

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER J10

JUDGMENTS ACT

Showing the Law as at 15 December 2000

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JUDGMENTS ACT

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JUDGMENTS ACT

Interpretation

1. In this Act—

"inferior court" includes the Magistrate's 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

2. 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 Anguilla to the extent of his beneficial interest therein, but 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

3. Every such application for an order of sale shall be according to the form in Schedule 1 and shall be filed in the Office of the Registrar of the High Court in Anguilla, and notice of the filing thereof shall be served upon the judgment debtor. 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

4. The Court may at any time within 6 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.

Expiry of time for making order of sale

5. Where 6 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

6. Every judgment debt shall carry interest at the rate of 5% per annum from the time of the entering up of such judgment and such interest may be recovered in the same manner as the amount of such judgment.

Judgments of inferior courts

7. A judgment already entered upon 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 Schedule 2 or as near thereto as circumstances will permit, and shall be entered in the Judgment Book.

Registration of purchaser after exercise of power of sale

8. (1) After the sale of the interest of any judgment debtor in any lands under this Act, the judgment creditor shall furnish to the purchaser of the interest a transfer by chargee in exercise of a power of sale in a form registerable under the Registered Land Act to the effect that the purchaser has purchased the interest of the judgment debtor.

(2) The transfer referred to in subsection (1) is liable to stamp duty as a transfer or assignment of the land.

Citation

9. This Act may be cited as the Judgments Act, Revised Statutes of Anguilla, Chapter J10.

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SCHEDULE 1

(Section 3)

FORM OF APPLICATION FOR ORDER OF SALE

IN THE HIGH COURT OF THE EASTERN CARIBBEAN SUPREME COURT

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

Description

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SCHEDULE 2

(Section 7)

CERTIFICATE IN TERMS OF THE JUDGMENTS ACT

I .....……..... certify that *(here state name, business or occupation, and address of person obtaining judgment, and whether plaintiff or defendant)* 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 Supreme Court,
in accordance with the provisions of the Judgments Act.

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