



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

CANADIAN JUDGMENTS (ENFORCEMENT) ACT

PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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CANADIAN JUDGMENTS (ENFORCEMENT) ACT

CHAPTER C-1.1

1. Definitions

In this Act

- (a) **“Canadian civil protection order”** means a Canadian judgment, or a portion of a Canadian judgment, that prohibits a person from:
- (i) being in physical proximity to a specified person or following a specified person from place to place,
 - (ii) contacting or communicating with, either directly or indirectly, a specified person,
 - (iii) attending at or within a certain distance of a specified place or location, or
 - (iv) engaging in molesting, annoying, harassing or threatening conduct directed at a specified person;
- (a.1) **“Canadian judgment”** means
- (i) a final judgment or order made in a civil proceeding by a court of a province of Canada other than Prince Edward Island,
 - (ii) a final order that is made in the exercise of a judicial function by a tribunal of a province of Canada other than Prince Edward Island and that is enforceable as a judgment of the superior court of unlimited trial jurisdiction of the province where the order was made, and
 - (iii) an order that is made under section 725 or 726 of the *Criminal Code* (Canada) by a court of a province of Canada other than Prince Edward Island and that is entered as a judgment in the superior court of unlimited trial jurisdiction of the province where the order was made;
- (b) **“judgment creditor”** means a person entitled to enforce a Canadian judgment;
- (c) **“judgment debtor”** means a person liable under a Canadian judgment;
- (d) **“registered Canadian judgment”** means a Canadian judgment that is registered under this Act. 1994, c.5, s.1; 2010, c.4, s.1.

2. Application of Act

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 if the judgment debtor took part in the proceeding. 1994, c.5, s.2.

3. Right to register judgment

- (1) Subject to section 6, a Canadian judgment for the payment of money may be registered under this Act for the purpose of enforcing payment of the money unless the judgment is
- (a) for maintenance or support, including an order enforceable under the *Maintenance Enforcement Act* R.S.P.E.I. 1988, Cap. M-1; or
 - (b) for the payment of money as a penalty or fine for committing an offence.

Money judgment

- (2) A Canadian judgment that contains provisions for the payment of money and also contains other provisions may be registered under this Act only in respect of the provisions for the payment of money. *1994, c.5, s.3.*

4. Procedure for registering judgment

A Canadian judgment is registered under this Act by paying the fee prescribed under the *Court Fees Act* R.S.P.E.I. 1988, Cap. C-27.001 and by filing in the registry of the Supreme Court

- (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 regulation. *1994, c.5, s.4; 2012, c.10, s.5.*

5. Effect of registration

Subject to sections 6 and 7, a registered Canadian judgment may be enforced in Prince Edward Island as if it were a judgment of, and entered in, the Supreme Court. *1994, c.5, s.5.*

6. Time limit for registration and enforcement

A Canadian judgment shall not be registered or enforced under this Act

- (a) after the time for enforcement has expired in the province where the judgment was made; or
- (b) later than ten years after the day on which the judgment became enforceable in the province where it was made. *1994, c.5, s.6.*

7. Power to stay or limit enforcement of registered judgment

- (1) The Supreme Court 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) such an order could be made in respect of a judgment of the Supreme Court under any enactment of Prince Edward Island relating to creditors' remedies and the enforcement of judgments;
 - (b) the judgment debtor has brought, or intends to bring, in the province where the judgment was made, a proceeding to set aside, vary or obtain other relief in respect of the judgment;
 - (c) an order staying or limiting enforcement is in effect in the province where the judgment was made; or
 - (d) the judgment is contrary to public policy in Prince Edward Island.

Excluded grounds for challenge

- (2) The Supreme Court 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 under principles of private international law, or the domestic law of the province where the judgment was made, over the subject matter of the proceeding that led to the judgment or over the judgment debtor.
 - (b) the Supreme Court 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. *1994, c.5, s.7.*

8. Interest on registered judgment

- (1) Interest is payable on a registered Canadian judgment as if it were a judgment of the Supreme Court.

Interest prior to registration

- (2) For the purpose of calculating interest payable under 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 under this Act; and
 - (b) interest that has accrued to that date under the laws applicable to the calculation of interest on that judgment in the province where it was made. *1994, c.5, s.8.*

9. Recovery of registration costs

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

- (a) reasonably incurred in the registration of a Canadian judgment under this Act; and
- (b) taxed, assessed or allowed by the Prothonotary. *1994, c.5, s.9; 2008, c.20, s.72(8).*

10. Judgment creditor's other rights not affected by registration

Neither registering a Canadian judgment nor taking other proceedings under 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 under the *Reciprocal Enforcement of Judgments Act* R.S.P.E.I. 1988, Cap. R-6. *1994, c.5, s.10.*

10.1 Deeming of order

A Canadian civil protection order is deemed to be an order of the Supreme Court and may be enforced in the same manner as an order of that court for all purposes. *2010, c.4, s.2.*

10.2 Enforcement by law enforcement authorities

A Canadian civil protection order is enforceable by a law enforcement authority in the same manner as an order of the Supreme Court, whether or not the order is a registered Canadian judgment. *2010, c.4, s.2.*

10.3 Registration permitted

A Canadian civil protection order may be registered and enforced as a Canadian judgment pursuant to this Act. *2010, c.4, s.2.*

10.4 Immunity

No action or proceeding lies or shall be commenced against a law enforcement authority, including an employee or agent of a law enforcement authority, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the enforcement or supposed enforcement of a Canadian civil protection order or purported Canadian civil protection order pursuant to this Act. *2010, c.4, s.2.*

10.5 Application

Sections 10.1 to 10.4 apply to a Canadian civil protection order

- (a) that is in force at the time this section comes into force; or
- (b) that is issued after this section comes into force. *2010, c.4, s.2.*

11. Regulations

The Lieutenant Governor in Council may make regulations. *1994, c.5, s.11.*

12. Rules of court

Pursuant to section 35 of the *Judicature Act R.S.P.E.I. 1988, Cap. J-2.1* rules of court may be made respecting all matters arising under this Act including cancellation of the registration of a judgment. *1994, c.5, s.12; 2008, c.20, s.72(8).*

13. Consequential amendments

Consequential Amendments. *1994, c.5, s.13.*