summoned to prove the means of a judgment debtor in the same manner as witnesses are subpoenaed to give evidence upon the hearing of an action and the expenses of any person examined, whether summoned or not may be allowed in addition to the costs authorised hereby. Where the judgment debtor does not appear at the hearing or pays into Court the amount in payment of which he has made default, expenses paid to him with the judgment summons or with the summons to appear as a witness may if the Judge so directs be allowed as expenses of a witness and where the judgment debtor appears at the hearing expenses so paid to him may if the Judge so directs be allowed as expenses of a witness.

14. An order of commitment shall be according to Form 6 in the Schedule and shall on whatever day it may be issued bear date of the day on which the order for commitment was made, and shall if not executed remain in force for one year only, from and exclusive of such date unless renewed in manner provided below; but the Judge may at any time before or after the expiration of such year extend the time within which the order may be executed for any time not exceeding one year from the date on which it would otherwise have ceased to be in force and so on from time to time before or after the expiration of the last period of extension. An order of extension may be made either before or after the order of commitment is issued; and the fact of the order having been made shall be indorsed on the order of commitment according to the Form in the Schedule.

Order of
commitment.
Form 6.
Schedule.

15. Where upon the return day of a judgment summons the judgment debtor satisfies the Judge that a receiving order has been made for the protection of his estate or that he has been adjudicated bankrupt and that the debt was provable in the bankruptcy, no order of commitment shall be made.

Receiving order.

16. Where the judgment debtor after the making of an order of commitment against him files in the Court an affidavit according to the form in the Schedule that a receiving order has been made for the protection of his estate or that he has been adjudged a bankrupt and that the debt was provable in bankruptcy and forthwith on such affidavit being so filed gives notice to the judgment creditor of the filing thereof, the order of commitment shall not be issued and if issued and not executed it shall be recalled.

Filing affidavit.

Form 9.
Schedule.

17. Where a judgment debtor is arrested he may file an affidavit as mentioned in rule 16 and thereupon he shall be discharged out of custody upon the certificate of the Registrar who shall forthwith give notice to the judgment creditor of the discharge.

Judgment debtor
arrested.

18. (1) On the hearing of a judgment summons the Judge if he is of opinion that an order of commitment need not be made,

Order of
commitment not
made.

LAWS OF TRINIDAD AND TOBAGO

14

Chap. 8:07

Debtors

[Subsidiary]

Debtors Rules

may refuse to make an order or may make an order for payment of the amount remaining due and unpaid under the judgment or order either at a specified time or by instalments.

(2) If an order of commitment is made the Judge may direct the execution of the order to be suspended to enable the debtor to pay the amount in respect of the non-payment of which the order is made by instalments or otherwise.

Judgment or
order given, etc.

19. Where a judgment or order has been given or made for payment by instalments and an order of commitment is made in respect of the non-payment of one or more of the instalments before the whole of the instalments have become due, then, if the Judge orders the execution of the order of commitment to be suspended to enable the debtor to pay the amount in respect of the non-payment of which the order is made, by instalments or otherwise, he may, if he thinks fit, order that the judgment or order for payment of instalments shall also be suspended for so long as the execution of the order of commitment is suspended or for any less period. If the Judge makes such order as the last mentioned he may at any subsequent time order that the suspension of the judgment order for payment of instalments shall cease; and if the plaintiff withdraws or abandons the order of commitment, the suspension of the judgment or order for payment of instalments shall cease to operate on the withdrawal or abandonment.

Order for non-
payment of
money.

20. Where an order of commitment for non-payment of money is issued, the debtor may at any time before his body is delivered into custody of the Jailer pay to the Marshal the amount indorsed on the order as that on payment of which he may be discharged and on receiving the amount the Marshal shall discharge the debtor.

Prisoner
delivered into
custody.

21. Where a prisoner has been delivered into custody of the Jailer the sum indorsed on the order of commitment as that upon payment of which the prisoner may be discharged, may at any

time be paid into Court or to the Jailer in whose custody the prisoner is. Where payment is made to the Jailer he shall, upon payment to him of such amount together with costs sufficient to pay for transmitting such amount forthwith to Court, transmit such amount forthwith to the Marshal and he shall sign a certificate of the payment and discharge the prisoner and such costs of transmission shall be part of the prescribed costs.

22. Upon the judgment creditor lodging with the Registrar a request in writing according to the form in the Schedule that the judgment debtor if in prison may be discharged from custody, the Registrar shall issue a notice according to the form in the Schedule and transmit the same to the Jailer in whose custody the judgment debtor is and the Jailer shall upon receipt of the notice forthwith discharge the prisoner.

Discharging
prisoner.
Form.
Schedule.

23. If a judgment debtor appears on the return day but the judgment creditor fails to appear the Judge may award costs to the judgment debtor.

Costs.

24. Except as otherwise provided by these Rules all costs incurred by the judgment creditor in endeavouring to enforce a judgment or order shall be deemed to be due in pursuance of such judgment or order under section 5 of the Act unless a Court or Judge shall otherwise order.

Costs due in
pursuance of
judgment.

25. The word “Marshal” includes the Deputy Marshals of San Fernando and Tobago and his and their deputies and assistants.

Definition.

The word Registrar includes the Assistant Registrars of San Fernando and Tobago.

26. No judgment summons shall issue from the Registry in Port-of-Spain for service in Tobago or within the district of the San Fernando Registry except by leave of the Judge.

Leave of Judge
to issue
judgment
summons.

27. The forms in the Schedule with such variations as circumstances may require shall be used in all proceedings to which such forms respectively refer.

Forms to be
used.
Schedule.

LAWS OF TRINIDAD AND TOBAGO

16

Chap. 8:07

Debtors

[Subsidiary]

Debtors Rules

Fees.
[45 of 1979].

28. There shall be no taxation of costs on a debtor's summons but the following fees shall be taken and costs allowed in all cases in the High Court:

FEES					<i>Not</i>	<i>Exceeding</i>
					<i>Exceeding</i>	<i>Exceeding</i>
					\$500	\$500
Amount of debt and cost unpaid—						
For every summons	...	...	...	...	2.50	5.00
For every affidavit	...	...	...	...	1.00	1.00
For every certificate or notice	...	...	...	...	1.00	1.00
For every order of arrest	...	...	...	...	1.00	1.50

ATTORNEY'S-AT-LAW COSTS

Including appearance in Court and applying for and obtaining						
order of arrest	...	...	...	...	\$15.00	\$30.00
For every adjournment, if allowed by the Judge	...	...	...	...	5.00	10.00

On any notice of further hearing of a judgment summons, one-half of the above fees and costs set out in the first column shall be taken and charged where the arrears of instalments in respect of which the notice is issued do not exceed five hundred dollars, and half those in the second column where the arrears exceed five hundred dollars.

The fees in the High Court for service of summons by the Marshal shall be the same as those prescribed in the Rules of the Supreme Court and the fees for executing an order of arrest by the Marshal shall be as prescribed in the said Rules.

Attorney's-at-law costs.

29. The granting of costs of Attorneys-at-law shall be in the discretion of the Judge at the hearing who may in special cases increase the above allowance.

PETTY CIVIL COURTS

Petty Civil Courts.

30. The above Rules apply *mutatis mutandis* to proceedings in all Petty Civil Courts except rules 12, 26, 28 and 29.

Application.

31. Where leave is required under section 5(1)(a) (iii) for the issue of a judgment summons for service out of the district, the

LAWS OF TRINIDAD AND TOBAGO

Debtors

Chap. 8:07

17

Debtors Rules

[Subsidiary]

application for leave shall be made upon affidavit according to Form 14 in the Schedule, and leave shall not be granted unless the Judge is satisfied that the evidence offered by the affidavit, if uncontradicted, would justify the making of an order of commitment against the debtor. If leave is granted a copy of the affidavit shall be lodged with the Chief Clerk and annexed to the judgment summons and served therewith.

Form 14.
Schedule.

32. Wherever in the above Rules anything has to be done by the Registrar the same rule shall apply to the Petty Civil Court as if the words Clerk of the Court had been used instead of the word Registrar and wherever the word Marshal is used in the Rules the same rule shall apply in every case to a Petty Civil Court of which the Marshal is not the bailiff as if the word bailiff had been used in such rules instead of the word Marshal, and where the word subpoena is used as if the word summons had been used.

Registrar.

33. No judgment summons shall be issued out of any Petty Civil Court during the pending of any order of committal made on a previous judgment summons in respect of the same debt or (without the leave of the Judge to be obtained on sufficient grounds) within six months of the dismissal of any previous judgment summons in respect of the same debt or of the expiration of any term of imprisonment which the judgment debtor has actually undergone on a judgment summons in respect of the same debt.

Judgment
summons issued
out of Petty
Civil Court.

34. The fees and costs of a judgment summons in all Petty Civil Courts shall be as follows:

Fees, costs of
judgment
summons.
[45 of 1979].

COURT FEES

	\$
For issuing a judgment summons	1.00
For issuing an order of arrest	1.00
Application for the issue of a judgment summons out of the jurisdiction	.50
Service of a judgment summons on each debtor	1.50
On an order to arrest for each person to be arrested	5.00

In addition there shall be paid the ordinary travelling expenses of the Bailiff in taking a person arrested to the Jail.

LAWS OF TRINIDAD AND TOBAGO

18

Chap. 8:07

Debtors

[Subsidiary]

Debtors Rules

ATTORNEY'S-AT-LAW FEES

	<i>Not Exceeding \$500</i>	<i>Exceeding \$500</i>
Attorney's-at-law costs for issuing summons ...	1.00	2.00
Attorney's-at-law costs for hearing, including adjournments unless otherwise ordered ...	2.00	5.00
Special costs of any adjournment may be granted in addition not exceeding	1.50	3.00

SCHEDULE

DEBTORS ACT

FORM 1

Rule 5(1).

No.

In the
Between Plaintiff,
and Defendant.
I make oath and say as follows:

- 1. I did on the day of 20....., in this Court recover against the above-named Defendant (Plaintiff) a judgment (or order) for the sum of \$ (and costs).
2. There is now due on the said judgment (or order) (and costs) the sum of \$ Sworn, etc.

FORM 2

Rule 6.

No.

In the
Between Plaintiff,
and Defendant.

Whereas the Plaintiff obtained a judgment (or order) against the defendant in the on the day offor the sum of \$ with costs and there is now due and payable upon the said Judgment (or order) the sum of \$ with \$ for costs.

You are hereby summoned to appear personally at on the day of at o'clock to be examined on oath by the Court touching the means you have, or have had since the date of the Judgment (or order) to pay the said sum in payment of which you have made default. And also to show cause why you should not be committed to prison for such default.

Dated this day of 20..... .

Registrar

\$

Table with 2 columns: Description and Amount. Rows include: Amount of Judgment or order remaining, Costs of this summons, Total sum due.

LAWS OF TRINIDAD AND TOBAGO

20

Chap. 8:07

Debtors

[Subsidiary]

Debtors Rules

Rule 7.

FORM 3

In default of your attendance you will, if at the time of the service of this summons on you payment of your expenses is made, be liable to be dealt with as guilty of contempt of Court.

FORM 4

Affidavit to obtain issue of judgment summons on judgment or order against a firm or person carrying on business in a name other than his own.

No.

In the matter

Between Plaintiff, and Defendants.

I the above-named plaintiff make oath and say as follows:

1. On the day of 20...., in this Court I recovered against the above-named defendants a judgment (or order) for the sum of (and costs) and there is now due and payable under the said judgment (or order) the sum of \$

2. I allege that of is liable as a partner in (or the sole member of) the said firm of (or as the person carrying on business on his own behalf in the name of) to pay the sum payable under the said judgment (or order) and I make this allegation on the following grounds:

(i) That the said has admitted before the Court in the proceedings in which the said judgment (or order) was obtained that he was a partner in (or the sole member of) the said firm of (or the person carrying on business on his own behalf in the name of) at the time of the accruing of the cause of action (or has been adjudged in the proceedings in which the said judgment (or order) was obtained to be liable as a partner in (or the sole member of) the said firm of or the person carrying on business on his own behalf in the name of);

(ii) that the said was individually served as a partner in (or the sole member of) the said firm of (or as the person carrying on business on his own behalf in the name of) with the summons in the action in which the said judgment (or order) was obtained and failed to appear at the trial;

(iii) state any other grounds on which the person against whom the Judgment summons is sought is alleged to be liable with the deponents sources of information and grounds of belief.

3. I verily believe that the said is well able to pay the said sum of \$ now due and payable under the said judgment (or order).

4. I apply for the issue of a judgment summons against the said in respect of the non-payment of the said sum of \$

Sworn, etc.:

FORM 5

JUDGMENT—SUMMONS ON JUDGMENT OR ORDER AGAINST A FIRM, OR A PERSON CARRYING ON BUSINESS IN A NAME OTHER THAN HIS OWN

DEBTORS ACT

No. of Judgment Summons

No.

In the Between and (a) of To (b)

Address, description. (a) State name, address, and description as in the original summons, with any amendment made by the Court. (b) State the name, address and description of one of the persons alleged to be partners in the firm against whom the judgment or order was obtained, or the person alleged to be the sole member thereof, or of the person alleged to be carrying on business in a name other than his own.

Whereas the plaintiff obtained judgment (or an order) against the defendants by and in the name of (a) on the day of 20....., for the sum of (and costs) and there is now due and payable under the said judgment (or order) from the said (a) to the said plaintiff the sum of \$

And whereas the said plaintiff has filed an affidavit in this Court, a copy whereof is hereunto annexed, wherein it is alleged that you the above-named are liable as one of the partners in (or the sole member of) the said firm of (a) (or as the person carrying on business on your own behalf in the name of (a)) to pay the sum payable under the said judgment (or order).

You are therefore hereby summoned to appear personally in this Court, at (place where Court holden) on day of 20....., at the hour of in the noon, to be examined on oath by the Court touching the means you have or have had since the date of the said judgment (or order) to pay the said sum of \$ now due and payable under the said judgment (or order); and also to show cause why you should not be committed to prison for default in payment of the said sum, or why a receiving order should not be made against you pursuant to section 98 of the Bankruptcy Act.

And take notice, that if you deny that you are liable as one of the partners in (or the sole member of) the said firm of (a) (or as the person carrying on business on your own behalf in the name of (a)) to pay the sum payable under the said judgment (or order) you must appear at this Court on the day and at the hour above-mentioned, and that in default of your so appearing you will be deemed to admit your liability as mentioned above to pay the amount due and payable under the said judgment (or order).

Dated this day of 20..... .

..... Registrar

Table with 2 columns: Description and Amount. Rows include: Amount remaining due under Judgment (or order) ... \$, Costs of this Summons ... \$, Total sum due ... \$

LAWS OF TRINIDAD AND TOBAGO

22

Chap. 8:07

Debtors

[Subsidiary]

Debtors Rules

Rule 14.

FORM 6

DEBTORS ACT

No.

In the
Between Plaintiff,
and Defendant.

To the Marshal or his deputies or Assistants (or to the Bailiff of the Court
of) and to the Keeper of the Port-of-Spain Prison.

Whereas the plaintiff (defendant) obtained a Judgment (or order) against the
in the Court on the day of for
the payment of \$ for debt or damages and costs, payable by instalments as
follows, namely: and subsequent cost have been incurred in
pursuance thereof amounting to \$

And whereas the has made default in payment of \$
payable in pursuance of the said judgment (or order).

And whereas a Judgment Summons was at the instance of the plaintiff (defendant)
duly issued out of this Court by which the defendant (plaintiff) was required to appear
personally at this Court on the day of to be examined
on oath touching the means he had then or had since the date of the judgment (or order)
to satisfy the sum then due and payable in pursuance of the judgment (or order) and to
show cause why he should not be committed to prison for such default, which summons
has been proved to this Court (or the Judge) to have been personally and duly served on
the Defendant (Plaintiff).

And whereas at the hearing of the said Judgment Summons it was ordered that the
defendant (plaintiff) do pay the sum of \$ by instalments as
follows, namely: and the further hearing of the said
summons was adjourned.

And whereas at the (further) hearing of the said Judgment Summons it has now been
proved to the satisfaction of the Court (or Judge) that the defendant (plaintiff) now has
[or has had since the date of the judgment (or order)] the means to pay the sum then due
and payable in pursuance of the judgment (or order) (or one of such instalments as
aforesaid) or part thereof, and has refused (or neglected) (or then refused or neglected)
to pay the same and the defendant (plaintiff) has shown no cause why he should not be
committed to prison.

Now, therefore, it is ordered that for such default as mentioned above the plaintiff
(defendant) shall be committed to prison for days unless he shall sooner
pay the sum stated below as that upon the payment of which he is to be discharged.

LAWS OF TRINIDAD AND TOBAGO

Debtors

Chap. 8:07

23

Debtors Rules

[Subsidiary]

These are therefore to require you the said Marshal (or bailiff), Deputies, Assistants or others to take the plaintiff (defendant) and to deliver him to the Keeper of the Port-of-Spain Prison, and you the said Keeper of the Port-of-Spain Prison to receive the plaintiff (defendant) and him safely keep in the said Prison for days from the arrest under this order or until he shall sooner be discharged by due course of law.

Dated this day of 20.....

.....
Registrar

This order remains in force but for one year from the date thereof unless such time is extended under rule 9 of the Debtors Rules.

(The time during which this order is to remain in force was on the day of extended by order of the Judge to the day of).

FORM 7

ORDER OF COMMITMENT ON A JUDGMENT SUMMONS ON A JUDGMENT OR ORDER AGAINST A FIRM, OR A PERSON CARRYING ON BUSINESS IN A NAME OTHER THAN HIS OWN

DEBTORS ACT

No. of Judgment Summons

No.

In the

Between Plaintiff, and Defendants.

(a) State name, address and description, as in the original summons, with any amendment made by the Courts.

(a)

To the Marshal or his Deputies or Assistants (or to the bailiff of the Petty Civil Court of) said Court, and to the Keeper of the Port-of-Spain Prison.

(b) State the name, address and description of one of the persons alleged to be partners in the firm against whom the judgment or order was obtained, or of the person alleged to be the sole member thereof or of the person alleged to be carrying on business in a name other than his own.

Whereas the plaintiff obtained a judgment (or an order) against the defendants by and in the name of above described in this Court on the day of 20..... , for the sum of \$ (and costs), and there is now due and payable under the said judgment (or order) from the said defendants to the said plaintiff the sum of \$

And whereas the said plaintiff having filed an affidavit in this Court, wherein it was alleged that (b) was liable as one of the partners in (or the sole member of) the said firm of (or as the person carrying on business on his own behalf in the name of) to pay the sum payable under the said judgment (or order) a summons was, at the instance of the said plaintiff, duly issued out of this Court, by which the said was required to appear personally at this Court on the day of 20..... , to be examined on oath touching the means he had then or had had since the date of the said judgment (or order) to pay the sum due and payable under the said judgment (or order), and also to show cause why he should not be committed to prison for default in payment of the said sum and notice was thereby given to the said that if he denied that he was liable as one of the partners in (or the sole member of) the said firm of (or as the person carrying on business on his own behalf in the name of.....) to pay the sum payable under the said judgment (or order) he must appear in this Court on the day above mentioned, and that in default of his so appearing he would be deemed to admit his liability as aforesaid to pay the amount due under the said Judgment (or order).

And whereas the said summons came on for hearing this day, and the said summons has been proved to this Court to have been personally and duly served on the said

And whereas the said did not appear at the hearing of the said summons:

[or And whereas the said appeared at the hearing of the said summons and admitted his liability as one of the partners in (or the sole member of) the

LAWS OF TRINIDAD AND TOBAGO

Debtors

Chap. 8:07

25

Debtors Rules

[Subsidiary]

firm of (or as the person carrying on business on his own behalf in the name of) to pay the sum payable under the said Judgment (or order)]:

[or And whereas the said appeared at the hearing of the said summons, and denied that he was liable as one of the partners in (or the sole member of) the said firm of (or as the person carrying on business on his own behalf in the name of) to pay the sum payable under the said judgment (or order), but proof has been made to the satisfaction of the Court that the said is liable as one of the partners in (or the sole member of) the said firm of (or as the person carrying on business on his own behalf in the name of) to pay the said sum]:

And whereas at the hearing of the said summons it has now been proved to the satisfaction of the Court that the said now has (or has had since the date of the said judgment (or order), the means to pay the sum due and payable under the said judgment (or order), and refuses or neglects) (or has refused or neglected) to pay the same, and the said has shown no cause why he should not be committed to prison:

Now, therefore, it is ordered that for such default as mentioned above the said shall be committed to prison for days, unless he shall sooner pay the sum stated below as that upon payment of which he is to be discharged.

These are therefore to require you the said Marshal (or bailiff), deputies, assistants or others, to take the said and to deliver him to the Keeper of the Port-of-Spain Prison, and you the said Keeper to receive the said and him safely keep in the said Prison for days from the arrest under this order, or until he shall be sooner discharged by due course of law.

Given under the Seal of the Court, this (insert date of order) day of 20.....

	..... <i>Registrar</i>
Amount	
\$	
Amount remaining due under judgment (or order) at time of issue of judgment summons	... ..
Fees and costs on issue on hearing of judgment summons	... ..
Deduct amount paid into Court since issue of judgment summons	... ..
Poundage on this order	... ..
Sum on payment of which the debtor is to be discharged	... ..

This order remains in force for one year only from the hereof, unless such time is extended under rule 9.

And when so ordered: The time during which this order is to remain in force was on the day of extended by order of the Judge to the day of 20.....

.....
Registrar

LAWS OF TRINIDAD AND TOBAGO

26

Chap. 8:07

Debtors

[Subsidiary]

Debtors Rules

FORM 8

NOTICE TO DEBTOR WHERE ORDER OF COMMITMENT MADE, BUT DIRECTED TO BE SUSPENDED

DEBTORS ACT

No. of Judgment Summons

No.

In the
Between Plaintiff,
and Defendant.

Take notice, that an order of commitment for your imprisonment for days was this day made by the Judge of this Court.

The order will not be put in force if the sum stated below be paid into Court on or before the day of 20....., (or by instalments of \$ for every days, the first payment to be made on the day of 20.....).

In default of payment within the time above-mentioned (or of any instalment) an order may issue for your imprisonment for the period above mentioned unless you shall sooner pay the whole amount remaining due under the said order.

Dated this day of 20.....

.....
Registrar

\$

Amount payable under the order
To the judgment debtor (naming him)

FORM 9

AFFIDAVIT UNDER RULE 16

DEBTORS ACT

In the
Between Plaintiff,
and Defendant.

I C.D., of make oath and say—

1. That under the Debtors Act an order for commitment was made by the above Court (or the Petty Civil Court holden at), for making default in payment of \$ due from me in pursuance of a judgment (or an order) of the (here insert the Court in which the judgment was given or made.)

2. That on the day of 20....., I was adjudicated a bankrupt by the (here insert the Court by which adjudication was made)..... [or That on the day of 20....., a receiving order was made for the protection of my estate by the (here insert the Court by which the receiving order was made)].

3. That the receiving order (or the order of adjudication) was published in the Gazette on the day of 20.....

4. That the debt in respect of which the above judgment (or order) was given (or made) was provable under the bankruptcy.

.....
Defendant

LAWS OF TRINIDAD AND TOBAGO

28

Chap. 8:07

Debtors

[Subsidiary]

Debtors Rules

FORM 10

CERTIFICATE BY REGISTRAR FOR DISCHARGE OF JUDGMENT DEBTOR

DEBTORS ACT

In the ... Between ... Plaintiff, and ... Defendant.

I hereby certify that the defendant who was committed to your custody by virtue of an order of commitment under the seal of this Court (or the Petty Civil Court of ... holden at ...) bearing date the ... day of ... 20...., has filed an affidavit in this Court, stating that [here insert statement in affidavit], and that the defendant may, in respect of such order, be forthwith discharged out of your custody.

Given under the Seal of the Court this ... day of ... 20....

Registrar

To the Keeper of the Port-of-Spain Prison.

CERTIFICATE OF PAYMENT BY A PRISONER

DEBTORS ACT

No. ... Between ... Plaintiff, and ... Defendant.

I hereby certify that the defendant who was committed to your (or my) custody by virtue of an order of commitment under the Seal of this Court bearing date the ... day of ... has paid and satisfied the sum of money for the non-payment whereof he was so committed, together with all costs due and payable by him in respect thereof, and that the defendant may in respect of such order be forthwith discharged out of your custody (or has in respect of such order been discharged out of my custody).

Given under the Seal of the Court (or dated) this ... day of ... 20....

Registrar (or Keeper of the Port-of-Spain Prison)

To the Keeper of the Port-of-Spain Prison.

FORM 11

CERTIFICATE OF PAYMENT BY A PRISONER

DEBTORS ACT

In the
Between Plaintiff,
and Defendant.

I hereby certify that the defendant, who was committed to my (or your) custody by virtue of an order of commitment under the Seal of this Court (or of the Petty Civil Court of holden at) bearing date the day of 20..... , has paid and satisfied the sum of money for the non-payment whereof he was so committed, together with all costs due and payable by him in respect thereof; (add, where the certificate is sent by the Registrar, and that the defendant may, in respect of such order, be forthwith discharged out of your custody).

Dated (or given under the Seal of the Court) this day of20.....

.....
Registrar
Keeper of the Port-of-Spain Prison (or Registrar)

To the Keeper of the Port-of-Spain Prison.

FORM 12

REQUEST BY CREDITOR FOR DISCHARGE OF PRISONER

DEBTORS ACT

In the
Between Plaintiff,
and Defendant.

I, the undersigned A.B., the plaintiff in this action, request that the defendant C.D., if still in custody, may be discharged.

.....
Plaintiff

To the Registrar.

LAWS OF TRINIDAD AND TOBAGO

30

Chap. 8:07

Debtors

[Subsidiary]

Debtors Rules

FORM 13

CERTIFICATE FOR DISCHARGE OF PRISONER AT REQUEST OF CREDITOR

DEBTORS ACT

In the
Between Plaintiff,
and Defendant.

I hereby certify that C.D., who was committed to your custody by virtue of an order of commitment under the seal of this Court (or of the Petty Civil Court of holden at) bearing date the day of 20..... , may in respect of such order, be forthwith discharged out of your custody.

Registrar

To the Keeper of the Port-of-Spain Prison.

FORM 14

Rule 31.

AFFIDAVIT FOR LEAVE TO ISSUE JUDGMENT SUMMONS AGAINST DEFENDANT OUT OF THE DISTRICT

No. of Plaintiff

In the District Court of

Between Plaintiff, and Defendant.

I (a) of (a) the above-named plaintiff, (a) State name, residence and occupation. (or, I, (a) of (a)) make oath and say as follows:

1. On the day of 20....., I (.....) obtained judgment (or an order) in this Court for the sum of \$ (or for \$ including costs) against the above-named defendant (or plaintiff) and the same (or \$ part thereof) is still unsatisfied (and instalments of are now in arrear).

2. The said defendant (b) (or plaintiff) was at the date of the issue of the summons in the district in which the said judgment (or order) was obtained living (or carrying on business) at within the district of this Court (or out of the district of this Court as the case may be). (b) If there are more defendants than one, name the defendant against whom plaintiff desires to proceed. If a master (c) State what. (d) State where, and any circumstances showing that the business is profitable or that he has means to pay. If a workman (e) State the name and place of business of his employer, if known. (f) Or, if these facts are not known, state that the deponent does not know them.

3. The said defendant now lives at in a house, (or shop) apparently of the yearly rent or value of \$

4. The said defendant carries on the business of a (c) in a (c) at (d) (or 4. The said defendant is now employed as a at (e) and earns per week).

5. The said defendant is unmarried (or is married and has children, of whom work and earn wages) (f).

6. I apply to the Court for leave to issue a judgment summons against the said defendant in respect of the non-payment of the said sum of remaining unsatisfied and in arrear as above mentioned.

Sworn at in the County of this day of two thousand and, Before me,

(Order to be placed at foot of affidavit.)

I do hereby order that the above-named (.....) be at liberty to issue a judgment summons out of this Court against the above-named

Judge