

BERMUDA STATUTORY INSTRUMENT

SR&O 60/1976

JUDGMENTS (RECIPROCAL ENFORCEMENT) RULES 1976

[made under section 10 of the Judgments (Reciprocal Enforcement) Act 1958 [title 8 item 71] and brought into operation on 1 November 1976]

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JUDGMENTS (RECIPROCAL ENFORCEMENT) RULES 1976

SCHEDULE

Application for leave to have registered

1 Any application under the Judgments (Reciprocal Enforcement) Act 1958 [*title 8 item 71*] (hereafter in these Rules referred to as "the Act") for leave to have a judgment, obtained in a Superior Court in any part of Her Majesty's dominions to which that Act applies, registered in the Supreme Court shall be made by summons in chambers.

Affidavit in support

2 (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 4 of the Act, 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

3 The affidavit and the summons shall be entitled—

"In the matter of the Judgments (Reciprocal Enforcement) Act 1958, and in the matter of (describing the cause or matter) obtained in (describing the original court) and dated the day of 19".

Service of summons

4 (1) The summons for leave to register shall be an Originating Summons and (unless otherwise ordered by a Judge) shall be served in the same manner as a Writ of Summons is required to be served.

(2) The judgment debtor shall not be required to enter any appearance thereto.

Order giving leave

5 Any order giving leave to register shall be drawn up by or on behalf of the judgment creditor and shall be served on the judgment debtor.

Form of order

6 (1) The order giving leave to register judgment shall state the time within which the judgment debtor is to be entitled to apply to set aside the registration.

(2) Such time where the judgment debtor is, or is ordinarily resident, out of the jurisdiction of the Supreme Court shall depend on the distance from Bermuda of the place where the judgment debtor resides and the postal facilities between Bermuda and that place.

Register of judgments

7 (1) The Register of judgments ordered to be registered under the Act shall be kept in the Registry.

(2) The judgment shall be registered therein in accordance with the order giving leave to register it.

Form of Register

8 The Register shall be arranged in alphabetical order in the surname of the judgment debtor and there shall be entered in the Register the date of the order for registration and of the registration, the name, title, trade or business of the judgment debtor and judgment creditor and the amount for which the judgment is signed, and any special directions in the order for registration as to such registration and the execution thereon, and the particulars of any execution issued thereon.

Notice of registration

9 (1) Notice in writing of the registration of the judgment must be served on the judgment debtor within a reasonable time after such registration.

(2) Such notice shall (in the absence of an order by the Judge as to the mode of service thereof) be served on the judgment debtor by personal service (with power to order substituted service or service out of the jurisdiction or both) as in the case of a Writ of Summons, but the Judge may at any stage of the proceedings authorize or direct some other mode of service and if he does so the service shall be effected in accordance with such authority or direction.

Form of notice

10 The notice of registration shall contain full particulars of the judgment registered and of the order for such registration and shall state the name and address of the judgment creditor or of his counsel or agent.

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Indorsement of service

11 (1) The party serving the notice shall, within three days after such service, indorse on the notice or a copy or duplicate thereof the day of the month and week of the service thereof, and otherwise the judgment creditor shall not be at liberty to issue execution on the judgment; and every affidavit of service of such notice shall mention the day on which such indorsement was made.

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

(3) The three days limited by this rule may under special circumstances be extended by order of a Judge.

Application to set aside

12 The judgment debtor may at any time within the time limited by the order giving leave to register after service on him of the notice of the registration of the judgment apply by summons in chambers to set aside the registration or to suspend execution on the judgment; and if the Judge on such application is satisfied that the case comes within one of the cases in which under section 4 of the Act no judgment can be ordered to be registered or that it is not just or convenient that the judgment should be enforced in Bermuda or that there is other sufficient reason he may order that registration be set aside or that execution on the judgment be suspended either unconditionally or on such terms as he thinks fit and either altogether or until such time as he directs:

Provided that the Judge may allow the application to be made at any time after the expiration of the time herein mentioned.

Summons to set aside

13 The summons referred to in rule 12 shall be an ordinary summons entitled in the same manner as the affidavit referred to in rule 3.

Execution

14 No execution shall issue on a judgment registered under the Act until after the expiration of the time limited by the order giving leave to register after service on the judgment debtor of notice of the registration thereof:

Provided that the Judge who makes the order for such registration or a Judge in chambers may at any time order that execution shall be suspended for a longer time.

Affidavit of service

15 Any party desirous of issuing execution on a judgment registered under the Act must produce to the proper officer an affidavit of the notice of registration.

Form of writ of execution

16 A writ of execution on a judgment registered under the Act shall be in such form as may from time to time be applicable to a judgment at the Supreme Court with such variations as circumstances may require.

Certified copy of judgment

17 Any application under section 8 of the Act for a certified copy of a judgment obtained in the Supreme Court shall be made *ex parte* in chambers on an affidavit made by the judgment creditor or his counsel giving the particulars of the judgment and showing that the judgment debtor is resident in some part of Her Majesty's dominions to which the Act applies, and stating to the best of his 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.

Form of certificate

18 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 of judgment is a true copy of a judgment obtained in the Supreme Court of Bermuda and this copy is issued in accordance with the Judgments (Reciprocal Enforcement) Act 1958."

Fees

19 The fees set out in the Schedule shall be payable in respect of the registration of judgments under the Act.

20 [omitted.]

21 [omitted.]

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SCHEDULE

On filing—		\$	¢
(a) affidavit in support of application:		\$2.40	
(b) any other affidavit:		\$0.80	
On issuing—			
(a) summons for leave to register:		\$5.00	
(b) any other summons:		\$3.00	
On the order for registration:		\$2.40	
On issuing execution:	The same fees as on a judgment of the Supreme Court.		
On a certified copy of judgment:		\$2.40	
Other fees the same as those payable under the table of fees of the Supreme Court.			