

The Judgments Extension Act

being

Chapter J-3 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 1984-85-86, c.16; 1989-90, c.54; and 1990-91, c.28*

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NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

CHAPTER J-3

An Act to facilitate the Reciprocal Enforcement of Judgments in Saskatchewan and in other Parts of Her Majesty's Dominions

Short title

1 This Act may be cited as *The Judgments Extension Act*.

R.S.S. 1978, c.J-3, s.1; 1984-85-86, c.16, s.12.

Interpretation

2 In this Act:

(a) **“judgment”** means any judgment or order given or made by a court in a civil proceeding, whether before or after the passing of this Act, whereby a 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;

(b) **“judgment creditor”** means the person by whom the judgment was obtained, and includes the successors and assigns of that person;

(c) **“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;

(d) **“original court”**, in relation to a judgment, means the court by which the judgment was given;

(e) **“registering court”**, in relation to a judgment, means the court in which the judgment is registered under this Act.

R.S.S. 1978, c.J-3, s.2.

Power of judge to act

3 Subject to rules of court, any of the powers conferred by this Act on the Court of Queen's Bench may be exercised by a judge of the court.

R.S.S. 1978, c.J-3, s.3.

Registration of judgment

4(1) Where a judgment has been obtained in a superior court in any part of Her Majesty's Dominions outside Canada to which this Act extends, the judgment creditor may apply to the Court of Queen's Bench, 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 is considered just and convenient that the judgment should be enforced in Saskatchewan, and subject to the provisions of this Act, order the judgment to be registered accordingly.

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(2) Reasonable notice of the application shall be given to the judgment debtor in all cases in which he was not personally served with process in the original action, and did not appear or defend or otherwise submit to the jurisdiction of the original court.

(3) The judgment may be registered by filing with the registrar of the registering court an exemplification or certified copy of the judgment, together with the order for such registration, whereupon the judgment shall be entered as a judgment of the registering court.

R.S.S. 1978, c.J-3, s.4.

Bars to registration

5 No judgment shall be ordered to be registered under this Act if:

- (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 that for reasons of public policy or for some other similar reason could not have been entertained by the registering court.

R.S.S. 1978, c.J-3, s.5.

Effect of registration

6 Where a judgment is registered under this Act:

- (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 into 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;
- (c) the reasonable costs of and incidental to the registration of the judgment, including the costs of obtaining an exemplification or 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, such costs to be first taxed by the proper officer of the registering court and his certificate thereof endorsed on the order for registration.

R.S.S. 1978, c.J-3, s.6.

Rules of court

7 The Court of Queen's Bench may, with the concurrence of a majority of the judges thereof, make rules of court:

- (a) for service on the judgment debtor of notice of the registration of a judgment under section 4; and
- (b) for enabling the registering court, on an application by the judgment debtor, to set aside the registration of a judgment under section 4 on such terms as the court thinks fit; and
- (c) for suspending the execution of a judgment registered under section 4 until the expiration of the period during which the judgment debtor may apply to have the registration set aside.

R.S.S. 1978, c.J-3, s.7; 1984-85-86, c.16, s.12.

Power to make rules

8 The Court of Queen's Bench, with the concurrence aforesaid, may make rules of court for regulating the practice and procedure, including scale of fees and evidence, in respect of proceedings of any kind under this Act.

R.S.S. 1978, c.J-3, s.8.

Saving right of action

9 Nothing in this Act deprives any judgment creditor of the right to bring an action for the recovery of the amount of his judgment instead of proceeding under this Act.

R.S.S. 1978, c.J-3, s.9.

Extending application of Act

10(1) Where the Lieutenant Governor in Council is satisfied that reciprocal provisions have been made or will be made by the Legislature of any part of Her Majesty's Dominions outside Canada for the enforcement within that part of her Dominions of judgments obtained in Her Majesty's Court of Queen's Bench for Saskatchewan, the Lieutenant Governor may by regulation declare that this Act shall extend to that part of Her Majesty's Dominions, and on any such regulation being made this Act shall extend accordingly.

(2) A regulation under this section may be varied or revoked by a subsequent regulation.

R.S.S. 1978, c.J-3, s.10; 1989-90, c.54, s.4; 1990-91, c.28, s.5.