



**BERMUDA
1885 : 27**

**EXTERNAL COMPANIES (JURISDICTION IN ACTIONS) ACT
1885**

ARRANGEMENT OF SECTIONS

- 1 Actions against companies incorporated outside Bermuda
- 2 Allowance of time for agent to communicate with company
- 3 Enforcement of judgment
- 4 Ascertainment of assets
- 5 Appeal from judge in chambers
- 6 Costs
- 7 Saving for other rights

[10 November 1885]

[preamble and words of enactment omitted]

Actions against companies incorporated outside Bermuda

1 (1) Companies and corporate bodies incorporated out of Bermuda, for banking, insurance or other trading purposes, and doing business in Bermuda by agents or branches, may be sued in the Supreme Court for any cause of action, legal or equitable, arising in whole or in part in Bermuda, by the name whereby they are, or purport to be, associated or incorporated, or under which they carry on business, in Bermuda.

(2) Service of any process, pleading, rule or notice on the agent, or any one of the agents, or manager, of the company or association in Bermuda shall be deemed good and sufficient service on the company.

(3) All such suits may be prosecuted and carried on to judgment or decree in like manner as if the defendant company were

**EXTERNAL COMPANIES (JURISDICTION IN ACTIONS) ACT
1885**

formed, or incorporated, or established in Bermuda, or had its principal place of business therein:

Provided that in all such suits and proceedings it shall be competent to the Supreme Court to make such orders with respect to pleading and practice as the Court may deem necessary for securing the defendant company against surprise or undue haste in prosecuting the suit or other proceeding.

Allowance of time for agent to communicate with company

2 The Supreme Court, or a Judge in Chambers, may on sufficient cause shown allow reasonable time for the agent or manager to communicate with the defendant company and may make such order with respect thereto, and on such terms or conditions, as justice may require.

Enforcement of judgment

3 If judgment passes, or any decree or order is made, in any such suit or proceeding in favour of the plaintiff or person suing, or against the defendant company, then such judgment or decree shall be or shall create a charge on any real estate of the company in Bermuda, and execution or other process for enforcing such judgment or decree may be sued out in like manner and form against the defendant company as if such company were established or had its principal place of business in Bermuda, or as near thereto as circumstances may permit, or in such form as the Supreme Court or a Judge in Chambers, may sanction, and it may be served on the agent or manager, and shall bind the assets of the company in Bermuda or which then are in, or afterwards may come to, the hands or under the control of such agent or manager, subject always to the agent's or manager's lawful charges or commissions thereon.

Ascertainment of assets

4 After any judgment or decree is given, or any order is made, in any suit against the defendant company, the Supreme Court, or a Judge in Chambers, may cause the agents or managers of the company to be examined from time to time on oath before the Court or a Judge concerning the assets or property of the company in Bermuda; and the Court or Judge may make such order therein as to justice may pertain, and such order may, if the Court or Judge so orders, be enforced against any agent or manager personally.

Appeal from judge in chambers

5 From every order of any Judge in Chambers made under this Act there shall always lie an appeal to the Supreme Court; and the Court shall have power, by any special or general order, to direct how such appeal shall be conducted, and also shall have power on any such appeal

to vary or rescind the order appealed against, or to make such other order in the matter as the Court thinks fit.

Costs

6 In any suit or proceeding under this Act the Supreme Court shall have power to allow such costs to either party, whether as between client and counsel, or as between party and party, as to the Court seems fit.

Saving for other rights

7 Nothing in this Act contained shall prevent any person from proceeding against any company or association of persons out of Bermuda, or against the assets, property or effects of any company or association of persons out of Bermuda, in like manner as if this Act had not been passed.

[Amended by
1952 : 11]