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Backgrounder

Report on the Uniform Civil Enforcement of Money Judgments Act

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This report presents a proposal for the reform of the civil enforcement system that governs the legal procedures that apply to the enforcement of money judgments. A money judgment is an order issued by a court for a party to a lawsuit to pay the other party a sum of money. Often money judgments go uncollected and rarely do they result in immediate payment. The reason for that, in part, is that the system for enforcing money judgments in British Columbia is archaic, fragmentary, and inefficient.

This report embraces both a discussion of broad policy issues and presentation of the minute details of the law with regard to money judgments. It is the position of this report that the law of civil enforcement in British Columbia fails to provide a just and efficient civil enforcement system and fundamental reform is necessary. This report examines a specific proposal for fundamental statutory reform: a model act recently endorsed by the Uniform Law Conference of Canada, called the *Uniform Civil Enforcement of Money Judgments Act*.

The report contains a broad overview of the Uniform Act, describing the major policy themes and provisions of the act. It also focuses on describing the origins of the Uniform Act in law reform projects in other provinces and in the work of the Uniform Law Conference of Canada. The report recommends various revisions and deletions to the Uniform Act, and also addresses a few selected provisions in the *Law and Equity Act*. The report also examines implementation issues as well as specific transitional issues that may arise. In order to demonstrate why reform of the law is necessary, it begins by reviewing the history and operation of British Columbia's current civil enforcement system and the major arguments in favour of reform.

The report contains the text of the Uniform Act, along with the commentary provided by the Uniform Law Conference of Canada. The report also integrates the British Columbia Law Institute's review of the Uniform Act into the commentary. The consequences implementation of the Uniform Act will have on the *Court Order Enforcement Act* and the *Creditor Assistance Act*, British Columbia's major civil enforcement statutes, are also examined. The report illustrates how enforcement proceedings will be affected by the coming into force of legislation implementing the Uniform Act through a series of descriptive transitional scenarios.

