

Rule 81 - Reciprocal Enforcement

81.01 Scope of Rule 81

- (1) This Rule is made under, and provides procedures complementary to those in, the *Reciprocal Enforcement of Judgments Act*.
- (2) This Rule does not affect enforcement, outside of the *Act*, of an order made by a court in another province or one of the territories, or of a non-penal order made by a foreign judicial authority.
- (3) These Rules apply to an application for registration, and for enforcement of a registered judgment, unless a Rule is inconsistent with a provision in the *Act* or this Rule.

81.02 Application for registration

A person who obtains a judgment in a reciprocating state and wishes to apply for registration of the judgment under the *Reciprocal Enforcement of Judgments Act* may start the application in one of the following ways:

- (a) for an *ex parte* registration under subsection 3(2) of the *Act*, by filing an *ex parte* application as provided for in Rule 5 - Application;
- (b) for registration on notice under the *Act*, by filing a notice of application as provided for in Rule 5 - Application.

81.03 Notice after *ex parte* registration

- (1) The notice of registration required by the *Reciprocal Enforcement of Judgments Act* to be served after *ex parte* registration may be served in the same manner as notice of a proceeding is given under Rule 31 - Notice.
- (2) The notice of registration must contain the standard heading, be entitled “Notice of *Ex Parte* Registration”, be addressed to the judgment debtor, be dated and signed, and include all of the following:
 - (a) a statement that a judgment obtained against the judgment debtor in the reciprocating state is registered in Nova Scotia and may be enforced as a judgment of the court;
 - (b) details of the judgment;
 - (c) details of the order for registration;

- (d) a statement of the judgment debtor's right to make a motion to set aside the registration, the grounds in subsection 3(5) of the *Reciprocal Enforcement of Judgments Act*, and the time provided in the *Act* within which the motion must be made;
 - (e) the address designated by the judgment creditor in the *ex parte* application;
 - (f) a statement that a document delivered to the designated address is considered received by the judgment creditor on delivery.
 - (g) an acknowledgement of the effect of delivery to the designated address and a statement that further contact information is available from the prothonotary.
- (3) The notice of registration may be in Form 81.03.

81.04 Motion to set aside

A judgment debtor who wishes to set aside an *ex parte* registration may make a motion in the proceeding started by the judgment creditor.

81.05 Enforcement

- (1) A judgment creditor who registers a judgment may make a motion for an order to enforce the judgment under Rule 78 - Order, or Rule 79 - Enforcement by Execution Order.
- (2) An execution order to enforce a judgment registered by *ex parte* order must allow for the notice period required by clause 6(a) of the *Reciprocal Enforcement of Judgments Act*.