



ST. CHRISTOPHER AND NEVIS

CHAPTER 3.14

JUDGMENTS ACT and Subsidiary Legislation

Revised Edition
showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

JUDGMENTS ACT

Act 8 of 1907 ... in force 1st October, 1907

Amended by: Act 17 of 1975

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CHAPTER 3.14

JUDGEMENTS ACT

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ACT, CAP. 3.14

CHAPTER 3.14
JUDGMENTS ACT

AN ACT TO PROVIDE FOR THE ENFORCEMENT OF JUDGMENTS OF THE HIGH COURT; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Judgments Act.

Interpretation.

2. In this Act—

“inferior court” includes any Court in the State having jurisdiction to hear and determine civil cases other than the High 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 whatever nature or kind.

Extent of operation of judgment in High Court.

3. A judgment already entered up or hereafter to be entered up against any person in the High Court shall operate as a charge upon all lands of such person within the State to the extent of his or her beneficial interest therein:

Provided that no such judgment shall affect any such lands as to purchasers, mortgagees, or creditors, unless and until the person entitled to the benefit of such judgment shall have filed an application to the Court for an order for the sale of such lands towards satisfaction thereof.

Applications for order of sale.

4. (1) An application for an order of sale shall be according to the form set out in the First Schedule and shall be filed in the Registrar’s Office of the Circuit in which the judgment is entered, and notice of the filing thereof shall be served upon the judgment debtor; and when the lands to be affected by such application are situate in any other Circuit, a copy of the application shall also be filed in the Registrar’s Office of such other Circuit.

(2) The 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.

Order of sale by Court.

5. (1) 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 such order give such directions and impose such conditions as it may deem just.

(2) The costs of every order shall be in the discretion of the Court.

(3) Every order of sale shall be registered in the manner hereinbefore provided for the registration of the application therefor.

Expiry of time for making order of sale.

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 shall have extended the time for making such order, such application shall be deemed to have been abandoned, and the lands therein mentioned shall no longer be affected thereby; but the person filing the same 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.

Interest on judgments.

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

Judgments of Court.

8. (1) A judgment already entered up or hereafter to be entered up in any inferior Court shall, on the filing in the High Court of a certificate of such judgment signed by the proper Officer of the Court where such judgment has been obtained or entered up, from the date of such 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 same were a judgment of the High Court.

(2) The certificate shall be in the form set out in the Second Schedule or as near thereto as circumstances will permit, and shall be entered in the Judgment Book of the Circuit in which it is filed.

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 shall have been declared the purchaser at such sale to the effect that he or she has purchased the right, title, and interest of the debtor in the lands sold any such certificate shall be liable to stamp duty as a conveyance or assignment of the said lands, and when duly stamped as aforesaid shall be taken and deemed to be a valid transfer of such right, title, and interest, and may be registered in the same manner as any deed of conveyance or assignment.

FIRST SCHEDULE

(Section 4)

FORM OF APPLICATION FOR ORDER OF SALE
IN THE HIGH COURT OF THE EASTERN CARIBBEAN STATES.

.....Circuit.

Between

Plaintiff.

and

Defendant.

The plaintiff having on the day of
20, 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
applies 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
Schedule hereto.

Dated this day of 20.....

SCHEDULE

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 IN TERMS OF THE JUDGMENTS ACT, CAP. 3.14.

I (here state name, business or occupation, and address of person obtaining judgment, and whether plaintiff or defendant) certify that on the day of 20....., 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 20.....

(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 High Court of the Eastern Caribbean States, in accordance with the provisions of the Judgments Act.

(Signature and address of Solicitor or Creditor presenting for filing)
