

The Enforcement of Canadian Judgments Act, 2002

being

Chapter E-9.1001 of the *Statutes of Saskatchewan, 2002* (effective January 1, 2003) as amended by the *Statutes of Saskatchewan, 2008, c.5; 2012, c.12; 2015, c.22; and 2016, c.16.*

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER E-9.1001

An Act respecting the Enforcement and Registration of Canadian Judgments and making consequential amendments to a certain Act

PART I

Short Title and Interpretation

Short title

1 This Act may be cited as *The Enforcement of Canadian Judgments Act, 2002*.

Interpretation

2 In this Act:

“**Canadian civil protection order**” means a Canadian judgment, or a portion of a Canadian judgment, that prohibits a person from:

- (a) being in physical proximity to a specified person or following a specified person from place to place;
- (b) contacting or communicating with, either directly or indirectly, a specified person;
- (c) attending at or within a certain distance of a specified place or location;
or
- (d) engaging in molesting, annoying, harassing or threatening conduct directed at a specified person; (« *ordonnance civile de protection au Canada* »);

“**Canadian judgment**” means:

- (a) a judgment, decree or order made in a civil proceeding by a court of a province or territory of Canada other than Saskatchewan:
 - (i) that requires a person to pay money, including:
 - (A) an order for the payment of money where the order is made in the exercise of a judicial function by a tribunal of a province or territory of Canada other than Saskatchewan and is enforceable as a judgment of the superior court of unlimited trial jurisdiction in that province or territory; and
 - (B) an order made and entered pursuant to section 741 of the *Criminal Code* in a court of a province or territory of Canada other than Saskatchewan;
 - (ii) pursuant to which a person is required to do or not do an act or thing; or
 - (iii) that declares rights, obligations or status in relation to a person or thing;

but does not include a judgment, decree or order that:

- (iv) is for maintenance or support, including an order enforceable pursuant to *The Family Maintenance Act, 1997*;
- (v) is for the payment of money as a penalty or fine for committing an offence;
- (vi) relates to the care, control or welfare of a minor, other than a Canadian civil protection order;
- (vii) is made by a tribunal of a province or territory of Canada other than Saskatchewan whether or not it is enforceable as an order of the superior court of unlimited trial jurisdiction of the province or territory where the order was made, to the extent that it provides for relief other than the payment of money; or
- (viii) relates to the granting of probate or letters of administration or the administration of the estate of a deceased person; or

(b) a Canadian tax judgment; (« *jugement canadien* »)

“Canadian tax judgment” means:

- (a) a judgment for the recovery of an amount of money payable under a law imposing a tax made by a court of a province or territory of Canada other than Saskatchewan; or
- (b) a certificate of an amount of money payable under a law imposing a tax that is:
 - (i) registered in a court of a province or territory of Canada other than Saskatchewan; and
 - (ii) deemed under the law of that province or territory to be a judgment of that court; (« *jugement canadien de nature fiscale* »)

“enforcement” includes requiring that a Canadian judgment be recognized by any person or authority whether or not further relief is sought; (« *exécution* »)

“enforcing party” means a person entitled to enforce a Canadian judgment in the province or territory where the judgment was made; (« *partie qui exécute le jugement* »)

“registered Canadian judgment” means a Canadian judgment that is registered pursuant to this Act. (« *jugement canadien enregistré* »)

PART II
Registration and Enforcement of Canadian Judgments

Right to register Canadian judgment

3(1) Subject to subsection (2), a Canadian judgment, whether or not the judgment is final, may be registered pursuant to this Act for the purpose of enforcement.

(2) A Canadian judgment that requires a person to pay money may not be registered pursuant to this Act for the purpose of enforcement unless it is a final judgment.

(3) A Canadian judgment that also contains provisions for relief that may not be enforced pursuant to this Act may be registered pursuant to this Act except with respect to those provisions.

2002, c.E-9.1001, s.3.

Procedure for registering Canadian judgment

4(1) A Canadian judgment is registered pursuant to this Act by:

- (a) paying the fee prescribed in the regulations; and
- (b) filing with the Registrar of the Court of Queen's Bench:
 - (i) a copy of the judgment, certified as true by a judge, registrar, clerk or other proper officer of the court that made the judgment; and
 - (ii) any additional information or material that may be required by *The Queen's Bench Rules*.

(2) **Repealed.** 2008, c.5, s.6.

(3) **Repealed.** 2008, c.5, s.6.

2002, c.E-9.1001, s.4; 2008, c.5, s.6.

Effect of registration

5 Subject to sections 6 and 7, a registered Canadian judgment may be enforced in Saskatchewan as if it were an order or judgment of, and entered in, the Court of Queen's Bench.

2002, c.E-9.1001, s.5.

Time limit for registration and enforcement

6(1) A Canadian judgment that requires a person to pay money must not be registered or enforced pursuant to this Act:

- (a) after the time for enforcement has expired in the province or territory where the judgment was made; or
- (b) later than 10 years after the day on which the judgment became enforceable in the province or territory where it was made.

(2) Equitable doctrines and rules of law in relation to delay apply to the enforcement of a Canadian judgment to the extent that the Canadian judgment provides for relief other than the payment of money.

2002, c.E-9.1001, s.6.

Application for directions

7(1) A party to the proceeding in which a registered Canadian judgment was made may apply to the Court of Queen's Bench for directions respecting its enforcement.

- (2) On an application pursuant to subsection (1), the court may:
- (a) make an order that the judgment be modified as may be required to make it enforceable in conformity with local practice;
 - (b) make an order stipulating the procedure to be used in enforcing the judgment;
 - (c) make an order staying or limiting the enforcement of the judgment, subject to any terms and for any period the court considers appropriate in the circumstances, if:
 - (i) that order could be made with respect to an order or judgment of the Court of Queen's Bench pursuant to *The Queen's Bench Rules* or any Act relating to legal remedies and the enforcement of orders and judgments;
 - (ii) the party against whom enforcement is sought has brought, or intends to bring, in the province or territory where the Canadian judgment was made, a proceeding to set aside, vary or obtain other relief in respect of the judgment;
 - (iii) an order staying or limiting enforcement is in effect in the province or territory where the Canadian judgment was made; or
 - (iv) it is contrary to public policy in Saskatchewan.
- (3) Notwithstanding subsection (2), the Court of Queen's Bench shall not make an order staying or limiting the enforcement of a registered Canadian judgment solely on the grounds that:
- (a) the judge, court or tribunal that made the judgment lacked jurisdiction over the subject-matter of the proceeding that led to the judgment, or over the party against whom enforcement is sought, pursuant to:
 - (i) principles of private international law; or
 - (ii) the domestic law of the province or territory where the judgment was made;
 - (b) the Court of Queen's Bench 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 or court that made the judgment; or
 - (c) a defect existed in the process or proceeding leading to the judgment.

- (4) An application for directions must be made pursuant to subsection (1) before any measures are taken to enforce a registered Canadian judgment if:
- (a) the enforceability of the judgment is, by its terms, subject to the satisfaction of a condition; or
 - (b) subject to subsection (5), the judgment was obtained *ex parte* without notice to the persons bound by it.
- (5) Clause (4)(b) does not apply with respect to Canadian tax judgments.

2002, c.E-9.1001, s.7; 2015, c.22, s.6; 2016, c16, s.4.

Interest on registered judgment

- 8(1) To the extent that a registered Canadian judgment requires a person to pay money, interest is payable as if it were an order or judgment of the Court of Queen's Bench.
- (2) For the purpose of calculating interest payable pursuant to 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 pursuant to this Act; and
 - (b) interest that has accrued to that date pursuant to the laws applicable to the calculation of interest on that judgment in the province or territory where it was made.

2002, c.E-9.1001, s.8.

Recovery of registration costs

- 9 An enforcing party is entitled to recover all costs, charges and disbursements:
- (a) reasonably incurred in the registration of a Canadian judgment pursuant to this Act; and
 - (b) taxed, assessed or allowed by the Registrar of the Court of Queen's Bench.

2002, c.E-9.1001, s.9.

Enforcing party's other rights not affected by registration

- 10 Neither registering a Canadian judgment nor taking other proceedings pursuant to this Act affects an enforcing party'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 pursuant to *The Reciprocal Enforcement of Judgments Act, 1996*.

2002, c.E-9.1001, s.10.

PART III
Canadian Civil Protection Orders and Foreign Civil Protection Orders

Interpretation of Part

10.1 In this Part:

“foreign civil protection order” means a foreign judgment, or a portion of a foreign judgment, made by a court in a foreign state, except for a foreign state prescribed in the regulations, that prohibits a specified individual from:

- (a) being in physical proximity to a specified person or following a specified person from place to place;
- (b) contacting or communicating with, either directly or indirectly, a specified person;
- (c) attending at or within a certain distance of a specified place or location; or
- (d) engaging in molesting, annoying, harassing or threatening conduct directed at a specified person; (« *ordonnance civile de protection rendue à l'étranger* »)

“foreign judgment” means a foreign judgment as defined in *The Enforcement of Foreign Judgments Act* and includes a decision that would, if the decision were a final decision, be a foreign judgment pursuant to that Act. (« *jugement étranger* »)

2012, c.12, s.3.

Deeming of order

10.2 A Canadian civil protection order or a foreign civil protection order is deemed to be an order of the Court of Queen’s Bench and is enforceable in the same manner as an order of that court for all purposes.

2012, c.12, s.3.

Enforcement by law enforcement authorities

10.3(1) A Canadian civil protection order is enforceable by a law enforcement authority in the same manner as an order of the Court of Queen’s Bench, whether or not the order is a registered Canadian judgment.

(2) A foreign civil protection order is enforceable by a law enforcement authority in the same manner as an order of the Court of Queen’s Bench.

2012, c.12, s.3.

Registration permitted

10.4 A Canadian civil protection order may be registered and enforced pursuant to Part II.

2012, c.12, s.3.

Immunity

10.5 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 a foreign civil protection order or a purported Canadian civil protection order or a purported foreign civil protection order pursuant to this Part or the regulations made pursuant to this Act.

2012, c.12, s.3.

Application of Part

10.6 This Part applies to a Canadian civil protection order or a foreign civil protection order:

- (a) that is in force at the time this Part comes into force; or
- (b) that is issued after this Part comes into force.

2012, c.12, s.3.

PART IV
General

Regulations

11 The Lieutenant Governor in Council may make regulations:

- (a) respecting forms;
 - (a.1) prescribing foreign states for the purposes of section 10.1;
- (b) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2002, c.E-9.1001, s.11; 2012, c.12, s.4.

Rules of court

12 The Court of Queen's Bench may make any rules of court that it considers necessary to regulate practice and procedure, including costs, of proceedings pursuant to this Act.

2002, c.E-9.1001, s.12.

Application of Act

13 This Act applies to:

- (a) a Canadian judgment made in a proceeding commenced after this Act comes into force;

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- (b) a Canadian judgment made in a proceeding commenced before this Act comes into force and in which the party against whom enforcement is sought took part; and
- (c) a Canadian tax judgment made before or after this Act comes into force.

2002, c.E-9.1001, s.13; 2016, c16, s.5.

14 **Dispensed.** This/these section(s) makes consequential amendments to another/ other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

S.S. 1997, c.E-9.101 repealed

15 *The Enforcement of Canadian Judgments Act* is repealed.

2002, c.E-9.1001, s.15.

Coming into force

16 This Act comes into force on proclamation.

2002, c.E-9.1001, s.16.