



CHAPTER 2.10

JUDGMENTS ACT

Revised Edition
showing the law as at 1 January 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

JUDGMENTS ACT

Act 8 of 1907 .. in force 1 October 1907

Amended by Act: 2 of 1935

Amended by S.R.O. 15/1956

Amended by Act 10 of 1984

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JUDGMENTS ACT

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SCHEDULES

CHAPTER 2.10

JUDGMENTS ACT

(Acts 8 of 1907, 2 of 1935, S.R.O. 15/1956 and Act 10 of 1984)

Commencement

[1 October 1907]

Short title

1. This Act may be cited as the Judgments Act.

Interpretation

2. In this Act—

“**Court**” means 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.

(Amended by Act 10 of 1984)

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 Montserrat 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.

Applications for order of sale

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 Magistrate's Court and notice of the filing thereof shall be served upon the judgment debtor. Every such 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. (*Amended by Act 10 of 1984*)

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.

Expiry of time for making order of sale

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.

Interest of judgments

7. Every judgment debt shall carry interest at the rate of four 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. (*Amended by Act 10 of 1984*)

Judgments of Inferior Courts

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. (*Amended by Act 10 of 1984*)

Certificates of purchase of interest of judgment debtor

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.

FIRST SCHEDULE

(Amended by Act 10 of 1984)

(FORM OF) APPLICATION FOR ORDER OF SALE

Under section 4 of the Judgments Act

IN THE MAGISTRATE’S COURT

..... Circuit

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 of \$
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

Situation of Lands			Boundaries
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

(Amended by Act 10 of 1984)

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, 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 Magistrate's Court, 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, in accordance with the provisions of the Judgments Act.

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

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