

CHAPTER 27.

JUDGMENTS EXTENSION.

Extension of Ordinance.

ORDERS IN COUNCIL

made under section 6.

The judgments Extension Ordinance shall extend to judgments obtained in the Supreme Courts in those parts of Her Majesty's dominions named in the schedule hereto, in like manner as it extends to judgments obtained in a superior court in the United Kingdom.

SCHEDULE.

<i>Part of Her Majesty's Dominions.</i>	<i>Date of Order in Council.</i>
Trinidad and Tobago	20th July, 1922.
Grenada	22nd Aug., 1922.
St. Lucia	19th Sept., 1922.
Barbados	7th Nov., 1922.
Leeward Islands	7th Nov., 1922.
British Honduras	13th Feb., 1923.
Jamaica	7th April, 1924.
Bermuda	31st Oct., 1924.
Nigeria	31st Oct., 1924.
St. Vincent	28th Nov., 1924.
Bahamas	7th Mar. 1925.
New South Wales	18th Aug., 1925.

RULES OF COURT.

ARRANGEMENT OF RULES.

RULE.

1. Interpretation.
2. The application.
3. The affidavit.
4. Title of affidavit and motion.
5. Service of notice of motion.
6. The order. Service of.
7. Form of order.
8. Form of register of judgments.
9. Notice of registration.
10. Endorsement of service on notice of registration.
11. Application to set aside registration.
12. Execution on registered judgment.
13. Application under section 4 of the Ordinance.
14. Fees.
15. Short title.

APPENDIX

RULES OF COURT

made by the Judges and approved by the Governor and Court of Policy on the 18th May, 1925.

Rules of Court, 18th May, 1925.

Interpretation.

1. In these rules—

“ the Ordinance ” means the Judgments Extension Ordinance;

“ judgment ” means a judgment obtained in a superior court of record in the United Kingdom or in any part of Her Majesty’s dominions outside the United Kingdom to which the Ordinance extends;

“ the order ” means an order for registration of that judgment;

“ registration ” means registration under the Ordinance of that judgment in the Supreme Court;

“ execution ” means execution issued on that judgment;

“ the Registrar ” means the Registrar of the Supreme Court.

The application.

2. Any application under section 3 (1) of the Ordinance for the order shall be made to a judge by motion *ex parte*, or on notice of motion, and if the application is made *ex parte*, the judge to whom it is made may direct it to be made on notice.

The affidavit.

3. (1) The application shall be supported by an affidavit of the facts, exhibiting the judgment, or a verified, or certified, or otherwise duly authenticated copy thereof, and stating that, to the best of the information and belief of the deponent the judgment creditor is entitled to enforce the judgment and the judgment does not fall within any of the cases in which, under section 3 (2) of the Ordinance, a judgment cannot properly be ordered to be registered.

(2) The affidavit must also, so far as the deponent can, give the full name, title, trade or business and usual or last known place of abode or business of the judgment creditor and judgment debtor respectively.

Title of affidavit and motion.

4. The affidavit and motion must be intituled—

In the matter of the Judgments Extension Ordinance.

And in the matter of a judgment of the.....

(describing the court) obtained in.....

(describing the cause or matter) and dated the.....

day of19.....

5. The notice of motion (if any) for the order shall (unless otherwise ordered by a judge) be served personally as in the case of a writ of summons. Service of notice of motion.

6. The order shall be drawn up by or on behalf of the judgment creditor and when made on notice of motion shall be served on the judgment debtor, but where the order is made on an *ex parte* application no service of it on the judgment debtor is required. The order.
Service of.

7. (1) The order shall state the time within which the judgment debtor is to be entitled to apply to set aside the registration, which, when the judgment debtor is, or is ordinarily resident, within the jurisdiction of the Supreme Court, shall usually be fourteen days. Form of order.

(2) When the judgment debtor is, or is ordinarily resident, at a place out of the jurisdiction of the Supreme Court, the time shall depend on the distance of that place from Georgetown and the postal facilities between it and Georgetown, and shall usually be the same as that limited for entering appearance after service out of the jurisdiction of a writ of summons or notice thereof.

8. (1) The register of judgments ordered to be registered shall be kept in the registry of the Supreme Court in Georgetown by or under the direction of the Registrar, and every judgment shall be registered in accordance with the order. Form of register of judgments.

(2) The register shall be compiled in alphabetical order in the surname of the judgment debtor, and there shall be entered therein—

- (a) the date of the order and of the registration;
- (b) the name, title, trade or business, of ⁺¹ judgment debtor and the judgment creditor;
- (c) the amount for which the judgment is signed;
- (d) any special directions in the order as to registration and execution (if any); and
- (e) the particulars of any execution.

9. (1) Notice in writing of the registration must be served on the judgment debtor within a reasonable time after the registration and, in the absence of any direction by the judge as to the mode of service thereof, that service shall be personal as in the case of a writ of summons. Notice of registration.

(2) The judge shall have power to direct substituted service, or service out of the jurisdiction, or both, but he may, at any stage of the proceedings, direct some other mode of service, and if he does so, the service shall be effected in accordance with his direction.

(3) The notice must contain full particulars of the judgment and of the order, and shall state the name and address of the judgment creditor, or of his solicitor or agent, on whom and at which notice of any proceeding taken by the judgment debtor may be served, and that the defendant may, within the time limited by the order, apply to set aside the registration.

Endorsement
of service on
notice of
registration.

10. (1) The person serving the notice of registration shall, within three days at most after the service, endorse thereon, or a copy or duplicate thereof, the day of the week and of the month of the service thereof, otherwise the judgment creditor shall not be at liberty to issue execution.

(2) Every affidavit of service of the notice shall state the day on which the endorsement was made.

(3) This rule shall apply to substituted as well as other service.

(4) The three days limited by this rule may in special circumstances be extended by order of a judge.

Application
to set aside
registration.

11. (1) The judgment debtor, after service on him of the notice of registration, may, within the time limited for so doing by the order, apply by motion, intituled in the same manner as prescribed in rule 3 of these rules, to set aside the registration, or to suspend execution.

(2) On the application the judge, if satisfied that the case comes within one of those in which under section 3 (2) of the Ordinance no judgment can be ordered to be registered, or that it is not just or convenient that the judgment should be enforced in the Colony, or for other sufficient reason, may order the registration to be set aside, or execution to be suspended, either unconditionally or on such terms as he thinks fit, and either altogether or until such time as he directs.

Execution on
registered
judgment.

12. (1) No execution shall issue until after the expiration of the time limited by the order for any application by the judgment debtor to set aside the registration.

(2) The judge who makes the order, or a judge at chambers, may at any time stay the issue of execution for a longer period.

(3) Any party wishing to issue execution must produce to the proper officer an affidavit of service of the notice of registration.

(4) A writ of execution shall be in the form given in the appendix hereto.

Appendix.

13. (1) Any application under section 4 of the Ordinance for a certified copy of a judgment obtained in the Supreme Court shall be made *ex parte* to a judge on an affidavit, made by the judgment creditor or his solicitor, giving the particulars of the judgment, showing that the judgment debtor is resident in the United Kingdom or in some (stating what) part of Her Majesty's dominions outside the United Kingdom to which the Ordinance extends, and stating to the best of his information and belief the title, trade, business or occupation of the judgment creditor and judgment debtor respectively, and their respective usual or last known places of abode or business.

Application under section 4 of the Ordinance.

(2) The certified copy of the judgment shall be an office copy sealed with the seal of the Supreme Court and shall be certified by the Registrar as follows—

“ I certify that the above copy judgment is a true copy of a judgment obtained in the Supreme Court of British Guiana and this copy is issued in accordance with the provisions of section 4 of the Judgments Extension Ordinance.

(Signed).....
Registrar of the Supreme Court of British Guiana.”

14. The fees set forth in the appendix hereto shall be payable in respect of registration under these rules.

Fees.

15. These rules may be cited as Rules of the Supreme Court (Judgments Extension).

Short title.

APPENDIX.

r. 12 (4).

FORM OF WRIT OF EXECUTION.

IN THE SUPREME COURT OF BRITISH GUIANA.

No.....of 19.....

Between A.B. of....., Plaintiff.

and

C.D. of....., Defendant.

Elizabeth II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

To the Marshal.

WE COMMAND you that of the movable property of *C.D.* of..... you cause to be made the sum of £....., being the amount due under a judgment of (describing the court in which judgment was obtained), and which judgment has been duly registered in our Supreme Court pursuant to the Judgments Extension Ordinance and also interest thereon at the rate of £6 *per centum per annum* from the..... day of.....*, and also the sum of £....., the amount of costs due under the said judgment, as appears by the certificate of the taxing officer dated the..... day of..... 19.... AND THAT if sufficient movable property be not found to satisfy the said judgment and interest and costs, you do further cause the same to be made of the immovable property of the said *C.D.* AND THAT you have those moneys and interest before us in our said Court immediately after the execution hereof to be paid to the said *A.B.* in pursuance of the said judgment. AND in what manner you shall have executed this our writ make appear to us in our said Court immediately after the execution thereof. AND have there then this writ.

WITNESS....., Chief Justice of British Guiana, the..... day of..... in the year of Our Lord one thousand nine hundred and.....

(L. S.)

(Signed).....
Registrar.

FEES.

	s.	d.
On filing affidavit in support of application for the order	...	10 0
For any other affidavit	2 6
On filing motion for the order	10 0
For any other motion	5 0
On the order	10 0
On issuing execution	The same fee as on judgment of the Supreme Court.
On a certified copy judgment	10 0
Other fees the same as those payable under rules of court.		

*Day of the judgment or order, or day on which money directed to be paid, or day from which interest is directed by the order to run as the case may be.