

2025-05-09

OBJECTS AND REASONS

This Bill would amend the *Supreme Court of Judicature Act*, Cap. 117A in order to

- (a) provide for the making of orders for interim payments;
- (b) validate all orders for interim payments made before the commencement of this Act; and
- (c) provide for related matters.

Arrangement of Sections

1. Short title
2. Insertion of section 36A into Cap. 117A
3. Amendment of the *First Schedule* to Cap. 117A
4. Validation
5. Savings

BARBADOS

A Bill entitled

An Act to amend the *Supreme Court of Judicature Act*, Cap. 117A in order to

- (a) provide for the making of orders for interim payments;
- (b) validate all orders for interim payments made before the commencement of this Act; and
- (c) provide for related matters.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Supreme Court of Judicature (Amendment and Validation) Act, 2025*.

Insertion of section 36A into Cap. 117A

2. *The Supreme Court of Judicature Act, Cap. 117A, in this Act referred to as the principal Act, is amended by inserting the following section immediately after section 36:*

“Power of court to order interim payments

36A.(1) The court may, where there are proceedings pending and in such circumstances as may be specified in rules of court, make an order requiring a party to any proceedings to make to another party to the proceedings an interim payment of such amount as may be specified in the order.

(2) Rules of court made in respect of interim payments may include

- (a) provision for enabling a party to any proceedings who has made an interim payment in pursuance of an order under subsection (1) to recover the whole or part of the amount of the payment in such circumstances and from such other party to the proceedings as may be determined in accordance with those Rules; and
- (b) such incidental, supplementary and consequential provisions as the Rules Committee may consider necessary or expedient.

- (3) In subsections (1) and (2)
- (a) “interim payment” in relation to a party to any proceedings means a payment on account of any damages, debt or other sum (excluding any costs) which that party may be held liable to pay to or for the benefit of another party to the proceedings if a final judgment or order of the court in the proceedings is given or made in favour of that other party; and
 - (b) any reference to a party to any proceedings includes a reference to any person who for the purposes of the proceedings acts as next friend or guardian of, or in any other representative capacity for a party to the proceedings.”.

Amendment of the *First Schedule to Cap. 117A*

3. *Part II of the First Schedule to the principal Act is amended by inserting the following:*

“14. Proceedings related to the *Companies Act*, Cap. 308.”.

Validation

4.(1) Notwithstanding anything to the contrary in any law, the making of orders for interim payment in the circumstances specified in Part 17 of the *Civil Procedure Rules, 2008* (S.I. 2008, No. 66) before the commencement of this Act shall be deemed to have been lawfully made and to be valid and effective to all intents and purposes.

(2) Part 17 of the *Civil Procedure Rules, 2008* (S.I. 2008, No.66) relating to the power of the Court to make orders for interim payments

- (a) is hereby declared to be lawful, valid and effective; and
- (b) shall be deemed, with effect from the commencement of this Act, to have been lawfully made under the principal Act.

Savings

5. For the avoidance of doubt it is declared that nothing in this Act shall affect or prejudice the validity or effectiveness of any decision of a court of competent jurisdiction which reversed or set aside any order for interim payment before the commencement of this section.

Read three times and passed the House of Assembly this
day of _____, 2025.

Speaker

Read three times and passed the Senate this _____ day of
, 2025.

President