

LAW REFORM COMMISSION OF BRITISH COLUMBIA

c/o British Columbia Law Institute
1822 East Mall, University of British Columbia
Vancouver, British Columbia V6T 1Z1
Voice: (604) 822 0142 Fax: (604) 822 0144 E-mail: bcli@bcli.org
Website: www.bcli.org

Backgrounder

LRC 126—Report on Supreme Court Rule 54: Reciprocally Enforceable Judgments

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The *Court Order Enforcement Act* contains two reciprocal enforcement measures that allow a person to register out-of-province judgments. The procedure to be followed in those situations is contained in Rule 54 of the Rules of Court, which has certain deficiencies and concerns surrounding its operation. In this minor report the Commission sets out a revised version of the Rule and recommends its adoption.

Rule 54 sets out the procedure for Part 2 of the *Court Order Enforcement Act*. The report discusses the many concerns raised by how the Rule is drafted. For example, the Rule draws a distinction between how to register judgments under Part 2 and how to do so under the Canada–United Kingdom Convention for no justifiable reason. It also conflicts with Part 2 over whether notice needs to be given to the judgment debtor. It requires an affidavit to the effect that the defendant was duly served despite the fact that this is not always required. Rule 54 does not refer to a certificate from the original court in a prescribed form, something that the *Court Order Enforcement Act* requires. The Rule also requires an affidavit in support of an application for registration to state that the original court had jurisdiction to grant the judgment, despite the fact that this is a highly technical legal issue.

The Report includes an appendix that outlines a new draft of Rule 54 that speaks to these issues. It also includes the current version of Rule 54 and Part 2 of the *Court Order Enforcement Act*. The background of the Canada–U.K. Convention as well as the Part of the *Court Order Enforcement Act* relating to it are also included.

Further Developments

See Rules of Court, Rule 54, as enacted by B.C. Reg. 55/93, s. 21.