
CHAPTER 77**RECIPROCAL ENFORCEMENT OF JUDGMENTS**

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CHAPTER 77

RECIPROCAL ENFORCEMENT OF JUDGMENTS

An Act to facilitate the reciprocal enforcement of judgments, orders and awards in The Bahamas and other countries.

*32 of 1999, s. 2.
5 of 1924
G.N. 187 of 1964
43 of 1964
46 of 1964
E.L.A.O., 1974
32 of 1999*
Short title.

[Commencement 24th April, 1924]

1. This Act may be cited as the Reciprocal Enforcement of Judgments Act.

2. In this Act, unless the context otherwise requires —

Interpretation.

“judgment” means any judgment or order given or made by a court in any civil proceedings whether before or after the passing of this Act 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;

32 of 1999, s. 3.

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

“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;

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

“registering court” in relation to any judgment means the court by which the judgment was registered.

3. (1) Where a judgment has been obtained in a superior court outside The Bahamas the judgment creditor may apply to the Supreme Court, at any time 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

Enforcement in The Bahamas of judgments obtained outside The Bahamas.
32 of 1999, s. 4.

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

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

- (a) the original court acted without jurisdiction;
- (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;
- (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;
- (d) the judgment was obtained by fraud;
- (e) the judgment debtor satisfies the registering court either that an appeal is pending or that he is entitled or intends to appeal against the judgment;
- (f) the judgment 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 judgment is registered under this section —

- (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 up 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, but in so far only as relates to execution under this section;

(c) the reasonable costs of and incidental to the registration of the judgment (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 judgment.

(4) Rules made under section 5 of this Act shall provide —

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

(5) In any action brought in any court in The Bahamas on any judgment 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 judgment under this section has previously been refused, or unless the court otherwise orders.

4. Where a judgment has been obtained in the Supreme Court against any person, the court shall, on an application made by the judgment creditor and on proof that the judgment debtor is resident outside The Bahamas, issue to the judgment creditor a certified copy of the judgment.

Issue of certificates of judgments obtained in The Bahamas.
32 of 1999, s. 5.

5. Provision may be made by rules made by the Rules Committee under section 75 of the Supreme Court Act for regulating the practice and procedure (including scales of fees and evidence) in respect of the proceedings of any kind under this Act.

Power to make rules.
46 of 1964, Sch. Ch. 53.

Extent of Act.

G.N. 187 of 1964;
43 of 1964, Third
Sch; E.L.A.O.,
1974.
32 of 1999, s. 6.

6. (1) Where the Governor-General is satisfied that reciprocal provisions have been made by the legislature of any country for the enforcement within that other country of judgments obtained in the Supreme Court, the Governor-General may by Order declare that this Act shall extend to judgments obtained in a superior court in that country, and on any such Order being made this Act shall extend accordingly.

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