

A BILL

ENTITLED

AN ACT to Make more comprehensive provision for the appointment, jurisdiction and conduct of Justices of the Peace and for connected matters.

[]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Justices of the Peace Act, 2017. Short title.
2. In this Act— Interpretation.

“Advisory Committee” means the Justices of the Peace Advisory Committee established under section 3 in respect of a parish;

“Custos” means the *Custos Rotulorum* of the relevant parish;

“functions” includes powers and duties;

“Judicial functions” in relation to the exercise of functions by a Justice, means the functions of a Justice while exercising summary jurisdiction in a Parish Court or a Lay Magistrates’ Courts, or while presiding in Children’s Courts, or any functions of a Justice under the Justices of the Peace Jurisdiction Act;

“Justice” means a Justice of the Peace;

“Office” means the office of Justice of the Peace;

“official seal” means the official seal prescribed for the use of Justices under section 5(4);

“Register” means a Register of Justices of the Peace established under section 16.

PART II.—*Appointment*

Justices of
the Peace
Advisory
Committee.

3.—(1) There is hereby established, in each parish, a Justices of the Peace Advisory Committee.

(2) An Advisory Committee shall consist of—

- (a) the *Custos Rotulorum* of the parish, who shall be the Chairman of the Committee;
- (b) the most senior Parish Court Judge for the parish or a nominee of that Judge (being also a Parish Court Judge); and
- (c) a senior police officer in the parish, being an officer not below the rank of Deputy Superintendent, nominated by the Commissioner of Police.

(3) An Advisory Committee established under the Justices of the Peace (Appointment and Code of Conduct) Rules, 2006, is hereby continued and deemed to be an Advisory Committee established under this Act.

4.—(1) An Advisory Committee shall, for the parish in respect of which it is established, make recommendations, to the Minister, for the appointment of Justices and, for that purpose, the Advisory Committee shall keep under constant review the needs of the parish as a whole and the needs of each community in the parish, with a view to ensuring that there are adequate numbers of Justices—

Functions of
Advisory
Committee.

- (a) for the Lay Magistrates' Courts and all other courts in which Justices of the Peace exercise summary jurisdiction;
- (b) to serve on any Licensing Authority constituted under the Spirit Licence Act;
- (c) throughout the parish, who are available to attest or authenticate documents for members of the public; and
- (d) to discharge any other functions assigned to Justices under any law.

(2) An Advisory Committee shall ensure that all persons recommended by the Advisory Committee for appointment as Justices are eligible for appointment under section 5.

(3) The Minister may give such directions to any Advisory Committee as the Minister thinks necessary to facilitate the carrying out of the Committee's functions.

5.—(1) The Governor-General, acting on the recommendation of the Minister, may appoint, to the office of Justice of the Peace, any person eligible under this section to be appointed as a Justice.

Appointment
of Justices of
the Peace.

(2) An individual is eligible to be appointed as a Justice if the individual—

- (a) is a citizen of Jamaica who is resident in Jamaica at the time of appointment and who is able to read and speak English fluently;
- (b) is an individual whom the Governor-General is satisfied—
 - (i) is of unquestionable integrity;
 - (ii) commands the respect and confidence of the individual's community; and

(iii) has given good service to the community, and the wider Jamaica, and who demonstrates the potential for continuing to give such service; and

(c) has attained the age of twenty-three years.

(3) Where the operations of a Ministry, department, or agency, of Government may be facilitated by having ready access to the services of a Justice, officers serving in that Ministry, department or agency (as the case may be) may be appointed as Justices to facilitate the work of that Ministry, department or agency.

(4) Upon appointment under this section, each Justice shall—

- (a) be issued an instrument of Office;
- (b) take the oaths required of a Justice under the Oaths Act; and
- (c) be entrusted with an official seal of such size or specification as may be prescribed in regulations made under section 21.

(5) The provisions of section 10 shall have effect in relation to instruments of Office issued, and official seals entrusted, under this section.

6.—(1) A person may apply or be nominated for appointment to the office of Justice of the Peace.

Application
or
nomination
for
appointment.

(2) Applications or nominations for appointment shall be submitted in writing, in such form as may be prescribed (if any), to the Custos of the parish for which the applicant or nominee (as the case may be) is eligible to be appointed pursuant to section 8(1).

(3) Where an application or nomination, in respect of any person, for appointment to the office of Justice is made to the Custos, the Custos shall, before acting under subsection (4)—

- (a) inform the person that the Custos has received the application or nomination (as the case may be) and that, before the application or nomination is sent to the Minister, the Custos may direct that enquiries be made into the person's background; and

- (b) invite the person to state in writing whether the person agrees to the enquiries being made or whether the person would prefer that no further action be taken in respect of the application or nomination.

(4) Upon receipt of an application or nomination in accordance with this section and after acting in accordance with subsection (3), the Custos—

- (a) may, in order to ensure that the applicant or nominee (as the case may be) is suitable for appointment, cause a member of the Jamaica Constabulary Force, not being a member below the rank of Inspector, to make discreet inquiry into the background of the applicant or nominee; and
- (b) shall refer the application or nomination to the Advisory Committee together with the results of the inquiry (if any) under paragraph (a) and a statement—
 - (i) setting out the person's name, age, address, and occupation;
 - (ii) indicating that the Custos is satisfied that the person is a citizen of Jamaica who is resident in Jamaica; and
 - (iii) giving the details of the nature of service given by the person and the Custos' own assessment of the person's potential for future service.

(5) The Advisory Committee shall, after receipt of the information referred to in subsection (4)(b), supply the Minister with the names of those persons who are considered suitable for appointment.

(6) The Minister shall submit to the Governor-General such of the names supplied under subsection (5) as constitute the names of persons whom the Minister is prepared to recommend that the Governor-General appoint as Justices.

(7) Every person recommended under subsection (6) shall, prior to taking the oath of Office, participate in such training courses as may be approved by the Minister to be suitable qualifying training for Justices of the Peace.

(8) For the purposes of subsection (7), a list of the approved courses shall be published on the official website of the ministry responsible for justice.

Requirements
of Office.
First
Schedule.

7.—(1) A Justice shall observe the provisions of the Code of Conduct set out in the First Schedule, and failure to do so shall constitute an act of misconduct.

(2) A Justice shall—

- (a) participate in training and educational courses approved by the Minister for the purpose of enhancing the competence of Justices in the performance of their duties and enhancing their knowledge of current developments in the law;
- (b) agree in writing—
 - (i) to serve the public in relation to the attestation and authentication of documents; and
 - (ii) to, whenever possible and subject to the availability of the Justice, perform such other community based activities as the Custos may require (such as visits to prisons and to old persons' homes);
- (c) indicate whether the Justice is willing to perform judicial functions; and
- (d) in respect of each calendar year, submit to the Custos a report completed in the form set out in the Second Schedule, by the 31st day of January of the next calendar year.

Second
Schedule.

(3) A Justice shall comply with all the requirements of the Office.

(4) Where it appears to the Custos that a Justice has, without reasonable excuse, failed to comply with any requirement under subsection (2), the Custos shall in writing—

- (a) remind the Justice of the obligation to comply with the requirements; and

- (b) instruct the Justice to give an undertaking to fulfil those requirements and shall state that if the Justice does not give the undertaking the Justice will be required to resign Office or a recommendation will be made for the revocation of that Justice's appointment to Office.

8.—(1) The parish, as constituted by the Counties and Parishes Act, for which a Justice is appointed shall be the parish in which the Justice resides or has his or her principal place of work and, if a Justice ceases to reside or have his or her principal place of work in that parish, the Justice shall forthwith send a written notification of the new parish in which that Justice resides or has his or her principal place of work (as the case may be) to—

- (a) the Custos of the parish for which the Justice is appointed; and
- (b) the Custos of the new parish,

and those Custodes shall update the roster referred to in section 18 accordingly.

(2) The jurisdiction of a Justice shall—

- (a) in respect of the Justice's judicial functions, be limited to the parish for which that Justice is rostered under section 18; and
- (b) notwithstanding subsection (1), in respect of all other functions of the Justice, extend to all parishes of Jamaica.

(3) In respect of a Justice, the functions of the Custos as concerns the appointment, termination of appointment, accountability, discipline, and the receipt of reports and returns required under this Act or any other law, shall lie with—

- (a) the Custos of the parish for which the Justice is rostered under section 18; or
- (b) in the case of a Justice not rostered under section 18 the parish for which the Justice is appointed, and in any case where notification is given by the Justice pursuant to subsection (1), the functions shall lie with the Custos of the new parish specified in the notification.

Tenure.

9.—(1) The tenure of appointment of a Justice is—

- (a) for the life of that Justice;
- (b) until the appointment is terminated in accordance with this section by—
 - (i) the resignation of the Justice;
 - (ii) the removal of the Justice from Office for misconduct or inability to perform the functions of the Office, or for any other reason pursuant to the Justices of the Peace (Jurisdiction) Act; or
- (c) until the person ceases to be a citizen or resident of Jamaica.

(2) A Justice may at any time resign Office by submitting a written resignation of the Office to the Custos and surrendering that Justice's instrument of Office to the Custos.

(3) A resignation under subsection (2) shall take effect upon receipt by the Custos of the written resignation and the instrument of Office of the Justice pursuant to subsection (2), whereupon the Custos shall forthwith remove the name of the Justice from the Register of Justices of the Peace kept pursuant to section 16, and from the roster kept under section 18 (where applicable).

(4) The Governor-General may revoke the appointment to Office of any Justice on the grounds that the Justice has—

- (a) behaved in a manner that—
 - (i) taints the office of Justice of the Peace; or
 - (ii) is likely to bring the office of Justice of the Peace into public ridicule, to cause public scandal or bring the administration of justice into disrepute;
- (b) failed to comply with any requirement of the Office set out in section 7; or
- (c) failed to pay the cost, or any portion thereof, of replacing an official seal, for which cost that Justice is liable under this Act or any regulations made under section 21.

10.—(1) A Justice entrusted with an official seal shall—

- (a) keep the seal in his or her possession, and preserve and maintain the safe custody of the seal; and
- (b) use the seal solely in the execution of the functions of the Office.

Custody of
official seals
and
instruments
of office.

(2) No Justice shall, in the execution of the functions of the Office, use a seal other than the official seal entrusted to that Justice.

(3) Where the official seal entrusted to a Justice is damaged, destroyed, lost or stolen, the Justice shall, as soon as is reasonably practicable, make a report thereof to—

- (a) the Custos; and
- (b) a member of the Jamaica Constabulary Force not below the rank of Deputy Superintendent.

(4) A justice shall cease to use the instrument of Office and the official seal if—

- (a) that Justice retires from Office, resigns the Office, is suspended from Office or, as the case may be, the appointment of the Justice is revoked; or
- (b) the Justice is directed by the Custos to cease using the instrument of Office and official seal,

and shall return the instrument and seal to the Custos within five days, or such longer period as may be stipulated by the Custos, of the date of such retirement, resignation or direction, as the case may be.

(5) On the death of a Justice, the executor, administrator, personal representative or any person having charge of the affairs of the Justice shall forthwith return to the Custos the instrument of Office issued, and the official seal entrusted, to that Justice.

(6) Every instrument of Office or official seal which is returned to the Custos shall be forwarded to the Permanent Secretary in the Ministry with responsibility for Justices of the Peace, unless it is required for the purpose of any proceedings in a court of law or for the purpose of an official investigation.

(7) Upon the termination of any court proceedings or investigation referred to in subsection (6), the instrument or seal (as the case may be) shall be returned to the Custos, who shall forward the instrument or seal to the Permanent Secretary in the Ministry with responsibility for Justices of the Peace.

(8) The Ministry shall deal with any instrument or seal forwarded under subsection (6) or (7) in the manner prescribed.

(9) Where an official seal entrusted to a Justice is not returned by the Justice as required by this section, that Justice shall be liable for the full cost of replacing the seal.

(10) Upon being satisfied as to the circumstances of the damage, destruction, loss, or theft, of an instrument of Office issued under this section, the Minister shall recommend to the Governor-General that another instrument of Office be issued in substitution therefor to the Justice concerned, and that substitute instrument shall be deemed to have full force and effect from the date of the original instrument.

Use of
official seal.

11.—(1) Every document which is attested to or authenticated by a Justice in the execution of the functions of the Office shall bear the official seal, the date of execution thereof and the signature of that Justice.

(2) A document attested to or authenticated by a Justice in the execution of the functions of the Office shall not be valid unless the requirements of subsection (1) have been complied with.

(3) Any document purporting to bear the official seal, the date of execution thereof and the signature of any Justice authorized by any enactment to administer any oath, affidavit, declaration or other affirmation, shall be admitted in evidence without proof that the seal or signature is the seal or signature of that Justice.

Actionable
conduct.

12.—(1) Subject to the procedures set out in sections 13 and 14 (where applicable), the actions specified in Column 2 of the Third Schedule may be taken in respect of any conduct specified in relation thereto in Column 1 of the Third Schedule.

(2) Where any action referred to in subsection (1) is taken against a Justice, the person taking the action shall cause the Justice to be informed of the action.

(3) For the avoidance of doubt, the powers of suspension referred to in the Third Schedule are exercisable by the Custos, while the powers of revocation are exercisable by the Governor-General after the procedure set out in section 13.

13.—(1) Where the question of the revocation of a person's appointment to the office of Justice of the Peace has arisen on any complaint or allegation, coming within the knowledge of the Custos, that any conduct by that person amounts to conduct specified in Column 1 of the Third Schedule, for which the action specified in Column 2 of that Schedule is revocation of the appointment, the Custos shall cause an enquiry to be made into all the circumstances surrounding the alleged conduct.

Procedure for
revocation of
appointment
of Justice.

(2) For the purposes of any enquiry under subsection (1) or section 14, the Custos may—

- (a) request the assistance of the police officer in charge of the parish to make enquiry and report thereon to the Custos; or
- (b) establish a committee consisting of Justices of the Peace to conduct the enquiry and report its findings thereon to the Custos.

(3) On receipt of a report of an enquiry made under subsection (1), the Custos shall give the Justice in respect of whom the enquiry is made an opportunity to be heard in relation thereto, after which the Custos shall forward the findings to the Minister for transmission to the Governor-General.

14.—(1) Where a Justice has been charged with, or convicted of, a criminal offence, the Justice shall make a written report thereof to the Custos, and may include in the report any explanation or information that the Justice considers necessary.

Procedure
concerning
criminal
offence.

(2) Upon considering a report under subsection (1), the Custos—

- (a) may cause an enquiry to be made into the matter; and
- (b) shall submit to the Minister the Custos' recommendations as to the actions to be taken in respect of the report, which

recommendations may take into account the findings of an enquiry made under paragraph (a) in respect of the report.

(3) The failure of a Justice to make a report as required by subsection (1) shall be deemed to be an act of gross misconduct such that for the Justice to continue to hold Office would bring the Office into public ridicule.

(4) A Justice who has been charged with, or convicted of, a criminal offence shall not continue to—

- (a) sit as a Justice in the Lay Magistrates' Courts or a Justice in the Children's Courts;
- (b) serve on a Licensing Authority constituted under the Spirit Licence Act; or
- (c) perform any of the other functions of the Office,

until that Justice is advised in writing by the Custos that the Minister is satisfied that the Justice can so continue.

Duty to
provide
services free
of charge.

15. For the avoidance of doubt, it is hereby confirmed that the office of Justice of the Peace is not an office of emolument, and the duty to carry out the functions of the Office free of charge shall be deemed to be a requirement of the Office.

Register.

16.—(1) Every Custos shall keep a Register (to be known as the Register of Justices of the Peace) of all persons who are appointed as Justices of the Peace for the parish for which the Custos is appointed.

(2) The Register shall contain the name, age and address of each Justice, and such other particulars as may be prescribed.

(3) A Justice shall notify the Custos, in writing, forthwith on becoming aware of any change in respect of any of the particulars required to be contained in the Register under subsection (2) in respect of that Justice.

(4) The Register shall be open to inspection by any member of the public at all reasonable times.

(5) A copy of the Register and any changes made thereto shall be notified in the *Gazette*.

17.—(1) The Custos shall have power, on production to the Custos of such evidence as appears to the Custos to be satisfactory— Amendment
of Register.

- (a) to remove from or restore to the Register any entry which ought to be removed or restored;
- (b) to remove from the Register the name of any person who—
 - (i) has died;
 - (ii) has ceased to be a citizen or resident of Jamaica; or
 - (iii) has ceased to be a Justice appointed for that parish;
- (c) to amend any incorrect entry in the Register;
- (d) to make, from time to time, any necessary change in any of the particulars prescribed pursuant to section 16(2).

(2) A Custos shall notify the Minister of any changes made to the Register kept by that Custos.

(3) If a Custos—

- (a) sends, by registered post to any person whose name is in the Register, a letter addressed to the person at the address appearing in the Register in respect of that person, enquiring whether the person has ceased to act as a Justice, or has changed his or her address;
- (b) receives no reply to that letter, within two months from the date of posting; and
- (c) is unable to ascertain the whereabouts of the person after having taken all reasonable steps to do so,

the Custos shall notify the Minister, and the Minister may direct the Custos to remove that person's name from the Register.

(4) A Justice whose name is removed from the Register pursuant to this section may appeal in writing to the Minister, and the Minister may—

- (a) confirm the removal; or

- (b) if satisfied that the circumstances so warrant, direct the Custos to restore the Justice's name to the Register.

(5) The Minister shall notify the Governor-General of any removal from, or restoration to, the register of the name of any person under this section.

Roster.

18.—(1) The Custos shall maintain a roster of Justices who are determined by the Custos to be adequately trained, and have the willingness and capacity, to perform the judicial functions of a Justice.

(2) In determining whether a Justice has the capacity to perform the judicial functions, factors which the Custos may take into account include—

- (a) any illness or disability of the Justice; and
- (b) any allegations of misconduct made in respect of the Justice.

Lists to be forwarded annually.

19. In January of each year, each Custos shall forward to the Minister a current list of all Justices within the relevant parish, categorised as to—

- (a) Justices who are available for the roster referred to in section 18;
- (b) Justices who have left the parish but have not resigned the Office;
- (c) Justices who have entered from another parish; and
- (d) Justices who have failed to report as required under section 7(2)(d).

Offences.

20.—(1) A Justice who—

- (a) uses an official seal for a fraudulent or other unlawful purpose;
- (b) allows any other person to take possession of, or use, an official seal for a fraudulent or other unlawful purpose;
- (c) uses an official seal after—
 - (i) resigning, or retiring from, Office; or
 - (ii) that Justice's appointment to Office is revoked by the Governor-General; or

- (d) knowingly makes a false statement or supplies any false information to the Custos,

commits an offence and is liable on summary conviction before a Judge of the Parish Courts to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding three years.

(2) A justice who—

- (a) fails to report, in accordance with section 10, the damage, destruction, loss or theft of the official seal entrusted to that Justice; or
- (b) where required under section 10 to return the official seal entrusted to that Justice, fails to return the seal in accordance with that section,

commits an offence and is liable on summary conviction before a Judge of the Parish Courts to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding six months.

(3) Every person who—

- (a) alters, duplicates or tampers with the official seal of any Justice;
- (b) uses an official seal without lawful authority to do so;
- (c) is found in unlawful possession of an official seal;
- (d) falsely holds himself out to be the rightful possessor of an official seal;
- (e) parts with possession of an official seal to another person for a fraudulent or other unlawful purpose;
- (f) destroys, makes away with or, by wilful neglect, allows any person to obtain possession of an official seal;
- (g) being required to do so pursuant to section 10(5), fails to return the official seal consequent on the death of a Justice,

commits an offence and shall be liable on summary conviction before a Judge of the Parish Courts to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding three years.

Regulations. **21.** The Minister may make regulations generally for giving effect to the purposes and provisions of this Act and, in particular but without prejudice to the generality of the foregoing, may make Regulations—

- (a) prescribing the size and specification of official seals and the manner of affixing, impressing or subscribing them on documents;
- (b) prescribing the form and method of keeping the Register;
- (c) prescribing the particulars to be entered in the Register;
- (d) providing for the service of documents under this Act;
- (e) providing for the preservation, custody and safekeeping, replacement and the cost relating thereto, disposal, or surrender, of official seals;
- (f) prescribing the form of any document required under this Act;
- (g) prescribing the procedure for the return of official seals and instruments of Office pursuant to section 10.

Amendment of Counties and Parishes Act. **22.** The Counties and Parishes Act is amended in section 7 by deleting the words “and Justice of the Peace”.

Amendment of Justices of the Peace (Jurisdiction) Act. **23.** The Justices of the Peace (Jurisdiction) Act is amended—

- (a) in section 5A by deleting the words “two thousand” and substituting therefor the words “fifty thousand dollars”;
- (b) in section 75 by—
 - (i) renumbering the section as section 75(1) and, in subsection (1) (as renumbered), deleting the words—
 - (A) “two thousand dollars” wherever they appear and substituting therefor, in each case, the words “fifty thousand dollars”;

- (B) “forty dollars” wherever they appear and substituting therefor, in each case, the words “one thousand dollars”;
- (C) “one hundred dollars” wherever they appear and substituting therefor, in each case, the words “two thousand and five hundred dollars”;
- (D) “four hundred dollars” wherever they appear and substituting therefor, in each case, the words “ten thousand dollars”;
- (E) “one thousand dollars” wherever they appear and substituting therefor, in each case, the words “twenty-five thousand” dollars; and

(ii) inserting the following as subsection (2)—

“ (2) For the avoidance of doubt, a Justice may deal with an offender referred to in subsection (1) in any manner in which the offender may be dealt with under section 10 of the Criminal Justice (Reform) Act, that is to say that a community service order may be made in respect of the offender in lieu of any penalty referred to in subsection (1).”.

24.—(1) The Justices of the Peace (Official Seals) Act is hereby revoked.

(2) Notwithstanding subsection (1), the Justices of the Peace (Official Seals) Regulations, 2004, shall remain in force and shall have effect as if they were regulations made under section 21, with the following amendments which shall be read and construed as one with the Regulations—

- (a) in regulation 4(1), delete the words “section 7 of the Act” and substitute therefor the words “section 16 of the Justices of the Peace Act”;

Revocation of Justices of the Peace (Official Seals) Act and saving of regulations.

- (b) delete regulation 4(4);
- (c) in regulation 5(1)(a), delete the words “section 7(6) of the Act and substitute therefor the words “section 14(6) of the Justices of the Peace Act”;
- (d) in regulation 6(2)(a), delete the words “section 3 of the Act” and substitute therefor the words “section 5(4) of the Justices of the Peace Act”;
- (e) in regulation 8(1)(a), delete the words “section 5(2) of the Act” and substitute therefor the words “section 10(4) of the Justices of the Peace Act”.

Revocation
of Justices of
the Peace
(Appointment
and Code of
Conduct)
Rules, 2006.

25. The Justices of the Peace (Appointment and Code of Conduct) Rules, 2006, are hereby revoked.

Code of Conduct for Justices of the Peace

1. The object of this Code is to reinforce the effective administration of justice by promoting high moral and ethical conduct among Justices of the Peace and the eradication of any tendency to corrupt practice. Object of Code.

2. In carrying out the duties of the Office, a Justice of the Peace shall— Duty to act with integrity, independence and fairness.

- (a) act professionally, fairly, diligently and expeditiously, and to the best of that Justice's ability;
- (b) be unbiased in the exercise of the functions of the Justice and shall take all necessary steps to avoid conflicts of interest (real or perceived) and to uphold the integrity of the Office, and shall scrupulously preserve his or her independence in the performance of those functions;
- (c) act at all times in the public interest, without fear or favour, and avoiding partisan political influences;
- (d) not use the title of "Justice of the Peace" to secure any personal financial benefit.

3.—(1) A Justice of the Peace shall—

General duties.

- (a) abide by the oath of office of Justice of the Peace;
- (b) avoid impropriety or the appearance of impropriety;
- (c) disclose any interest or relationship likely to lead to a conflict of interest in any matter with which that Justice is concerned in the capacity of Justice of the Peace;
- (d) act in a calm and courteous manner, consistent with the dignity of the Office, and without regard to age, race, colour, religion, culture, social class, language, mental or physical ability, and political opinion, and without regard to whether a person is male or female;
- (e) safeguard the confidentiality of information that comes to that Justice by virtue of his or her functions as a Justice, and shall not disclose that information except as permitted by law.

(2) A Justice shall not participate in any act that is unlawful or that is likely to bring the Office into disrepute.

Conduct
concerning
functions.

4.—(1) A Justice shall refrain from openly and publicly criticising the system of administration of justice and shall, when necessary or desirable, communicate any views, concerns or suggestions thereon to the Custos.

(2) A Justice shall, in the exercise of the functions of the Office—

- (a) exercise good judgement and at all times seek to demonstrate knowledge and competence in the discharge of the functions;
- (b) hear and decide matters without fear or favour and, where there is a risk of bias or conflict of interest, recuse himself or herself from deciding the matter;
- (c) maintain reasonable competence in the law, without being swayed by partisan interest, public clamour or fear of criticism, and shall whenever necessary seek the advice of the Clerk of the Courts for the parish in respect of which the functions are exercised;
- (d) exercise patience and restraint, and act in a dignified and courteous manner toward litigants, attorneys-at-law, witnesses and others with whom the Justice interacts while exercising the functions; and
- (e) convey in plain, ordinary language the decisions made by the Justice and the reasons therefor, where so required by law.

(3) In the absence of the parties to any judicial proceedings adjudicated by a Justice, the Justice shall not initiate, accept or entertain any communication made to that Justice concerning the merits of the proceedings, unless permitted to do so by law.

SECOND SCHEDULE (Section 7)

Annual Report by Justice of the Peace

Reporting Calendar year _____

(Check boxes and complete as applicable).

I continue to reside/have my principal place of work in the parish of _____ and my address is _____.

I have relocated to the parish of _____.

I have completed all required courses of training (provide details as to date and place of each course): _____

(attach additional sheets, if necessary)

I have been unable to complete all required courses of training due to : _____

(state circumstances)

I am available to perform the judicial functions of a Justice.

I am able to continue to carry out the functions of the Office.

I can be contacted at: email: _____

cell number: _____

Any other relevant information: _____

THIRD SCHEDULE (Section 12)

Column 1	Column 2
Conduct	Action
1. Breach of code of conduct	1. Written warning issued by the Custos, and upon failure to comply with the warning— <ul style="list-style-type: none"> (a) suspension for a specified period; and (b) revocation of appointment if the failure continues after the specified period.
2. Failure to comply with requirements of Office (other than a requirement referred to in any other paragraph of this Schedule).	2. Written reminder and requirement for the giving of an undertaking, pursuant to section 7(4).
3. Failure to pay cost (or any portion thereof) of replacing official seal, as required under this Act or any regulations made under section 21.	3. Revocation of appointment.
4. Conduct described in section 9(4) (conduct which taints the Office or is likely to bring the Office into public ridicule, cause public scandal or bring the administration of justice into disrepute.	4. Revocation of appointment.
5. Failure to make report under section 14 as to offence.	5. Revocation of appointment.

Column 1

Conduct

6. Breach of requirement specified in section 15 (duty to provide services free of charge).
7. Failure to comply with reminder, or give undertaking required, pursuant to action specified in column 2 of this Schedule.
8. Conduct in respect of which an enquiry is being made under section 13 or in respect of which criminal proceedings are, or are about to be, commenced.

Column 2

Action

6. Written warning by the Custos, in the case of a first breach, and revocation of appointment in the case of any subsequent breach.
7. Suspension for a specified period, and revocation of appointment if the failure continues after the specified period.
8. Suspension from Office pending the determination of the enquiry or proceedings.

MEMORANDUM OF OBJECTS AND REASONS

The functions of Justices of the Peace have expanded as a result of changing demands within communities, as well as due to justice reform initiatives such as restorative justice and child diversion programmes.

Given the expansion and significance of the role of Justice of the Peace, a decision has been taken to enact legislation in order to strengthen the procedures for their selection, appointment and regulation, as well as to provide for the expansion of the geographical jurisdiction of Justices to allow for them to give island-wide service in respect of non-judicial functions.

A decision has also been taken to incorporate the provisions of the Justices of the Peace (Official Seals) Act in the same legislation, and repeal that Act, so as to provide for a consolidated regime with respect to the administrative affairs of the office of Justice of the Peace.

The opportunity has also been taken to increase the monetary jurisdiction as set out in sections 5A and 75 of the Justices of the Peace Jurisdiction Act.

This Bill seeks to give effect to those decisions and is a companion measure to the Bill shortly entitled the Re-naming of the Courts of Petty Sessions (Miscellaneous Amendments) Act, 2017.

DELROY CHUCK
Minister of Justice.

A BILL

ENTITLED

AN ACT to Make more comprehensive provision
for the appointment, jurisdiction and
conduct of Justices of the Peace and for
connected matters.

As introduced by the Honourable Minister of Justice.

SECTION 7 OF THE COUNTIES AND PARISHES ACT
WHICH IT IS PROPOSED TO AMEND

7. Every Gustos and Justice of the Peace shall be appointed with jurisdiction over a parish as constituted by this Act—

SECTION 5A OF THE JUSTICES OF THE PEACE (JURISDICTION) ACT
WHICH IT IS PROPOSED TO AMEND

5A. Notwithstanding the provisions of any other enactment, two Justices sitting together shall have and exercise summary jurisdiction in respect of criminal offences under any of the Acts specified in the Second Schedule so, however, that in respect of any such offence—

- (a) the maximum penalty imposed by the Justices shall not exceed two thousand dollars;
- (b) the maximum term of imprisonment imposed by the Justices shall not exceed three months; and
- (c) the Justices shall not have power to impose an order for forfeiture.

SECTION 75 OF THE JUSTICES OF THE PEACE (JURISDICTION) ACT
WHICH IT IS PROPOSED TO AMEND

75. Where upon summary conviction any offender may be adjudged to pay a penalty not exceeding two thousand dollars such offender in case of non-payment thereof may without any warrant of distress be imprisoned with or without hard labour for a term not exceeding the period specified in the following scale unless the penalty shall be sooner paid—

For any penalty		The imprisonment not to exceed
Not exceeding forty dollars	—	Seven days
Exceeding forty dollars but not exceeding one hundred dollars	—	Ten days
Exceeding one hundred dollars but not exceeding four hundred dollars	—	Thirty days
Exceeding four hundred dollars but not exceeding one thousand dollars	—	Two months
Exceeding one thousand dollars but not exceeding two thousand dollars	—	Three months

REGULATION 4 OF THE JUSTICES OF THE PEACE (OFFICIAL SEALS)
REGULATIONS, 2004 WHICH IT IS PROPOSED TO AMEND

4.—(1) In relation to the Register of Justices of the Peace required to be kept by a Custos Rotulorum under section 7 of the Act the Custos Rotulorum shall ensure that—

- (a) the Register is kept securely;
- (b) the Register is kept up-to-date; and
- (c) data recorded in the Register is in legible form and, subject to the provisions of paragraph (2), is organized in a manner that facilitates inspection thereof by the public.

... ..

(4) a separate Register shall be kept in respect of Justices listed on the Supplemental List.

REGULATION 5 OF THE JUSTICES OF THE PEACE (OFFICIAL SEALS)
REGULATIONS, 2004 WHICH IT IS PROPOSED TO AMEND

5.—(1) Every person in charge of a Courthouse, post office, tax office, Parish Council office or Police Divisional Headquarters shall ensure that—

- (a) the list of Justices of the Peace referred to in section 7(6) of the Act is kept in accordance with the requirements of that section; and
- (b) the list contains the name and address, including the district of residence, of every Justice of the Peace for the parish.

... ..

REGULATION 6 OF THE JUSTICES OF THE PEACE (OFFICIAL SEALS)
REGULATIONS, 2004 WHICH IT IS PROPOSED TO AMEND

6.—(1) Official seals shall be issued to the Custos Rotulorum for each parish by the Permanent Secretary.

(2) The Custos Rotulorum for each parish shall be responsible for—

- (a) entrusting official seals to Justices of the Peace for the purposes of section 3 of the Act; and

... ..

REGULATION 8 OF THE JUSTICES OF THE PEACE (OFFICIAL SEALS)
REGULATIONS, 2004 WHICH IT IS PROPOSED TO AMEND

8.—(1) Where—

- (a) a Justice returns an official seal to the Custos Rotulorum under the provisions of section 5(2) of the Act (retirement, resignation, revocation of commission, *etc.*, of Justice) or for any other reason, the Justice shall; or

...

...

...

