

## CHAPTER 11.

## JUDGEMENTS EXTENSION.

<sup>III of 1922</sup>  
[1st April] 1922.]

Short title.

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

Interpretation.

2.—(1) In this Ordinance unless the context otherwise requires—

“judgement” means any judgement or order given or made by a court in any civil proceedings, whether before or after the passing 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 judgement given by a court in that place;

“original court” in relation to any judgement means the court by which the judgement was given;

“registering court,” in relation to any judgement, means the court by which the judgement was registered;

“judgement creditor” means the person by whom the judgement was obtained, and includes the successors and assigns of that person;

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

(2) Subject to rules of court, any of the powers conferred by this Ordinance on any court may be exercised by a judge of the court.

Enforcement in the colony of judgements obtained in superior courts in the United Kingdom.

3.—(1) Where a judgement has been obtained in a superior court in the United Kingdom the judgement creditor may apply to the Supreme Court of British Guiana, at any time within twelve months after the date of the judgement, or any longer period allowed by the court, to have the judgement registered in the court, and on the application

the court may, if in all the circumstances of the case it thinks it is just and convenient that the judgement should be enforced in the colony, and subject to the provisions of this section, order the judgement to be registered accordingly.

(2) No judgement shall be ordered to be registered under this section if—

- (a) the original court acted without jurisdiction; or
- (b) the judgement 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 judgement 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 judgement was obtained by fraud; or
- (e) the judgement debtor satisfies the registering court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgement; or
- (f) the judgement 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.

(3) Where a judgement is registered under this section—

- (a) the judgement 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 judgement 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 judgement as it has over similar judgements given by itself, but in so far only as relates to execution under this section;
- (c) the reasonable costs of and incidental to the registration of the judgement (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 judgement.

(4) Rules of court shall provide—

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

(5) In any action brought in any court in the colony on any judgement which might be ordered to be registered under this section, the plaintiff shall not be entitled to recover any costs of the action unless an application to register the judgement under this section has previously been refused, or unless the court otherwise orders.

Issue of certificates of judgements obtained in the colony.

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

Rules of court.

5. Provision may be made by rules of court for regulating the practice and procedure (including scales of fees and evidence) in respect of proceedings of any kind under this Ordinance.

Extent of Ordinance.

6.—(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 judgements obtained in the Supreme Court of British Guiana, the Governor may by Order in Council declare that this Ordinance shall extend to judgements obtained in a superior court in that part of his Majesty's dominions in the like manner as it extends to judgements obtained in a superior court in the United Kingdom and, on the order being made, this Ordinance shall extend accordingly.

(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) An Order in Council under this section may be varied or revoked by a subsequent Order.

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