

CHAPTER 210

REGISTRATION OF JUDGMENTS

1893-2

This Act came into operation on 24th January, 1893.

Amended by:

1977-25

1979-36

1988/5

1979-8

1979-44

1990-20

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1985

1991

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 210

REGISTRATION OF JUDGMENTS 1893-2

Arrangement of Sections

1. Short title
- 1A. Interpretation
2. No judgment of the High Court to affect real estate until registered
3. Judgments after 5 years from registration to be void against real estate unless a fresh memorandum is registered
4. Memorandum registered within 5 years before any conveyance etc., to bind purchasers, etc.
5. Notice of any judgment of the High Court not to affect purchasers, etc., if not registered or re-registered
6. Extinguished judgments not hereby revived and judgments not affected as between the parties thereto
7. Fees of registration may be levied under execution
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9. Registration by one person to benefit all others interested in the same judgment
10. Statement on future writs of execution

SCHEDULE

**BARBADOS****REGISTRATION OF JUDGMENTS
1893-2**

An Act to provide for the registration of judgments.

[Commencement: 24th January, 1893]

Short title

1. This Act may be cited as the *Registration of Judgments Act*.

Interpretation

- 1A. In sections 3, 4 and 5 “Registrar” includes the Registrar of Titles.

[1990-20]

No judgment of the High Court to affect real estate until registered

- 2.(1) No judgment obtained or confessed in the High Court shall affect any lands, tenements or hereditaments as to purchasers, mortgagees or judgment creditors unless and until

- (a) a memorandum or minute in the form mentioned in the *Schedule*, containing the names of the persons in whose favour and against whom judgment is entered up or given, the date of such judgment and the

amount of the debt, damages, costs or money thereby recovered or secured is registered with the Registrar; and

- (b) a copy of such memorandum or minute referred to in paragraph (a) certified as such by the Registrar is lodged with the Registrar of Titles who shall issue a receipt, in such form as he may determine, in respect of each memorandum or minute received.

(2) Subject to subsection (4), the Registrar shall forthwith enter the same particulars in a register in alphabetical order by the name of the person against whom the judgment is entered up or given and shall also insert in such register the year and the day of the month when such memorandum or minute is so registered with him.

[1990-20]

(3) A judgment obtained against a judgment debtor is of no effect with respect to registered land unless it is registered as a charge under the *Land Registration Act*, Cap. 229.

[1979-44]

(4) No judgment referred to in this section shall be entered under this Act unless it has been duly stamped under the *Stamp Duty Act*, Cap. 91; but no stamping is required in respect of the copy of a judgment that is required to be lodged with the Registrar of Titles.

[1990-20]

[1990-20]

Judgments after 5 years from registration to be void against real estate unless a fresh memorandum is registered

3.(1) All judgments which are registered under this Act shall, after the expiration of 5 years from the date of the entry thereof, be null and void against lands, tenements and other hereditaments, as to purchasers, mortgagees or judgment creditors unless a like memorandum or minute as was required in the first instance is again registered with the Registrar within 5 years before the execution of the conveyance, settlement, mortgage, lease or other deed or

instrument vesting or transferring the legal or equitable right, title, estate or interest in or to any such purchaser or mortgagee for valuable consideration or, as to judgment creditors, within 5 years before the confession or obtaining of such judgments, and so *toties quoties* at the expiration of every succeeding 5 years.

(2) The Registrar shall forthwith re-enter the same in like manner as the same was originally entered.

[1990-20]

Memorandum registered within 5 years before any conveyance etc., to bind purchasers, etc.

4. It shall be sufficient to bind purchasers, mortgagees and judgment creditors if such a memorandum or minute as was required in the first instance is again registered with the Registrar within 5 years before the execution of the conveyance, settlement, mortgage, lease or other deed or instrument vesting or transferring the legal or equitable right, title, estate or interest in or to any such, or the confession or obtaining of such, judgments as directed by section 3, although more than 5 years have expired by effluxion of time since the last previous registration before such last-mentioned memorandum or minute was registered and so *toties quoties* upon every re-registry.

[1990-20]

Notice of any judgment of the High Court not to affect purchasers, etc., if not registered or re-registered

5.(1) No judgment obtained or confessed in the High Court shall affect any lands, tenements or hereditaments at law or in equity as to purchasers, mortgagees or judgment creditors unless and until such a memorandum or minute as is mentioned in section 2 is registered with the Registrar, any notice of any such judgment to any such purchaser, mortgagee or judgment creditor in anywise notwithstanding.

(2) Notice of any judgment not duly re-registered shall not avail at law or in equity against purchasers, mortgagees or judgment creditors as to lands, tenements or hereditaments.

[1990-20]

Extinguished judgments not hereby revived and judgments not affected as between the parties thereto

6. Nothing in this Act contained shall extend to revive or restore any judgment which is at any time extinguished or barred or to affect or prejudice any judgment as between the parties thereto or their representatives or those deriving as volunteers under them.

Fees of registration may be levied under execution

7. In every case of execution of a judgment obtained or confessed in the High Court, the party entitled to execution may levy any fees paid for registering or re-registering the judgment over and above the sum recovered.

Priority not affected by difference between dates of registration

8. The priority existing between different judgments by reason of the difference of the dates on which they were entered up or given shall not be affected by the difference (if any) between the dates of their registration or re-registration.

Registration by one person to benefit all others interested in the same judgment

9. The registration or re-registration, as the case may be, of a judgment by any person or persons entitled only to a part of the moneys thereby secured shall enure for the benefit of every person entitled to the remainder of such moneys, notwithstanding such last-mentioned person may not have registered or re-registered the judgment.

Statement on future writs of execution

10. Every execution issued shall have printed or written thereon in plain characters the following words, namely, “The judgment on which this execution issued should be re-registered in the Registration Office every 5 years.”

SCHEDULE

(s. 2)

Date of registration	Date of Judgment	Person against whom judgment is entered up or given	Person in whose favour judgment is entered up or given.	Amount recovered or secured

[1979-36]