

# JUDGMENTS ACT

## CHAPTER 4:70

Act  
L.I. 8 of 1907  
Amended by  
L.I. 2/1935  
19 of 1939  
12 of 1990

<b>Current Authorised Pages</b>	
<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-8	1/1991

**Note  
on  
Subsidiary Legislation**

**This Chapter contains no Subsidiary Legislation.**

**CHAPTER 4:70****JUDGMENTS ACT****ARRANGEMENT OF SECTIONS****SECTION**

1. Short title.
2. Interpretation.
3. Extent of operation of judgment in Supreme Court.
4. Applications for order of sale.
5. Order of sale by Court.
6. Expiry of time for making order of sale.
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**FIRST SCHEDULE.****SECOND SCHEDULE.**

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## CHAPTER 4:70

## JUDGMENTS ACT

1961 Ed.  
Cap. 10.  
8 of 1907.

**AN ACT to make provision for the enforcement of judgments in the State.**

Commencement.

[1st October 1907]

Short title.

1. This Act may be cited as the –

**JUDGMENTS ACT.**

Interpretation.  
[12 of 1990].

2. In this Act –

“inferior court” means any court in the State having jurisdiction to hear and determine civil cases other than the Supreme Court;

“judgment” includes an order for the payment of money or costs or any other order having the operation of a judgment;

“lands” includes lands, messuages, tenements and hereditaments of whatsoever nature or kind;

“State” means any State or territory in which the Supreme Court exercises jurisdiction and which has been declared by Order of the President to be a State to which this Act for the time being applies.

Extent of  
operation of  
judgment in  
Supreme Court.  
[12 of 1990].

3. A judgment entered up before the commencement of this Act or hereafter to be entered up against any person in the Eastern Caribbean Supreme Court shall operate as a charge upon all lands beneficially owned by that person in Dominica or in any other State to the extent permitted by the law of that State; but no such judgment shall affect any such lands as to purchasers, mortgagees or creditors unless and until the person entitled to the benefit of the judgment shall have filed an application to the High Court for an order for the sale of the lands towards satisfaction thereof.

Applications for  
order of sale.  
[12 of 1990].  
First Schedule.

4. Every application for an order of sale shall be according to the form in the First Schedule, and shall be filed in the Registrar’s Office, and notice of the filing thereof shall be served upon the judgment debtor; and when the lands to be affected by the application are situate

in any other State a copy of the application shall also be sent to the Registrar's Office of the High Court of that State. Every application or copy of application shall be registered in a book to be kept for that purpose, and an index to such book in alphabetical order under the name of any person whose estate is intended to be affected by the application shall also be kept, and any person shall be at liberty to search the same on payment of the prescribed fee.

5. The Court may at any time within six months, or such further time as it may allow, from the filing of an application for an order of sale, make an order for the sale of the right, title, and interest of the judgment debtor in the lands mentioned in the application, and may in connection with the order give such directions and impose such conditions as it may consider just. The costs of every such order shall be in the discretion of the Court. Every order of sale shall be registered in the manner provided above for the registration of the application therefor.

Order of sale by Court.

6. Where six months have elapsed after the filing of an application for an order of sale without an order having been made thereon, unless the Court has extended the time for making the order, the application shall be deemed to have been abandoned, and the lands therein mentioned shall no longer be affected thereby; but the person filing the application shall nevertheless be at liberty to file a second or further application, and thereupon the same consequences shall ensue as on the filing of the first application.

Expiry of time for making order of sale.

7. Every judgment debt shall carry interest at the rate of five percent a year from the time of the entering up of the judgment, or from the time of the commencement of this Act in cases of judgments then entered upon and not carrying interest, until the judgment is satisfied, and the interest may be recovered in the same manner as the amount of the judgment.

Interest on judgments.

8. A judgment entered up before the commencement of this Act or hereafter to be entered up in any inferior court shall, on the filing in the High Court of a certificate of the judgment signed by the proper officer of the court where the judgment has been obtained or entered up from the date of the filing, be of the same force and effect, so far as relates to the lands of the judgment debtor, and all proceedings may be taken thereunder as if the judgment were a judgment of the High Court.

Judgments of inferior courts.

Second  
Schedule.

Every such certificate shall be in the form in the Second Schedule or as near thereto as circumstances will permit, and shall be entered in the Judgment Book.

Certificate of  
purchase of  
interest of  
judgment debtor.

9. After the sale of the interest of any judgment debtor in any lands under this Act any Judge of the High Court shall grant a certificate to the person who has been declared the purchaser at the sale to the effect that he has purchased the right, title, and interest of the debtor in the lands sold and the certificate shall be liable to stamp duty as a conveyance or assignment of the said lands, and when duly stamped as mentioned above shall be taken and deemed to be a valid transfer of the right, title and interest, and may be registered in the same manner as any deed of conveyance or assignment.

(Section 4).

## FIRST SCHEDULE

### FORM FOR APPLICATION FOR ORDER OF SALE

IN THE EASTERN CARIBBEAN SUPREME COURT

DOMINICA

Between

Plaintiff.

and

Defendant.

The Plaintiff having on the        day of        19        , obtained judgment in this Honourable Court against the above-named Defendant for the sum of \$        and costs, and the said judgment being now (wholly) unsatisfied (or) to the extent of \$        hereby applied to the Court for an order for the sale towards satisfaction of the same of the right title and interest of the said Defendant in and to the lands described in the Appendix.

Dated this        day of        19        .

## APPENDIX

Situation of Lands				Boundaries
Island.	Parish.	Extent so far as can be ascertained.	Name, if any.	On the East by On the West by On the North by And on the South by

## SECOND SCHEDULE

(Section 8).

CERTIFICATE ISSUED IN RESPECT OF JUDGMENTS  
OF INFERIOR COURTS

I, \_\_\_\_\_ certify that (*here state name, business or occupation, and address of person obtaining judgment, and whether plaintiff or defendant*) on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, obtained judgment against (*here state name, business or occupation, and address of person against whom judgment was obtained, and whether plaintiff or defendant*) in the \_\_\_\_\_ Court of \_\_\_\_\_ at \_\_\_\_\_ for payment of the sum of \_\_\_\_\_ on account of (*here state shortly the nature of the claim with the amount of costs (if any) for which judgment was obtained*).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*[To be signed by the Proper Officer of the Inferior Court from which the Certificate issues, and to be sealed with the Seal of the Court (if any)].*

NOTE OF PRESENTATION TO BE APPENDED  
TO THE ABOVE FORM

The above Certificate is presented by me for filing in the Eastern Caribbean Supreme Court in accordance with the provisions of the Judgments Act.

*(Signature and address of solicitor or  
creditor presenting for filing.)*

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