

CHAPTER 227**THE JUDGMENTS ACT**

Arrangement of Sections

Section

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JUDGMENTS*(1st October, 1907.)*

811907.
211935.
S.R.O. 2211956.

1. This Act may be cited as the Judgments Act. **Short title.**
2. In this Act— **Interpretation.**
 "inferior court" includes the Court of Summary Jurisdiction and any Court in Antigua and Barbuda 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.

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 Antigua and Barbuda to the extent of his 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.

Application for
order of sale.
First Schedule.

4. Every such 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 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.

Every such 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 such 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. 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. The costs of every such order shall be in the discretion of the Court. Every order of sale shall be registered in the manner hereinbefore provided for the registration of the application therefor.

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.

Expiry of time for making order of sale.

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.

Interest on judgments.

8. 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. 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 of the Circuit in which it is filed.

Judgments of inferior Court.

Second Schedule.

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 has purchased the right, title, and interest of the debtor in the lands sold and 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.

Certificate of purchase of interest of judgment debtor.

FIRST SCHEDULE

FORM OF APPLICATION FOR ORDER OF SALE

Under section 4 of the Judgments Act

IN THE EASTERN CARIBBEAN SUPREME COURT

.....Circuit

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 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 _____ 19____.

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

CERTIFICATE IN TERMS OF THE JUDGMENTS ACT,

SECTION 8

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 (\$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 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)