

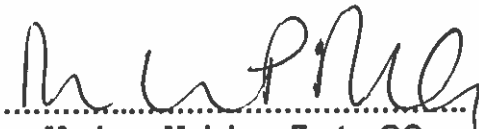
ATTORNEY GENERAL'S CHAMBERS  
Kingston, Jamaica

April 4, 2018

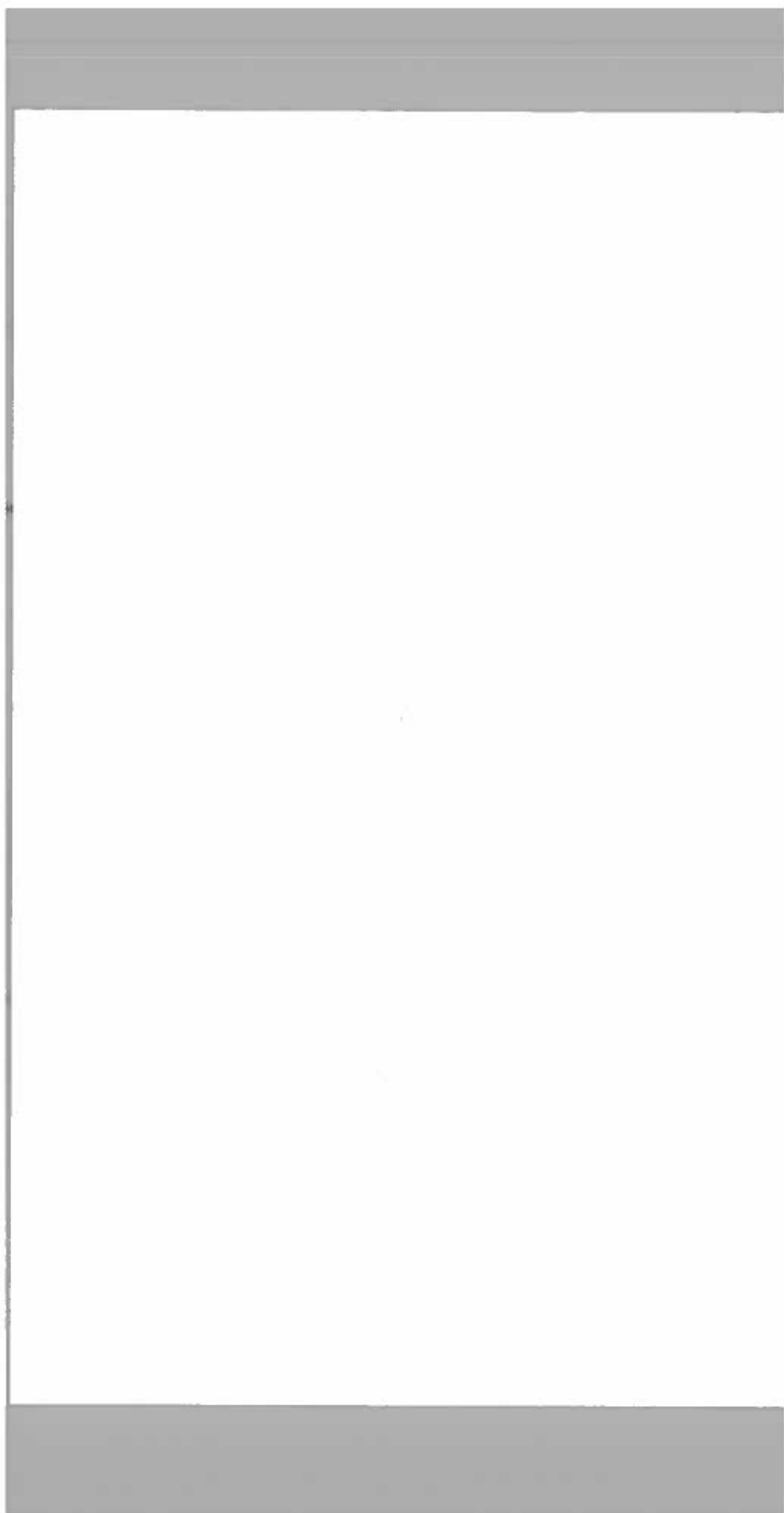
I have examined the accompanying Act entitled:

**“An Act to Make more comprehensive provision for the appointment jurisdiction and conduct of Justices of the Peace and for connected matters.”**

and I am of the opinion that the Act is one that is not contrary to the Constitution and that there is no legal objection to the Governor-General assenting thereto.



.....  
**Marlene Malahoo Forte, QC**  
**Attorney General**



# THE JUSTICES OF THE PEACE ACT, 2018

(Act 10 of 2018)

## ARRANGEMENT OF SECTIONS

### PART I.—*Preliminary*

1. Short title.
2. Interpretation.

### PART II.—*Appointment*

3. Justices of the Peace Advisory Committee.
4. Functions of Advisory Committee.
5. Appointment of Justices of the Peace.
6. Application or nomination for appointment.
7. Requirements of Office.
8. Jurisdiction.
9. Tenure.
10. Custody of official seals and instruments of Office.
11. Use of official seal.
12. Actionable conduct.
13. Procedure for revocation of appointment of Justice.
14. Procedure concerning criminal offence.
15. Duty to provide services free of charge.
16. Register.
17. Amendment of Register.
18. Roster.
19. Lists to be forwarded annually.
20. Offences.
21. Regulations.
22. Amendment of *Counties and Parishes Act*.
23. Amendment of *Justices of the Peace Jurisdiction Act*.

24. Repeal of *Justices of the Peace (Official Seals) Act* and saving of regulations.
25. Revocation of *Justices of the Peace (Appointment and Code of Conduct) Rules, 2006*.

SCHEDULES.

JAMAICA

**No. 10 – 2018**

I assent,



*P. L. Allen*

\_\_\_\_\_  
*Governor-General.*

*5<sup>th</sup> day of April 2018*

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

*[ 6<sup>th</sup> day of April 2018 ]*

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:—

**PART I.—Preliminary**

1. This Act may be cited as the Justices of the Peace Act, 2018. 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);
- (c) a senior police officer in the parish, being an officer not below the rank of Deputy Superintendent, nominated by the Commissioner of Police; and
- (d) such other persons as are approved by the Minister, on the recommendation of the Custos, to serve on the Committee.

(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.

(4) Where the operations of a Ministry, department, or agency, of Government may be facilitated by having ready access to the services of a Justice, the accounting officer (within the meaning of the *Financial Administration and Audit Act*) of the Ministry, department or agency (as the case may be) may notify the Advisory Committee accordingly, and the Advisory Committee shall take that notification into account for the purposes of subsection (1).

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 write in the English Language;
- (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, or 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.

Application  
or  
nomination  
for  
appointment.

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



(2) Applications 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 is eligible to be appointed pursuant to section 8(1).

(3) Upon receipt of an application in accordance with this section, the Custos—

- (a) may, in order to ensure that the applicant 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; and
- (b) shall refer the application 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.

(4) The Advisory Committee shall, after receipt of the information referred to in subsection (3)(b), supply the Minister with the names of those persons who are considered suitable for appointment.

(5) The Minister shall submit to the Governor-General such of the names supplied under subsection (4) as constitute the names of persons whom the Minister is prepared to recommend that the Governor-General appoint as Justices.

(6) Every person recommended under subsection (5) 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.

(7) For the purposes of subsection (6), 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, children's homes and homes for the aged);

(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—

Jurisdiction.

- (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 Register referred to in section 16 and 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 Justice is removed from every Register under section 17(3);
- (c) 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
- (d) 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 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—

Custody of  
official seals  
and  
instruments  
of Office.

- (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.

(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, suspension, revocation 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) Any purported attestation or authentication of a document 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.

**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. Actionable conduct.

(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.

Procedure concerning criminal offence.

**14.—(1)** Where a Justice has been charged with, or convicted of, a serious 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.

(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 serious 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 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 which is of a nature that is likely to impair the Justice's capacity to perform the judicial functions; and
- (b) any allegations of misconduct made in respect of the Justice.

Lists to be forwarded annually.

**19.** On or before the 31st day of March 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).

**20.—(1) A Justice who—**

Offences.

- (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) ceasing to be a person who is either a citizen or resident of Jamaica; or
  - (ii) resigning, or retiring from, Office; or
  - (iii) 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) falsely holds himself out to be a Justice of the Peace; or
- (h) 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.

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

Amendment  
of *Counties  
and Parishes  
Act.*

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

Amendment  
of *Justices of  
the Peace  
Jurisdiction  
Act.*

(a) in section 5A by deleting the words “two thousand dollars” and substituting therefor the words “fifty thousand dollars”;

(b) in section 67 by deleting the words “one thousand dollars” and substituting therefor the words “fifty thousand dollars”;

(c) 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).”.

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

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

(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*”;
- (b) delete regulation 4(4);
- (c) in regulation 5(1)(a), delete the words “the list of Justices of the Peace referred to in section 7(6) of the Act” and substitute therefor the words “the Register referred to in section 16 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*”.

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

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

## FIRST SCHEDULE

(Section 7)

*Code of Conduct for Justices of the Peace*

- Object of Code. 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.
- Duty to act with integrity, independence and fairness. 2. In carrying out the duties of the Office, a Justice of the Peace shall—
- (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.
- General duties. 3.—(1) A Justice of the Peace shall—
- (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.



4.—(1) A Justice shall, in the exercise of the functions of the Office—

Conduct concerning functions.

- (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.

(2) 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

Name of Justice \_\_\_\_\_ 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

- |  |  |
|--|--|
| <p>1. Breach of code of conduct</p> <p>2. Failure to comply with requirements of Office (other than a requirement referred to in any other paragraph of this Schedule).</p> <p>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.</p> <p>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.</p> <p>5. Failure to make report under section 14 as to offence.</p> | <p>1. Written warning issued by the Custos, and upon failure to comply with the warning—</p> <ul style="list-style-type: none"><li>(a) suspension for a specified period; and</li><li>(b) revocation of appointment if the failure continues after the specified period.</li></ul> <p>2. Written reminder and requirement for the giving of an undertaking, pursuant to section 7(4).</p> <p>3. Revocation of appointment.</p> <p>4. Revocation of appointment.</p> <p>5. Revocation of appointment.</p> |
|--|--|

Column 1	Column 2
—	—
Conduct	Action
—	—
6. Breach of requirement specified in section 15 (duty to provide services free of charge).	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. Failure to comply with reminder, or give undertaking required, pursuant to action specified in column 2 of this Schedule.	7. Suspension for a specified period, and revocation of appointment if the failure continues after the specified period.
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.	8. Suspension from Office pending the determination of the enquiry or proceedings.

Passed in the House of Representatives this 30th day of January, 2018 with twenty-seven (27) amendments.

PEARNEL CHARLES, CD, MP, JP  
*Speaker.*

Passed in the Senate this 23rd day of February, 2018 with five (5) amendments.

THOMAS TAVARES-FINSON, CD, QC, JP  
*President.*

On the 8th day of March, 2018 the House of Representatives agreed to the amendments made by the Senate.

PEARNEL CHARLES, CD, MP, JP  
*Speaker.*

*This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.*



*Clerk to the Houses of Parliament.*

