

Judicature Act, RSNS 1989, c 240

Interpretation of [Sections 35B to 35H](#)

35A In [Sections 35B to 35H](#),

(a) "judgment creditor" means a person who is entitled to receive payment of or to enforce a judgment;

(b) "judgment debtor" means an person who is obligated to make payment under a judgment or against whom a judgment may be enforced;

(c) "periodic payments" means the payment of money to a judgment creditor at a future time or times. 2003 (2nd Sess.), c. 1, s. 26.

Periodic payments

35B In a court proceeding in which damages are claimed for personal injuries or for the death of a person, or under the [Fatal Injuries Act](#), the court may, on the application of any party, order that the future pecuniary damages and such other damages as the parties may agree be paid in whole or in part by periodic payments. 2003 (2nd Sess.), c. 1, s. 26.

Duty of court respecting order for periodic payments

35C Where the court orders damages to be paid by periodic payments, the judgment shall

(a) identify each head of damage for which a periodic payment is to be made;

(b) in respect of each head of damage for which periodic payments are awarded, state

(i) the amount of each periodic payment,

(ii) the date of or the interval between each periodic payment,

(iii) the recipient of each periodic payment,

(iv) any annual percentage increase in the amount of each periodic payment, and

(v) the date or event on which the periodic payments will terminate;

and

(c) contain or have attached to it any other material that the court considers appropriate. 2003 (2nd Sess.), c. 1, s. 26.

Security for periodic payments

35D (1) Unless the court orders otherwise, a judgment that orders damages to be paid by periodic payments is conditional on the judgment debtor's filing with the court, within thirty days after the day the judgment is rendered or such other time as the court may fix, security to assure the payment of the judgment.

(2) Security under subsection (1) shall be in the form of an annuity contract issued by a life insurer satisfactory to the court, or in any other form that is satisfactory to the court.

(3) Where security is filed and approved under this Section, the judgment debtor by whom or on whose behalf the security is filed is discharged from all liability to the judgment creditor in respect of the damages that are to be paid by periodic payments, but the owner of the security remains liable for the periodic payments until they are paid. 2003 (2nd Sess.), c. 1, s. 26.

Where judgment creditor dies

35E Where a judgment creditor dies before the date or event on which periodic payments are terminated for a head of damage under subclause (v) of clause (b) of [Section 35C](#), the remaining periodic payments for that head of damage shall continue to be paid to the estate of the judgment creditor until the termination date, unless the judgment provides otherwise. 2003 (2nd Sess.), c. 1, s. 26.

Commutation of periodic payments to lump sum

35F Except as provided in [subsection \(2\)](#) of [Section 35D](#) and [Section 35E](#), no award for periodic payments of damages shall be commuted into a lump sum. 2003 (2nd Sess.), c. 1, s. 26.

Exemption of periodic payments from execution, etc.

35G Periodic payments of damages for loss of future earnings are exempt from garnishment, attachment, execution or any other process or claim to the same extent that wages or earnings are exempt under law. 2003 (2nd Sess.), c. 1, s. 26.

Award for periodic payments not assignable or transferable

35H An award for periodic payments is not assignable or transferable. 2003 (2nd Sess.), c. 1, s. 26.

Application of [Sections 35A](#) to [35H](#)

35I [Sections 35A](#) to [35H](#) apply to all proceedings, whether commenced before or after the coming into force of those Sections. 2003 (2nd Sess.), c. 1, s. 26.