

CONSOLIDATION OF RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT
R.S.N.W.T. 1988,c.R-1

(Current to: August 1, 2007)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

R.S.N.W.T. 1988,c.111(Supp.)

S.N.W.T. 1993,c.13

S.N.W.T. 1998,c.32

In force March 31, 1999

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2002,c.26,s.47

s.47 in force June 12, 2003: SI-004-2003

S.Nu. 2006,c.10,s.6

s.6 in force June 15, 2006

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the Revised Statutes of the Northwest Territories, 1988.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT

Definitions

1. In this Act,

"judgment" means a judgment or an order of a court in a civil proceeding by which a sum of money is made payable, and includes an award in an arbitration proceeding if the award, under the law in force in the jurisdiction where it is made, has become enforceable in the same manner as a judgment given by a court in that jurisdiction, but does not include a support order as defined in the *Interjurisdictional Support Orders Act*; (*jugement*)

"judgment creditor" means the person by whom a judgment was obtained, and includes his or her executors, administrators, successors and assigns; (*créancier du jugement*)

"judgment debtor" means the person against whom a judgment was given, and includes any person against whom a judgment is enforceable in the jurisdiction in which it was given; (*débiteur du jugement*)

"original court" in relation to a judgment means the court by which the judgment was given; (*tribunal d'origine*)

"registering court" in relation to a judgment means the court in which the judgment is registered under this Act. (*tribunal de l'enregistrement*)
S.Nu. 2002,c.26,s.47.

Application for registration of judgment

2. (1) Where a judgment has been given in a court in a reciprocating jurisdiction, the judgment creditor may apply to the Nunavut Court of Justice within six years after the date of the judgment to have the judgment registered in the Nunavut Court of Justice.

Order

(2) On an application under subsection (1), the Nunavut Court of Justice may order the judgment to be registered in the Nunavut Court of Justice.

Notice of application

(3) An order for registration under this Act may be made *ex parte* in all cases in which the judgment debtor was personally served with process in the original action, or in which, though not personally served, the judgment debtor appeared or defended or otherwise submitted to the jurisdiction of the original court, but in all other cases reasonable notice of the application for the order must be given to the judgment debtor.

Conditions of registration

(4) No order for registration shall be made if it is shown to the Nunavut Court of Justice to which the application for registration is made that

(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 during the proceedings 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 the judgment debtor 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) an appeal is pending or the time within which an appeal may be taken has not expired;
- (f) the judgment was in respect of a cause of action that for reasons of public policy or for some similar reason would not have been entertained by the registering court; or
- (g) the judgment debtor would have a good defence if an action were brought on the original judgment.

Method of registration

(5) Registration may be effected by filing the order and an exemplification or a certified copy of the judgment with the Clerk of the Nunavut Court of Justice, upon which the judgment shall be entered as a judgment of the Nunavut Court of Justice. S.Nu. 2006,c.10,s.6(2),(3).

Where judgment is in a language other than English or French

3. Where a judgment sought to be registered under this Act is in a language other than the English or French language, an English language translation of the judgment shall be attached to the original, a certified copy or an exemplification of the judgment and, upon approval of the Court, the judgment shall be deemed to be in the English language. R.S.N.W.T. 1988,c.111(Supp.),s.2.

Where judgment in foreign currency

4. Where a judgment sought to be registered under this Act makes payable a sum of money expressed in a currency other than the currency of Canada, the Clerk of the Nunavut Court of Justice shall

- (a) determine the equivalent of that sum in the currency of Canada on the basis of the rate of exchange prevailing at the date of the judgment in the original court, as ascertained from any branch of a bank, and
- (b) certify on the order for registration the sum determined under paragraph (a) expressed in the currency of Canada,

and, on its registration, the judgment shall be deemed to be a judgment for the sum certified. S.Nu. 2006,c.10,s.6(3).

Effect of registration

5. Where a judgment is registered under this Act,
- (a) the judgment, from the date of the registration, is of the same force and effect as if it had been a judgment given originally in the registering court on the date of the registration and proceedings may be taken on the judgment accordingly, except that where the registration is made pursuant to an *ex parte* order, no sale or other disposition of any property of the judgment debtor shall be made under the judgment before the expiration of the period fixed by paragraph 6(1)(b) or a further period that the registering court may order;
 - (b) the registering court has the same control and jurisdiction over the judgment as it has over judgments given by itself; and
 - (c) the reasonable costs of and incidental to the registration of the judgment, including the costs of obtaining an exemplification or certified copy of the judgment from the original court and of the application for registration, are recoverable in the same manner as if they were sums payable under the judgment if those costs are taxed by the proper officer of the registering court and his or her certificate of that is endorsed on the order for registration.

Ex parte orders

6. (1) Where a judgment is registered pursuant to an *ex parte* order,
- (a) within one month after the registration or within a further period that the registering court may order, notice of the registration shall be served on the judgment debtor in the same manner as provided by the rules of the registering court for service of statements of claim; and
 - (b) the judgment debtor, within one month after the judgment debtor has had notice of the registration, may apply to the registering court to have the registration set aside.

Setting aside registration

(2) On an application referred to in paragraph (1)(b), the Nunavut Court of Justice may set aside the registration on any of the grounds mentioned in subsection 2(4) and on any terms that the Nunavut Court of Justice thinks fit. S.Nu. 2006,c.10,s.6(3).

7. Repealed, S.N.W.T. 1993,c.13,s.1.

Reciprocating jurisdictions

8. (1) Where the Commissioner is satisfied that reciprocal provisions have been or will be made by a province or territory for the enforcement in that province or territory of judgments given in Nunavut, the Commissioner may, by order, declare it to be a reciprocating jurisdiction for the purposes of this Act. S.Nu. 2006,c.10,s.6(3).

Revocation of order

(2) The Commissioner may revoke an order made under subsection (1) and, upon that, the jurisdiction with respect to which the order was made ceases to be a reciprocating jurisdiction for the purposes of this Act. S.N.W.T. 1998,c.32,Sch.E,s.1.

Effect of Act

9. Nothing in this Act deprives a judgment creditor of the right to bring an action on his or her judgment instead of proceeding under this Act.