

PART III

Subsidiary Legislation under the Reciprocal Enforcement of Judgments Act (Chapter 77)

G.N. 190/1952

RULES OF COURT (RECIPROCAL ENFORCEMENT OF JUDGMENTS)

(SECTION 5)

[Commencement 30th August, 1952]

Short title.

1. These Rules may be cited as the Rules of Court (Reciprocal Enforcement of Judgments).

Application.

2. Any application under section 3(1) of the Reciprocal Enforcement of Judgments Act (hereafter referred to as “the Act”) for leave to have a judgment obtained in a superior court in the United Kingdom or in a superior court in any part of the Commonwealth outside the United Kingdom to which the Act has been extended registered in the Supreme Court shall be made *ex parte* or by summons to a judge. If the application is made *ex parte* the judge before whom it comes for hearing may direct a summons to be issued.

Affidavit.

3. 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 that the judgment does not fall within any of the cases in which under section 3(2) of the Act a judgment cannot properly be ordered to be registered. The affidavit must also, so far as the deponent can, give the full name, title, trade or business and usual or last known place or abode or business of the judgment-creditor and judgment-debtor respectively.

Title of affidavit and summons.

4. The affidavit and the summons (if any) shall be intituled —

“In the matter of the Reciprocal Enforcement of Judgments Act, Chap. 67, and in the matter of a judgment of the (describing the court) obtained in the cause (or matter) and dated the day of 19 .”.

5. The summons (if any) for leave to register shall be an originating summons and (unless otherwise ordered by the judge) shall be served in the same manner as a summons is required to be served.

Service of summons.

6. Any order giving leave to register shall be drawn up by the Registrar or a deputy registrar of the Supreme Court and when the order is made on a summons the order shall be served on the judgment-debtor, but where the order is made on an *ex parte* application no service of the order on the judgment-debtor shall be required.

Drawing up of order.

7. The order giving leave to register the judgment shall state the time within which the judgment-debtor is entitled to apply to set aside the registration. Such time when the judgment-debtor is or is ordinarily resident within the jurisdiction of the Supreme Court shall ordinarily be thirty days and when the judgment-debtor is or is ordinarily out of the jurisdiction of the Supreme Court shall depend on the distance from Nassau of the place where the judgment-debtor resides and the postal facilities between Nassau and that place.

Form of order.

8. The register of judgments ordered to be registered under the Act shall be kept at Nassau by the Registrar of the Supreme Court. The judgment shall be registered therein in accordance with the order giving leave to register it.

Register.

9. 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 and usual or last known place of abode 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/or execution thereon and the particulars of any execution issued thereon.

Form of register.

10. Notice in writing of the registration of the judgment must be served on the judgment-debtor within a reasonable time after such registration. 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

Notice of registration.

service out of the jurisdiction or both) as in the case of a 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.

11. 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 advocate or agent on whom and at which service of any summons issued by the judgment-debtor may be served. The notice shall state that the defendant is entitled, if he has grounds for doing so, to apply to set aside the registration and shall also state the number of days for applying to set aside the registration limited by the order giving leave to register.

Indorsement of service.

12. The person serving the notice shall, within three days at most after such service, indorse on the notice or a copy or duplicate thereof the day of the month and week of the service thereof, 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 endorsement was made. This rule shall apply to substituted as well as other service. The three days limited by this rule may under special circumstances be extended by order of a judge.

Application to set aside registration.

13. 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 to a judge to set aside the registration or to suspend execution on the judgment and the judge on such application if satisfied that the case comes within one of the cases in which under section 3(2) 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 The Bahamas or for other sufficient reason may order that the registration be set aside or execution on the judgment suspended either unconditionally or on such terms as he thinks fit and either altogether or until such time as he shall direct:

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

14. The summons referred to in rule 13 shall be an ordinary summons intituled in the same manner as the affidavit referred to in rule 4. Summons to set aside.

15. 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. Execution.

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

16. Any party desirous of issuing execution on a judgment registered under the Act must produce to the Supreme Court an affidavit of the service of the notice of registration. Affidavit of service.

17. A warrant of execution in a judgment registered under the Act shall describe the court in which the judgment was obtained and shall set out the fact that such judgment has been duly registered under the Act. Form of warrant of execution.

18. The fees set out in the Schedule to these Rules shall be payable in respect of the registration of a judgment under the Act. Fees. Schedule

SCHEDULE OF FEES

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On filing application including affidavit in support of application	0.2
Any other affidavit	0.5
On issuing summons for leave to register	2.0
Any other summons	1.0
On the order for registration	2.0
On issuing execution.	The same fee as on a judgment of the Supreme Court.
Other fees.	The same as those payable under the rules for the time being in force relating to fees payable in the Supreme Court