



Province of Alberta

RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT

Revised Statutes of Alberta 2000
Chapter R-6

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Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Reciprocal Enforcement of Judgments Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Reciprocal Enforcement of Judgments Act		
Form	487/81	
Reciprocating Jurisdictions	344/85	179/90, 297/90, 175/94, 56/95, 81/99

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HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Interpretation

1(1) In this Act,

- (a) “Court” means the Court of Queen’s Bench;
- (b) “judgment” means a judgment or order of a court in a civil proceeding whereby a sum of money is made payable, and includes an award in an arbitration proceeding if the award, under the law in force in the jurisdiction where it was made, has become enforceable in the same manner as a judgment given by a court in that jurisdiction, but does not include an order for the payment of money as alimony or as maintenance for a spouse or former spouse or an adult interdependent partner or former adult interdependent partner or a child, or an order made against an alleged parent of an unborn child for the maintenance or support of the child’s birth mother;

- (c) “judgment creditor” means the person by whom the judgment was obtained, and includes that person’s executors, administrators, successors and assigns;
- (d) “judgment debtor” means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable in the jurisdiction in which it was given;
- (e) “original court” in relation to a judgment means the court by which the judgment was given.

(2) All references in this Act to personal service mean actual delivery of the process, notice, or other document, to be served, to the person to be served with it personally and service shall not be held not to be personal service merely because the service is effected outside the jurisdiction of the original court.

RSA 2000 cR-6 s1;2002 cA-4.5 s70;2010 c16 s1(48)

Order for registration

2(1) When a judgment has been given in a court in a reciprocating jurisdiction, the judgment creditor may apply to the Court of Queen’s Bench within 6 years after the date of the judgment to have the judgment registered in the Court, and on the application the Court may order the judgment to be registered accordingly.

(2) An order for registration under this Act may be made ex parte in any case in which the judgment debtor

- (a) was personally served with process in the original action, or
- (b) though not personally served, appeared or defended, or attorned or otherwise submitted to the jurisdiction of the original court,

and in which, under the laws of the country of the original court, the time within which an appeal may be made against the judgment has expired and no appeal is pending or an appeal has been made and has been dismissed.

(3) In a case to which subsection (2) applies, the application shall be accompanied with a certificate issued from the original court and under its seal and signed by a judge of that court or the clerk of that court.

(4) The certificate shall be in the form prescribed by the regulations, and shall set out the particulars as to the matters mentioned in it.

(5) In a case to which subsection (2) does not apply, any notice of the application for the order that is required by the *Alberta Rules of Court* or as the Court considers sufficient shall be given to the judgment debtor.

(6) No order for registration shall be made if it is shown by the judgment debtor to the Court that

- (a) the original court acted either
 - (i) without jurisdiction under the conflict of laws rules of the Court, or
 - (ii) without authority under the law of the original court to adjudicate concerning the cause of action or subject-matter that resulted in the alleged judgment or concerning the person of the alleged judgment debtor,or without that jurisdiction and without that authority,
- (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,
- (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 the judgment debtor was ordinarily resident or was carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court,
- (d) the judgment was obtained by fraud,
- (e) an appeal is pending or the time within which an appeal may be taken has not expired,
- (f) the judgment was in respect of a cause of action that for reasons of public policy or for some similar reason would not have been entertained by the Court, or
- (g) the judgment debtor would have a good defence if an action were brought on the original judgment.

(7) Registration may be effected by filing the order and an exemplification or a certified copy of the judgment with the clerk of the Court and, on being filed, the judgment shall be entered as a judgment of the Court.

Currency

3 When a judgment sought to be registered under this Act makes payable a sum of money expressed in a currency other than the currency of Canada, the clerk of the Court shall determine the equivalent of that sum in the currency of Canada on the basis of the rate of exchange prevailing at the date of the entry of the judgment in the original court, as ascertained from any branch of any bank, and the clerk shall certify on the order for registration the sum so determined expressed in the currency of Canada and, on its registration, the judgment is deemed to be a judgment for the sum so certified.

RSA 1980 cR-6 s3

Translation

4 When a judgment sought to be registered under this Act is in a language other than the English language, the judgment or the exemplification or certified copy of it, as the case may be, shall have attached to it for all purposes of this Act a translation in the English language approved by the Court, and on the approval being given the judgment is deemed to be in the English language.

RSA 1980 cR-6 s4

Registration

- 5** When a judgment is registered under this Act,
- (a) the judgment, from the date of the registration, is of the same force and effect as if it had been a judgment given originally in the Court of Queen's Bench on the date of the registration and proceedings may be taken on it accordingly, except that if the registration is made pursuant to an ex parte order, no sale or other disposition of any property of the judgment debtor shall be made under the judgment before the expiration of the period fixed by section 6(1)(b) or any further period that the Court may order,
 - (b) the Court has the same control and jurisdiction over the judgment as it has over judgments given by itself, and
 - (c) the reasonable costs of and incidental to the registration of the judgment, including the costs of obtaining an exemplification or certified copy of it from the original court and of the application for registration, are recoverable in the same manner as if they were sums payable under the judgment if those costs are assessed by an assessment officer and that assessment officer's certificate is endorsed on the order for registration.

RSA 2000 cR-6 s5;2009 c53 s158

Registration

- 6(1)** When a judgment is registered pursuant to an ex parte order,
- (a) within one month after the registration or within any further period that the Court may at any time order, notice of the registration shall be served on the judgment debtor in the same manner as a statement of claim is required to be served, and
 - (b) the judgment debtor, within one month after the judgment debtor has had notice of the registration, may apply to the Court to have the registration set aside.
- (2)** On an application under subsection (1)(b), the Court may set aside the registration on any of the grounds mentioned in section 2(6) and on terms that the Court thinks fit.

RSA 1980 cR-6 s6

Judgment creditor

- 7** Nothing in this Act deprives a judgment creditor of the right to bring action on the judgment creditor's judgment or on the original cause of action
- (a) after proceedings have been taken under this Act, or
 - (b) instead of proceeding under this Act,

and the taking of proceedings under this Act, whether or not the judgment is registered, does not deprive a judgment creditor of the right to bring action on the judgment or on the original cause of action.

RSA 1980 cR-6 s7

Jurisdiction

- 8(1)** When the Lieutenant Governor in Council is satisfied that reciprocal provision will be made by a jurisdiction in or outside Canada for the enforcement in that jurisdiction of judgments given in Alberta, the Lieutenant Governor in Council may by order declare it to be a reciprocating jurisdiction for the purposes of this Act.
- (2)** The Lieutenant Governor in Council may revoke any order made under subsection (1) and, on revocation, the jurisdiction with respect to which the order was made ceases to be a reciprocating jurisdiction for the purposes of this Act.

RSA 1980 cR-6 s8

Regulations

9 The Lieutenant Governor in Council may make regulations prescribing forms for use under this Act.

RSA 1980 cR-6 s9