

JUDGMENTS EXTENSION ACT

CHAPTER 5:02

Act
50 of 1921
Amended by
41 of 1966

Current Authorised Pages

<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
1-10	..

Index of Subsidiary Legislation

	<i>Page</i>
Judgments Extension Order 	8

CHAPTER 5:02

JUDGMENTS EXTENSION ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
 2. Interpretation.
 3. Enforcement in Trinidad and Tobago of judgments obtained in superior Courts in the United Kingdom.
 4. Judgments—when not to be registered.
 5. Effect of registration of judgments.
 6. Actions brought on judgments which might have been registered.
 7. Issue of certificates of judgment obtained in High Court.
 8. Power to make Rules of Court.
 9. Power to extend Act to any Commonwealth country.
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CHAPTER 5:02

JUDGMENTS EXTENSION ACT

1950 Ed.
Ch. 5 No. 9.
50 of 1921.

An Act to make provision for the reciprocal enforcement in Trinidad and Tobago of judgments of Courts of the United Kingdom and other Commonwealth countries.

Commencement.

[1ST APRIL 1922]

Short title.

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

Interpretation.
[41 of 1966].

2. In this Act—

“judgment” means any judgment or order given or made by a Court in any civil proceedings, whether before or after the commencement of this Act 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.

Enforcement in Trinidad and Tobago 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 High 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 Trinidad and Tobago and subject to this Act, order the judgment to be registered accordingly.

4. No judgment shall be ordered to be registered under this Act if— Judgments—
when not to be
registered.

- (a) the original Court acted without jurisdiction;
- (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;
- (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;
- (d) the judgment was obtained by fraud;
- (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;
- (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 Act— 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 Act;
- (c) the reasonable costs of and incidental to the registration of the judgment (including the costs of obtaining a certified copy of the judgment from the original Court and of the application for registration) shall be recoverable in like manner as if they were sums payable under the judgement.

Actions brought on judgments which might have been registered.

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

Issue of certificates of judgment obtained in High Court.

7. Where a judgment has been obtained in the High 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. [41 of 1966]. Ch. 4:01.

8. The Rules Committee established by the Supreme Court of Judicature Act shall make Rules of Court to provide—

- (a) for service on the judgment debtor of notice of the registration of a judgment under this Act;
- (b) for enabling the registering Court, on an application by the judgment debtor, to set aside the registration of a judgment under this Act on such terms as the Court thinks fit;
- (c) for suspending the execution of a judgment registered under this Act until the expiration of the period during which the judgment debtor may apply to have the registration set aside;

(d) generally, for regulating the practice and procedure, including scales of fees and evidence, in respect of proceedings of any kind under this Act.

9. (1) Where the President is satisfied that reciprocal provisions have been made by the Legislature of any Commonwealth country other than the United Kingdom for the enforcement within that Commonwealth country of judgments obtained in the High Court, the President may by Order direct—

Power to extend Act to any Commonwealth country. [41 of 1966].

- (a) that this Act shall extend to the Commonwealth country; and
- (b) that such Courts of that Commonwealth country as are specified in the Order shall be deemed superior Courts of that country for the purposes of this Act.

(2) On an Order being made under subsection (1), the provisions of this Act shall apply in the same manner to the Commonwealth country and to judgments obtained in a superior Court of that country specified in the Order as they apply to the United Kingdom and to judgments obtained in a superior Court in the United Kingdom.

SUBSIDIARY LEGISLATION

JUDGMENTS EXTENSION ORDER

made under section 9

- Citation. **1.** This Order may be cited as the Judgments Extension Order.
- Application. **2.** The Judgments Extension Act has been extended to the Commonwealth countries mentioned in the Schedule.
- Courts in which judgment obtained. **3.** The Courts mentioned in the second column of the Schedule shall be deemed to be superior Courts of the countries mentioned in the first column of the said Schedule.

SCHEDULE

PART A

**COMMONWEALTH COUNTRIES WITHIN
THE WEST INDIES**

<i>Name of Country</i>	<i>Court in which Judgment is obtained</i>	<i>Reference</i>
Guyana	Supreme Court of Guyana	Proc. No. 28 of 1922
Grenada	Supreme Court of Grenada	Proc. No. 35 of 1922
St. Vincent	Supreme Court of St. Vincent	Proc. No. 38 of 1922
Barbados	Supreme Court of Barbados	Proc. No. 53 of 1922
Leeward Islands	Supreme Court of the Leeward Islands	Proc. No. 43 of 1924
St. Lucia	Supreme Court of St. Lucia	Proc. No. 48 of 1924
Bahamas	Supreme Court of the Bahamas	Proc. No. 56 of 1924
Jamaica	Supreme Court of Jamaica	Proc. No. 24 of 1925

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PART B
COMMONWEALTH COUNTRIES OUTSIDE
THE WEST INDIES

<i>Name of Country</i>	<i>Court in which Judgment is obtained</i>	<i>Reference</i>
AUSTRALIA		
(a) <i>States of Australia</i>		
(a) New South Wales	Supreme Court of New South Wales	Proc. No. 4 of 1926
(b) The State of Queensland	Supreme Court of the State of Queensland	Proc. No. 14 of 1959 (GN 63/1959)
(c) The State of Tasmania	Supreme Court of the State of Tasmania	Proc. No. 15 of 1959 (GN 64/1959)
(d) State of Western Australia	Supreme Court of the State of Western Australia	Proc. No. 16 of 1959 (GN 65/1959)
(e) State of Victoria	Supreme Court of the State of Victoria	Proc. No. 17 of 1959 (GN 66/1959)
(f) State of South Australia	Supreme Court of the State of South Australia	Proc. No. 5 of 1960 (GN 58/1960)
(b) <i>Territories Administered by Australia</i>		
(a) Papua and New Guinea	Supreme Court of Papua and New Guinea	GN 65/1968
(b) Norfolk Island	Supreme Court of Norfolk Island	GN 65/1968
(c) Cocos (Keeling) Islands and Christmas Island	The High Court of Singapore	GN 65/1968
Nigeria... ..	Supreme Court of Nigeria— or Any High Court or The Federal Supreme Court of Nigeria	Proc. No. 27 of 1925 Proc. No. 15 of 1957 (GN 111/1957)

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10

Chap. 5:02

Judgments Extension

[Subsidiary]

Judgments Extension Order

<i>Name of Country</i>	<i>Court in which Judgment is obtained</i>	<i>Reference</i>
India	... (a) The Supreme Court of India (located in New Delhi) (b) all High Courts (c) all District Courts (d) the City Civil Courts of Bombay (e) the City Civil Courts of Calcutta (f) the City Civil Courts of Madras (g) all Judicial Commissioners' Courts; and (h) all other Courts where civil jurisdiction is subject to no pecuniary limit.	GN 142/1969

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