

CHAPTER 5. No. 9.

JUDGMENTS EXTENSION.

Ordinance
Cap. 61-1925.

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.

Commencement.

[1st April, 1922.]

Short title.

1. This Ordinance may be cited as the Judgments Extension Ordinance.

Interpreta-
tion.

2. In this Ordinance—

“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 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;

“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;

“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;

“Supreme Court” means the Supreme Court or a Judge thereof.

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 it thinks it is just and convenient that the judgment should be enforced in the Colony, and subject to the provisions of this Ordinance, order the judgment to be registered accordingly.

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

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

Judgments—when not to be registered.

(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—

(a) the judgment shall, as from the date of registration, be of the same force and effect, and proceedings may be

Effect of registration of judgments.

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.

Actions brought on judgments which might have been registered.

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.

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. (1) 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.

(2) The provisions of section 43 of the Judicature Ordinance shall apply to such rules in the same manner as they apply to rules of court made under that Ordinance. Cap. 61-1925,
s. 9.

9. (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 Council may, by proclamation, 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 (a). Power to
extend
Ordinance to
any part of
His Majesty's
dominions.
Cap. 61-1925,
s. 10.

(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.

(a) This Ordinance has been extended to judgments obtained in British Guiana, Grenada, St. Vincent, St. Lucia, Barbados, Leeward Islands, Bahamas, Jamaica, Nigeria, and New South Wales.