

(3) Every such order shall state the period, being a period to be computed from the date of service of notice of registration within which an application may be made to set aside the registration, and shall contain a notification that execution on the judgment will not issue until after the expiration of that period.

(4) A Judge may, on an application made at any time while it remains competent for any party to apply to have the registration set aside, grant an extension of the period (either as originally fixed or as subsequently extended) during which an application to have the judgment set aside may be made.

#### Time for setting aside Registration.

18. Unless the Court shall otherwise order, the period within which an application may be made to set aside the registration shall—

- (a) If the judgment debtor is resident in New Zealand, be ten, twenty, or twenty-eight days according as the judgment debtor's usual or last-known place of abode or of business is not more than twenty miles, more than twenty but not more than one hundred miles, or more than one hundred miles from the office of the Court in which the application for registration is filed :
- (b) If the judgment debtor is not resident in New Zealand, be such time as would in the particular case be fixed for filing a statement of defence if the application were for leave to serve a writ out of New Zealand under Rule 51 of the Code of Civil Procedure.

#### Register of Judgments.

19. The registration of every judgment ordered to be registered under the Act shall be effected by entry of particulars in an appropriate record book kept by the Registrar. There shall be entered in such register the date of the order for registration, the name, title, trade, or business, and usual or last-known place of abode or business of the judgment debtor and the judgment creditor respectively, the sum expressed in New Zealand currency representing the amount payable under the judgment, the interest (if any), up to the time of registration for which the judgment is registered, and the costs allowed of and incidental to registration, and any special directions contained in the order for registration and the particulars of any execution issued thereon.

#### Date of Registration.

20. Unless the Court otherwise orders, both the order for registration and the registration shall be deemed to be of the date when the documents comprising the application for registration were filed in the Court.

#### Notice of Registration.

21. Notice in writing of the registration of a judgment must be served on the judgment debtor—

- (a) If within New Zealand, by personal service as in the case of a writ of summons, unless some other mode of service is ordered by the Judge :
- (b) If out of New Zealand, in accordance with the rules applicable to the service of a writ of summons out of New Zealand save that special leave to serve out of New Zealand shall not be required.

#### Contents of Notice of Registration.

22. The notice of registration shall state—

(a) Full particulars of the judgment registered and the order for registration and of any special directions contained therein ; and

*Cf. Rr. 14, 16, 583 of Code.*

- (b) Whether the notice is issued by the judgment creditor or by a solicitor on his behalf ; and
- (c) An address for service at which any summons, motion, or other written communication from the judgment debtor may be served ; being not more than three miles from the office of the Court in which the application for registration was filed ; and
- (d) The right of the judgment debtor to apply on the grounds appearing in the Act to have the registration set aside : Provided that it shall not be necessary to set out in terms the grounds so appearing ; and
- (e) In accordance with the terms of the order giving leave to register, within what time from the date of service of the notice an application to set aside may be made.

#### Application to set aside Registration.

23. (1) An application to set aside the registration of a judgment shall be made by motion to the Court supported by affidavit.

(2) On any such application the Court may direct that an issue between the judgment creditor and the judgment debtor shall be stated and tried and may give such directions in relation to the trial of such issue as may be necessary.

#### Issue of Execution.

24. (1) Execution shall not issue on a registered judgment until after the expiration of the period which, in accordance with the provisions of Rule 17 (3) of these rules, is specified in the order giving leave to register as the period within which an application may be made to set aside the registration, or, if an order is made extending the period so specified, until after the expiration of the extended period.

(2) If an application is made to set aside the registration of a judgment, execution shall not issue until such application has been disposed of.

(3) The party desirous of issuing an execution upon a registered judgment shall produce to the proper officer an affidavit of the service of the notice of registration.

#### Form of Writ of Execution.

25. A writ of execution on a judgment registered under the Act shall be varied by describing thus the sum recovered : " which of has recovered against him in (describing the Court in which the judgment was obtained) by virtue of a judgment bearing date the day of , 19 , and which judgment has been duly registered in our Supreme Court of New Zealand pursuant to Part I of the Reciprocal Enforcement of Judgments Act, 1934."

#### Determination of certain Questions.

26. If, whether under the Act or under these rules, any question arises whether a judgment given in any country to which Part I of the Act extends can be enforced by execution in the country of the original Court, or what interest is payable under any judgment under the law of that country, that question shall be determined in accordance with such provisions, if any, in that behalf as are contained in the Order in Council extending the Act to that country.

#### Certified Copy of New Zealand Judgments.

27. (1) An application under section 11 of the Act for a certified copy of a judgment entered in the Supreme Court shall be made *ex parte* by motion filed in the office of the Court in which the judgment is recorded, and shall be supported by an affidavit made by the judgment creditor or his solicitor.

(2) An affidavit for the purposes of this rule shall—

- (a) Give particulars of the proceedings in which the judgment was obtained ; and
- (b) Have annexed to it a copy of the writ of summons or the originating summons or other process by which the proceedings were instituted, the evidence of service thereof upon, or appearance by, the defendant, copies of the pleadings, if any, in the proceedings, such respective copies and evidence being verified as such by the person making the affidavit ; and
- (c) Contain a statement of the grounds on which the judgment was based ; and
- (d) State whether the defendant did or did not object to the jurisdiction, and, if so, on what grounds ; and
- (e) Show that the judgment is not subject to any stay of execution and that no notice of appeal against it has been entered, and whether the time for appealing has expired ; and
- (f) State the rate at which the judgment carries interest.

(3) Where an application for a certified copy of a judgment duly made under this rule is granted, it shall not be necessary to prepare seal or take out any formal order in that behalf, but there shall be prepared by the applicant and issued a copy of the judgment sealed with the seal of the Supreme Court and certified by the Registrar of the Supreme Court as follows :—

" I certify that the above copy judgment is a true copy of a judgment entered in the Supreme Court of New Zealand and this copy is issued in accordance with section 11 of the Reciprocal Enforcement of Judgments Act, 1934.

Signed :

Registrar of the Supreme Court  
of New Zealand, at "

Together with the following further certificates also under the seal of the Supreme Court and certified by the Registrar :—

- (a) A certificate giving particulars of the proceedings in which the judgment was obtained and having annexed to it a copy of the writ of summons, or originating summons, or other process, by which the proceedings were instituted, showing the manner in which the writ or summons or other process was served on the defendant, or that the defendant appeared thereto, and the objections made to the jurisdiction, if any, in the proceedings, a statement of the grounds on which the judgment was based, and such other particulars as it may be necessary to give to the tribunal in which it is sought to obtain execution of the judgment.