

The Enforcement of Canadian Judgments Act

Repealed

by [Chapter E-9.1001 of the *Statutes of Saskatchewan, 2002*](#)
(effective January 1, 2003).

Formerly

[Chapter E-9.101 of the *Statutes of Saskatchewan, 1997*](#)
(not yet proclaimed).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER E-9.101

An Act respecting the Enforcement of Canadian Judgments

Short title

1 This Act may be cited as *The Enforcement of Canadian Judgments Act*.

Definitions

2 In this Act:

“**Canadian judgment**” means:

- (a) a final judgment or order made in a civil proceeding by a court of a province or territory of Canada other than Saskatchewan;
- (b) a final order that is made in the exercise of a judicial function by a tribunal of a province or territory of Canada other than Saskatchewan and that is enforceable as a judgment of the superior court of unlimited trial jurisdiction of the province or territory where the order was made; and
- (c) an order that is made pursuant to section 741 of the *Criminal Code* by a court of a province or territory of Canada other than Saskatchewan and that is entered as a judgment in the superior court of unlimited trial jurisdiction of the province or territory where the order was made; (*«jugement canadien»*)

“**judgment creditor**” means a person entitled to enforce a Canadian judgment; (*«créancier judiciaire»*)

“**judgment debtor**” means a person liable under a Canadian judgment; (*«débiteur judiciaire»*)

“**registered Canadian judgment**” means a Canadian judgment that is registered pursuant to this Act. (*«jugement canadien enregistré»*)

1997, c.E-9.101, s.2.

Right to register judgment

3(1) Subject to section 6, a Canadian judgment for the payment of money may be registered pursuant to this Act for the purpose of enforcing payment of the money unless the judgment is:

- (a) for maintenance or support, including an order enforceable pursuant to *The Family Maintenance Act*; or
- (b) for the payment of money as a penalty or fine for committing an offence.

(2) A Canadian judgment that contains provisions for the payment of money and also contains other provisions may be registered pursuant to this Act with respect to the provisions for the payment of money but may not be registered with respect to the other provisions.

1997, c.E-9.101, s.3.

Procedure for registering judgment

4 A Canadian judgment is registered pursuant to this Act by paying the required fee and by filing in the registry of the Court of Queen's Bench:

- (a) a copy of the judgment certified as true by a judge, registrar, clerk or other proper officer of the court or tribunal that made the judgment; and
- (b) the additional information or material required by the rules of the Court of Queen's Bench.

1997, c.E-9.101, s.4.

Effect of registration

5 Subject to sections 6 and 7, a registered Canadian judgment may be enforced in Saskatchewan as if it were a judgment of, and entered in, the Court of Queen's Bench.

1997, c.E-9.101, s.5.

Time limit for registration and enforcement

6 A Canadian judgment shall not be registered or enforced pursuant to this Act:

- (a) after the time for enforcement has expired in the province or territory where the judgment was made; or
- (b) later than 10 years after the day on which the judgment became enforceable in the province or territory where it was made.

1997, c.E-9.101, s.6.

Power to stay or limit enforcement of registered judgment

7(1) The Court of Queen's Bench may make an order staying or limiting the enforcement of a registered Canadian judgment subject to any terms and for any period the court considers appropriate in the circumstances, if:

- (a) that order could be made with respect to a judgment of the Court of Queen's Bench pursuant to any enactment of Saskatchewan relating to creditors' remedies and the enforcement of judgments;
- (b) the judgment debtor has brought, or intends to bring, in the province or territory where the judgment was made, a proceeding to set aside, vary or obtain other relief with respect to the judgment;
- (c) an order staying or limiting enforcement is in effect in the province or territory where the judgment was made; or
- (d) the judgment is contrary to public policy in Saskatchewan.

(2) The Court of Queen's Bench shall not make an order staying or limiting the enforcement of a registered Canadian judgment on the grounds that:

- (a) the judge, court or tribunal that made the judgment lacked jurisdiction over the subject-matter of the proceeding that led to the judgment or over the judgment debtor under:
 - (i) principles of private international law; or
 - (ii) the domestic law of the province or territory where the judgment was made;

(b) the Court of Queen's Bench would have come to a different decision on a finding of fact or law or on an exercise of discretion from the decision of the judge, court or tribunal that made the judgment; or

(c) a defect existed in the process or proceeding leading to the judgment.

1997, c.E-9.101, s.7.

Interest on registered judgment

8(1) Interest is payable on a registered Canadian judgment as if it were a judgment of the Court of Queen's Bench.

(2) For the purpose of calculating interest payable pursuant to subsection (1), the amount owing on the registered Canadian judgment is the total of:

(a) the amount owing on that judgment on the date it is registered pursuant to this Act; and

(b) interest that has accrued to that date pursuant to the laws applicable to the calculation of interest on that judgment in the province or territory where it was made.

1997, c.E-9.101, s.8.

Recovery of registration costs

9 A judgment creditor is entitled to recover, as if payable pursuant to the registered Canadian judgment, all costs, charges and disbursements:

(a) reasonably incurred in the registration of a Canadian judgment pursuant to this Act; and

(b) taxed, assessed or allowed by the registrar of the Court of Queen's Bench.

1997, c.E-9.101, s.9.

Judgment creditor's other rights not affected by registration

10 Neither registering a Canadian judgment nor taking other proceedings pursuant to this Act affects a judgment creditor's right:

(a) to bring an action on the Canadian judgment or on the original cause of action; or

(b) to register and enforce the Canadian judgment pursuant to *The Reciprocal Enforcement of Judgments Act, 1996*.

1997, c.E-9.101, s.10.

Power to make regulations

11 The Lieutenant Governor in Council may make regulations respecting any matter or thing, including the provision of forms, that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1997, c.E-9.101, s.11.

Rules of court

12 Rules of court may be made for regulating the practice and procedure, including costs, with respect to proceedings pursuant to this Act.

1997, c.E-9.101, s.12.

Application of Act

13 This Act applies to:

- (a) a Canadian judgment made in a proceeding commenced after this Act comes into force; and
- (b) a Canadian judgment made in a proceeding commenced before this Act comes into force and in which the judgment debtor took part.

1997, c.E-9.101, s.13.

Coming into force

14 This Act comes into force on proclamation.

1997, c.E-9.101, s.14.