

# *The Reciprocal Enforcement of Judgments Act*

*Repealed*

by [Chapter R-3.1 of the \*Statutes of Saskatchewan, 1996\*](#)  
(effective March 1, 1997).

*Formerly*

[Chapter R-3 of \*The Revised Statutes of Saskatchewan, 1978\*](#)  
(effective February 26, 1979) as amended by the [Statutes of  
\*Saskatchewan, 1979-80, c.92\*](#); and [1988-89, c.19](#).

## **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 R-3

### An Act to facilitate the Reciprocal Enforcement of Judgments and Awards

#### Short title

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

#### Interpretation

2(1) In this Act:

(a) **“judgment”** means a judgment or order given or made by a court in civil proceedings, whether before or after the passing of this Act, whereby a sum of money is made payable, and includes an award in proceedings on an arbitration if the award has, in pursuance of the law in force in the province or territory where it was made, become enforceable in the same manner as a judgment given by a court therein;

(b) **“judgment creditor”** means the person by whom the judgment was obtained, and includes the executors, administrators, successors and assigns of that person

(c) **“judgment debtor”** means the person against whom the judgment was given, and includes a person against whom the judgment is enforceable in the place where it was given;

(d) **“original court”** in relation to a judgment means the court by which the judgment was given;

(e) **“registering court”** in relation to a judgment means the court in which the judgment is registered under this Act.

(2) Subject to rules of court, any of the powers conferred by this Act on a court may be exercised by a judge of the court.

R.S.S. 1978, c.R-3, s.2.

### ENFORCEMENT IN SASKATCHEWAN OF JUDGMENTS OBTAINED IN OTHER PROVINCES OR TERRITORIES OF CANADA

#### Registration of judgment

3(1) Where a judgment of a court has been obtained outside Saskatchewan in any other province or territory of Canada to which this Act applies, the judgment creditor may apply to the proper court in Saskatchewan, within six years after the date of the judgment, to have the judgment registered in that court, and on any such application the court may, subject to the provisions of this Act, order the judgment to be registered accordingly.

(2) Subsection (1) shall apply, also, where a judgment has been obtained in a police magistrate’s court in the Northwest Territories or the Yukon Territory and this Act has been made to apply to the said Territories or Territory, as the case may be.

(3) An application under subsection (1) must be made to Her Majesty's Court of Queen's Bench for Saskatchewan.

(4) Reasonable notice of the application shall be given to the judgment debtor in all cases in which he was not personally served with process in the original action, and did not appear or defend or otherwise submit to the jurisdiction of the original court. In all other cases an order may be made *ex parte*.

(5) The judgment may be registered by filing with the registrar or clerk of the registering court an exemplification or a certified copy of the judgment, together with the order for the registration, and upon such filing the judgment shall be entered as a judgment of the registering court.

R.S.S. 1978, c.R-3, s.3; 1979-80, c.92, s.81; 1988-89, c.19, s.2.

#### Bars to registration

4 No judgment shall be ordered to be registered under this Act if it is shown to the registering court that:

- (a) the original court acted without jurisdiction; or
- (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; or
- (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 he was ordinarily resident or was carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court; or
- (d) the judgment was obtained by fraud; or
- (e) an appeal is pending, or the judgment debtor is entitled and intends to appeal, against the judgment; or
- (f) the judgment was in respect of a cause of action that for reasons of public policy or for some other 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.

R.S.S. 1978, c.R-3, s.4.

#### Effect of registration

5 Where a judgment is registered under this Act:

- (a) the judgment shall, from the date of the registration, be of the same force and effect, and subject to the provisions of this Act proceedings may be taken thereon, as if it had been a judgment originally obtained or entered in the registering court on the date of the registration;
- (b) the registering court shall have the same control and jurisdiction over the judgment as it has over judgments given by itself;

(c) the reasonable costs of and incidental to the registration of the judgment, including the costs of obtaining an exemplification or certified copy thereof from the original court and of the application for registration, shall be recoverable in like manner as if they were sums payable under the judgment, provided that those costs have been taxed by the proper officer of the registering court, and his certificate as to costs has been endorsed on the order for registration.

R.S.S. 1978, c.R-3, s.5.

**Notice where order *ex parte***

6(1) Where a judgment is registered pursuant to an order made *ex parte*, notice of the registration shall be given to the judgment debtor within one month after the registration or within such further period as the court may allow.

(2) The notice shall be served in the manner provided by the practice of the registering court for service of writs of process, or of notice of proceedings.

(3) No sale under the judgment shall be valid if made prior to the expiration of one month after the judgment debtor has notice of the registration or prior to the expiration of such further period as the court may order.

R.S.S. 1978, c.R-3, s.6.

**Setting aside registration**

7(1) Where a judgment is registered pursuant to an order made *ex parte*, the registering court may, on application of the judgment debtor made within one month after he has notice of the registration, set aside the registration upon such terms as the court may think fit.

(2) An applicant acting pursuant to subsection (1) shall be entitled to have the registration set aside upon any grounds mentioned in section 4.

R.S.S. 1978, c.R-3, s.7.

**Rules of court**

8 Rules of court may be made for regulating the practice and procedure, including costs, in respect of proceedings under this Act.

R.S.S. 1978, c.R-3, s.8.

**Application of Act**

9(1) Where the Lieutenant Governor is satisfied that reciprocal provision has been or will be made by any other province or territory of Canada for the enforcement within that province or territory of judgments obtained in Saskatchewan, the Lieutenant Governor may by order in council direct that this Act shall apply to that province or territory, and thereupon this Act shall apply accordingly.

(2) An order in council under this section may be varied, or revoked by a subsequent order.

R.S.S. 1978, c.R-3, s.9; 1979-80, c.92, s.81.

**Saving right of action**

**10** Nothing in this Act deprives a judgment creditor of the right to bring an action for the recovery of the amount of his judgment instead of proceeding under this Act.

R.S.S. 1978, c.R-3, s.10.

**Construction**

**11** This Act shall be so interpreted and construed as to effect its general purpose of making uniform the law of the provinces that enact it.

R.S.S. 1978, c.R-3, s.11.