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SUMMARY JURISDICTION LAW

(2006 Revision)

Law 10 of 1975 consolidated with Laws 6 of 1979, 3 of 1981, 3 of 1983, 11 of 1985, 26 of 2003 and 32 of 2005.

Revised under the authority of the Law Revision Law (1999 Revision).

Originally enacted-

Law 10 of 1975-3rd September, 1975
Law 6 of 1979-9th April, 1979
Law 3 of 1981-20th February, 1981
Law 3 of 1983-22nd February, 1983
Law 11 of 1985-22nd May, 1985
Law 26 of 2003-3rd December, 2003
Law 32 of 2005-9th November, 2005.

Consolidated and revised this 30th day of May, 2006.

Note (not forming part of the Law): This revision replaces the 2004 Revision which should now be discarded.

SUMMARY JURISDICTION LAW

(2006 Revision)

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SUMMARY JURISDICTION LAW
(2006 Revision)

PART I-Introductory

1. This Law may be cited as the Summary Jurisdiction Law (2006 Revision). Short title
2. In this Law- Definitions
 - “Chief Clerk” means the person appointed under section 10;
 - “chief officer” means the chief officer of the judicial administration appointed in accordance with section 3 of the Public Management and Finance Law (2005 Revision); 2005 Revision
 - “Clerk of the Court” means the Chief Clerk or any other clerk appointed under section 10 and who is, at the material time, performing the duties of Clerk of a Court;
 - “Code” means the Criminal Procedure Code (2006 Revision); 2006 Revision
 - “court” means a summary court constituted under this Law;
 - “Judge” has the meaning ascribed to it in the Grand Court Law (2006 Revision); 2006 Revision
 - “Justice of the Peace” means a person appointed under section 7;
 - “magistrate” means a person appointed or acting under section 6, and where the context so admits, the person presiding over a court; and
 - “Police Force” means the Police Force constituted under the Police Law (2006 Revision). 2006 Revision
3. (1) There are hereby constituted courts of summary jurisdiction, known as the summary courts, subordinate to the Grand Court and presided over by persons appointed under this Law, and subject to any other law, such courts shall exercise such jurisdiction as is by this Law provided. Establishment of summary courts
- (2) Subject to this or any other law, the court shall have and exercise all the summary jurisdiction heretofore exercised by the Stipendiary Magistrate or any Justices of the Peace under any laws heretofore in force relating to Stipendiary Magistrates or Justices of the Peace.
4. Subject to this or any other law, the court shall have and exercise jurisdiction throughout the Islands and the territorial waters thereof. Territorial jurisdiction of the courts

- Seal of the courts 5. The courts shall have and use a seal of such nature and pattern as the Governor may prescribe.

PART II-Judicial and Other Officers

- Appointment of magistrates 6. (1) The Governor may appoint persons qualified for appointment under subsection (2) to be magistrates, to have and exercise the powers and jurisdiction of the court as provided by this Law. Every person so appointed shall be, *ex officio*, a Justice of the Peace.

(2) Any person qualified to practice as a barrister or solicitor in England or in an equivalent capacity in a Commonwealth country approved by the Chief Justice as having comparable standards for call or admission to practice and has so practised for not less than five years, shall be qualified to be appointed a magistrate.

(3) The Governor may appoint any person to act as a magistrate when there is a vacancy in that office or a person appointed is absent or for any other sufficient reason unable to discharge the duties of that office, and any person may be so appointed to act as a magistrate notwithstanding that he does not possess the qualifications referred to in subsection (2):

Provided that where the person appointed does not possess the aforesaid qualifications, the Governor acting with the advice of the Chief Justice may, by the terms of the appointment, restrict any of the powers and jurisdiction which such acting magistrate may exercise.

- Appointment of Justices of the Peace 7. (1) The Governor, by warrant under his hand and the Public Seal, may appoint any fit and proper person to be a Justice of the Peace for the Islands, and may provide that the appointment in any particular case shall be for any period of time specified; any such appointment shall continue in force until determined under this Law. Any such appointment shall be recorded by entering the name of the person appointed upon the Roll of Justices of the Peace which shall be maintained by the Chief Clerk and all such appointments shall be published in the Gazette.

- 1996 Revision (2) For the avoidance of doubt and notwithstanding sections 11 and 18 of the Oaths Law (1996 Revision), it is hereby declared that the appointment prior to the 20th April, 1981 of a Justice of the Peace under subsection (1)-

- (a) shall not be invalid by reason only of the fact that the oath of allegiance and the judicial oath were tendered and taken before a person other than the person named in the warrant appointing him; and

(b) shall be deemed to have been properly made *ab initio*,

and such Justice of the Peace shall not be disqualified by reason only of the fact that there has been any failure by him to comply with any condition specified in the warrant appointing him.

(3) Without prejudice to subsection (1), the Governor may appoint any persons to be Justices of the Peace, *virtute officii*, in favour of the holders for the time being of any public offices by entering the designation of any such offices upon the Roll of Justices of the Peace and publication of the appointments in the Gazette.

(4) Subject to any other law, Justices of the Peace shall have and exercise the powers and jurisdiction provided by this Law.

(5) Persons who are Justices of the Peace for the Islands at the 1st October, 1976 are, without prejudice to their seniority, deemed to have been appointed under subsection (1).

8. The Governor may direct, at any time, that the name of any Justice of the Peace or the entry in relation to any public office, be removed from the Roll of Justices of the Peace; and upon such removal being notified in the Gazette, such person, or the holder of such public office, shall cease to be a Justice of the Peace

Removal of Justices of the Peace

9. The Governor may, at any time, re-appoint as a Justice of the Peace any person who has ceased to be a Justice of the Peace, either upon the expiration of any time specified in the warrant of appointment or in accordance with a direction given in exercise of the power conferred by section 8.

Re-appointment of Justices of the Peace

10. (1) The Clerk of the Grand Court shall, *ex officio*, be the Chief Clerk of the summary court.

Chief Clerk and other officers of the court

(2) The chief officer, in accordance with the Public Service Management Law, 2005, and after consultation with the Chief Justice, may appoint such other fit and proper persons to be clerks, marshals, bailiffs or other officers of the courts as the proper exercise of the powers and jurisdiction of the courts appears to require. In making any such appointments, the chief officer may appoint any of the officers of the Grand Court to be *ex officio* officers of the summary courts and to perform duties as such in addition to their other duties as officers of the Grand Court.

Law 27 of 2005

(3) Officers of the court shall give security, in such sum as the chief officer, from time to time, shall in each case order, for fidelity in the performance of their several duties and for the due accounting for and payment of all monies received by them under this Law.

(4) A person appointed as a marshal under subsection (2) shall, in addition to the powers and duties conferred or to be performed by him as directed by the court or as may be provided by any Rules, have-

- (a) the power to administer oaths to witnesses in all matters before the court or in connection with any proceedings pending before the court;
- (b) within the precincts of the court and on the order or direction of the court, the power without warrant to take into custody and detain any person until the rising of the court; and
- (c) all the powers and immunities of a bailiff appointed under subsection (2).

Duties of the Chief Clerk

11. (1) The Chief Clerk shall be responsible for the general administration and the maintenance of records of the courts, and in particular for-

- (a) the composition of all summonses, warrants, orders, convictions, recognisance's, writs of execution and other documents and processes and the submission of the same for the signature of a magistrate;
- (b) issuing civil processes in accordance with any summary court rules for the time being in force;
- (c) making, or causing to be made, copies of the record of proceedings before any courts when required to do so by this or any other law or by the magistrate;
- (d) recording the judgments, convictions and orders of the courts;
- (e) receiving, or causing to be received, all fines, fees, penalties and other moneys paid or deposited in respect of proceedings in the courts, and the keeping, or causing to be kept, of accounts of the same; and for the custody and maintenance of all summary courts files and records; and
- (f) performing such other duties as may be assigned to him generally by magistrates.

(2) The Chief Clerk, with the consent of a magistrate, may delegate any of his duties to any clerk or other officer appointed under section 10(2).

PART III-Composition and Jurisdiction of the Court

Composition of the court and exercise of jurisdiction

12. (1) A court shall be duly constituted by-

- (a) a magistrate, sitting either alone or with one or more Justices of the Peace; or
- (b) subject to any limitation of jurisdiction imposed by the Chief Justice from time to time, not less than two Justices of the Peace, one of whom, either by agreement between the Justices or by

virtue of any direction given in that behalf by the Chief Justice, shall preside.

(2) If a court is composed of a magistrate sitting with one or more Justices of the Peace, and a difference of opinion arises in respect of any proceeding before such court, the opinion of the magistrate shall prevail but every dissenting opinion shall be recorded. In any other case the decision of the court shall be the decision of the majority of the Justices of the Peace sitting in the court to adjudicate in the particular case, and if the Justices of the Peace are evenly divided on the matter, the decision shall be given in favour of the person upon whom the onus of proof does not lie, and in any event, every dissenting opinion shall be recorded.

(3) Subject to any other law, a court constituted in accordance with subsection (1) shall have and exercise jurisdiction in criminal matters as in this Law provided.

(4) The jurisdiction of the courts, when duly constituted in each place in accordance with this section, may be exercised simultaneously in different places in the Islands.

13. (1) Subject to this Law, the Code and any other law, the courts shall have jurisdiction to try summarily any person charged with a criminal offence in respect of which jurisdiction is by any law expressly conferred upon a summary court or it is expressly provided or implied that such offence may be tried summarily.

Criminal jurisdiction
2006 Revision

(2) Subject to this Law, the Code and any other law, the courts have jurisdiction to hold preliminary inquiries and to commit accused persons for trial before the Grand Court.

(3) When any person is apprehended within the Islands under the Extradition Acts, 1870 and 1875, the Fugitive Offenders Act, 1881 or the Fugitive Offenders Act, 1967 of the United Kingdom, the jurisdiction of the courts shall be exercised by a magistrate sitting alone, and if any such person is brought before a Justice of the Peace, or a court presided over by a Justice of the Peace, such Justice of the Peace shall cause the apprehended person to be detained in custody and brought before a magistrate sitting alone to be dealt with according to law.

UK Acts

(4) Where, under any other law, an offence is triable summarily by the Grand Court such provision shall operate as if for the words "Grand Court" there were substituted the words "summary court".

Civil jurisdiction	<p>14. Notwithstanding any other law, the jurisdiction of the courts in civil cases and matters shall be exercised by a magistrate sitting alone and, in addition to any jurisdiction conferred by any other law for the time being in force, the courts shall have jurisdiction in respect of any proceedings, causes or matters specified in the Schedule, and may also exercise any power or jurisdiction in respect of any other civil cause or matter which is expressed under any law to be exercisable by or to be within the jurisdiction of a court of summary jurisdiction or a magistrate.</p>
Law and equity	<p>15. (1) In every civil cause or matter which shall be instituted in a court law and equity shall be administered concurrently and, if there is any conflict or variance between the rules of law and equity in respect of the same matter, the rules of equity shall prevail.</p> <p>(2) A court, in the exercise of the jurisdiction vested in it, shall have power to grant and shall grant, either absolutely or on such reasonable terms and conditions as shall seem just, all such remedies or relief whatsoever as any of the parties thereto may appear to be entitled to in respect of any and every legal or equitable claim or defence properly brought forward by them respectively, or which shall appear in such cause or matter; so that so far as possible all matters in controversy between the said parties respectively may be completed and finally determined and all multiplicity of legal proceedings concerning any of such matters avoided.</p>
Power to administer oaths	<p>16. All magistrates, Justices of the Peace and the Chief Clerk are hereby authorised to administer oaths, take affidavits, solemn declarations and affirmations in all matters.</p>
General powers of process 2006 Revision	<p>17. (1) Every magistrate and every Justice of the Peace, in addition to any powers to issue summonses, warrants and other processes in accordance with the Code or any other law, shall have power to issue writs of summons for the commencement of any civil proceedings in a court, to receive production of books and documents and make such decrees and orders, issue such process and exercise such judicial and administrative powers in relation to the administration of justice in any matter within the jurisdiction of a court as may, from time to time, be prescribed by this or any other law or by the Rules.</p> <p>(2) Any process issued by a court or any person under this Law in any proceedings, whether civil or criminal, shall have force and effect and may be served or executed in any part of the Islands, and shall remain in full force and effect, until executed or cancelled by a court, notwithstanding the vacation of office or death of the person by whom or on whose authority the same was issued.</p>

18. When any magistrate has ceased to be a magistrate or is for whatsoever unable to sit as a magistrate at the hearing of any proceedings in a court pending before him after such proceedings have been commenced but not been completed and by reason of his absence the court is no longer duly constituted in such form as to have jurisdiction in the matter, the proceedings shall be re-heard *de novo* before a court reconstituted in such manner as is necessary to confer jurisdiction under this Law.

Procedure when court ceases to be duly constituted during hearing

PART IV-Sittings of Courts

19. Courts shall ordinarily sit at such places and at such frequency as the Chief Justice may direct, but should the necessity arise a court may be held in any other place and at such times as the Governor may appoint by order. In the absence of any such directions or order, courts shall be held at the places, and at such frequency, as has been the practice in respect of the courts exercising summary jurisdiction immediately before the 1st October, 1976.

Places and times of sittings of courts

20. At any sitting of a court both civil and criminal causes and matters may, subject to this Law, be heard, determined and dealt with, or either one or the other, as the magistrate may direct.

Nature of business at any sitting

21. (1) A magistrate may, at any time, adjourn a court from day to day or to any convenient day.

Adjournment

(2) If, at any time and place appointed for any sitting of a court, no magistrate is present, the Chief Clerk or in his absence any other officer of the court authorised in that behalf by a magistrate or the Chief Clerk, may adjourn the sitting of the court until such time and to such place as may have been communicated to him by a magistrate or the Chief Clerk or, in the absence of any such communication, to such place and time, not exceeding seven days, as may be convenient.

(3) All persons bound to be present at any sitting so adjourned shall be equally bound to be present at the time and place so appointed.

PART V-Practice and Procedure

22. Subject to any other law, the jurisdiction vested in the courts shall be exercised (so far as regards practice and procedure) in the manner provided by this Law, by Rules made under section 53 and by the Code.

General provisions as to practice and procedure
2006 Revision

23. All summonses, warrants, orders, convictions, recognisance's and other processes of a court, whether civil or criminal, shall be issued under the hand of a magistrate or a Justice of the Peace:

Provided that where expressly authorised by Rules, writs of summons and other civil processes may be issued under the hand of the Chief Clerk or a clerk of the court authorised in that behalf by the Chief Clerk.

Duties of constables

24. All constables are hereby authorised and required to obey the warrants, orders and directions of a magistrate or a court in the exercise of criminal jurisdiction, and, insofar as such obedience may be authorised or required by any law, of civil jurisdiction.

Interpretation of evidence, etc.

25. In any proceedings before a court in which the language spoken by any witness or party requires to be interpreted into English, the presiding magistrate may appoint a suitable person as interpreter, and shall record the name of such person in the record of the proceedings.

Record of proceedings

26. (1) Subject to any other law, in all proceedings before the court at every stage thereof, the magistrate shall be responsible for ensuring that a proper record is maintained of the proceedings and that the oral evidence given before such court, or so much thereof as he considers material, is taken down in writing either by himself or by a clerk of the court under his supervision. Any such record of the evidence shall be signed by the magistrate when he has satisfied himself that it is an accurate and faithful record.

2006 Revisions

(2) No person shall be entitled, as of right, to inspect the record of evidence given in any case before a court, or to make or receive a copy of the notes or other record of such court, save in accordance with section 43 or as may be expressly provided by the Rules, the Code or the Evidence Law (2006 Revision) but a magistrate or a Judge may authorise such inspection or the making of a copy thereof for any sufficient reason.

Office of the court

27. (1) The court shall have an office in Grand Cayman at such place as may be appointed by the Governor, which shall be open for the transaction of public business on every day of the year except Saturdays, Sundays and public holidays during the normal working hours of the offices of the government.

(2) All records of the court and of all proceedings before the court held in any part of the Islands shall be filed, as soon as may be convenient, at the office of the court in Grand Cayman, and the Chief Clerk shall be responsible for the proper care and custody of such records.

(3) Until such time as any place is appointed as the office of the court under subsection (1), the office of the Grand Court shall also be used as the office of the court in accordance with such administrative directions in that behalf as may be given by the Chief Justice.

PART VI-General Provisions

28. (1) In any civil cause or matter and, at any stage thereof, a magistrate may, either of his own motion or on the application of any party, summon any person within the Islands to attend to give evidence or to produce any document or thing in his possession or power, and may examine any such person as a witness and require him to produce any such document or thing subject to just exceptions.

Procuring attendance of witnesses

(2) If any person summoned as provided by this section, having reasonable notice of the time and place at which he is required to attend, after tender of his travelling expenses to and from a court, fails to attend accordingly, and does not excuse such failure to the satisfaction of the court, he shall, independently of any other liability, be guilty of contempt of such court, and a warrant may be issued by such court to compel his attendance.

(3) The attendance of witnesses in criminal proceedings before the court shall be procured and enforced in accordance with the Code.

2006 Revision

29. If, in any civil cause or matter any person required to give evidence, whether appearing on summons or warrant, refuses to take the oath or affirm, as may be appropriate to his beliefs, or to answer any question lawfully put to him or to produce any document or thing in his possession or power when required to do so, and does not excuse his refusal to the satisfaction of the court he shall, independently of any other liability, be guilty of contempt of the court.

Refusal of witness to be sworn or give evidence

30. (1) A magistrate may issue an order under his hand to bring up any person confined as a prisoner, under sentence or otherwise, to be examined as a witness in any civil cause or matter pending before the court, and the gaoler or other person in whose custody such prisoner shall be, shall obey such order and shall provide for the safe custody of such prisoner during his absence for such purpose. During such time the prisoner shall be deemed to be in lawful custody.

Prisoner as witness

(2) The attendance of a prisoner to give evidence in criminal proceedings before a court shall be procured in accordance with sections 24 and 40 of the Code.

31. (1) Subject to the Rules or any other law, a court may order and allow to all persons required to attend or be examined as witnesses, in civil or criminal proceedings, such sum or sums of money as shall seem fit as well for defraying the reasonable expenses of such witnesses as for allowing them a reasonable compensation for their trouble and loss of time, but it shall not be lawful in any criminal proceeding for any person to refuse to attend as a witness or to give evidence, when so required by process of the court, on the ground that his expenses have not been first paid or provided for:

Witnesses' expenses

Provided that the sums payable to any witness shall not exceed the sum which would have been payable to such witness in similar circumstances if the proceedings had been before the Grand Court.

(2) All sums of money payable under this section shall be paid in civil proceedings by the party on whose behalf the witness is called, and shall be recoverable as ordinary costs of the suit, if the court shall so order, and in criminal proceedings shall, when not ordered by the court to be paid by the party convicted or prosecuted, be paid out of the general revenue of the Islands.

Fees payable

32. The fees and costs set forth in the Rules, or any other law in relation to criminal or civil procedure, may be demanded by the Chief Clerk or other prescribed officer of the court in respect of the several matters therein mentioned; and all fees and costs payable under this Law shall be paid in the first instance by the party applying for the process or other matter in respect of which any such fee or costs are payable:

Provided that no fees shall be payable by any public officer or public department of the Government in any case instituted by any public officer when acting in his official capacity or in any case in which a magistrate, upon being satisfied that the party has *prima facie* a ground of claim, endorses on the summons, plaint, information or complaint, as the case may be, that it is a fit one for the remission of fees and costs on account of the poverty of the party or for other sufficient reason; but in every such case such fees and costs shall, in the discretion of the court, be recoverable from the other party if the decision be given against him.

Costs

33. (1) Subject to this or any other Law and to rules of court, the costs of and incidental to all civil proceedings shall be in the discretion of the court.

(2) Without prejudice to any general power to make rules of court, such rules may make provisions for regulating matters relating to the costs of those proceedings including, in particular, the entitlement to costs, the assessment or taxation of costs, the powers (if any) of taxing officers and the powers of magistrates to review decisions of taxing officers.

(3) The court shall have full power to determine by whom and to what extent the costs are to be paid.

(4) In any criminal or civil proceedings, the court may disallow or order the legal practitioner concerned to meet the whole of any wasted costs or such part of them as may be determined in accordance with the rules of court.

(5) Costs, including wasted costs, may be awarded to or against the Crown.

(6) A cost certificate made by a taxing officer shall be enforceable as if it were a judgement or order of the court.

(7) In this section-

“wasted costs,” means any costs incurred by a party –

- (i) as a result of any improper, unreasonable or negligent act or omission on the part of any legal practitioner or foreign lawyer or any employee of such legal practitioner or foreign lawyer; or
- (ii) which in the light of any such act or omission occurring after they were incurred, the court considers it is unreasonable to expect that party to pay.

34. Without prejudice to any other powers conferred upon the court in respect of any case in which any sum is adjusted to be paid as a fine or penalty by a person convicted of an offence, any judgement or order of the court made in civil cause or matter may be enforced by one or more of the following means- Enforcement

- (a) by writ of *fiery facias*;
- (b) by garnishee proceedings;
- (c) by a charging order;
- (d) by an order for committal; or
- (e) by an attachment of earnings order,

and, for the purpose of this section, a magistrate shall have all the powers of a Judge of the Grand Court.

35. Where any cause or matter to which a magistrate is a party or in which he has a personal interest is pending before the court, or for any other sufficient reason he considers it would be improper for him to adjudicate in any particular case, he shall withdraw from the court, and, if necessary in order to ensure that the court is duly constituted after his withdrawal, shall arrange for another magistrate to sit or preside, as the case may be, in his absence. Proceedings in which
magistrate has interest

36. Subject to any other law, forfeitures, other than money, which are in respect of an offence tried by a court may be sold or disposed of in such manner as the magistrate may direct, and the proceeds of such sale applied and accounted for as if such proceeds were a fine imposed by the court in the same proceedings. Sale of forfeitures

PART VII-Appeals From Decisions of the Courts

Criminal Appeals

Criminal appeals
2006 Revision

37. In any criminal cause or matter, appeals from judgments or orders of the court shall lie and shall be conducted in accordance with and subject to the Code, and this Part shall not apply in the case of such appeals.

Civil Appeals

Civil appeals

38. Subject to this or any other law, in any civil cause or matter an appeal shall lie to the Grand Court –

- (a) from any final judgement or decision of the court in any proceedings; and
- (b) from all interlocutory orders of the court in the course of any proceedings,

provided that no appeal shall lie, except by special leave of the court or of the Grand Court from –

- (i) any judgement or decision made by consent;
- (ii) an award of interest only;
- (iii) an order for costs only; or
- (iv) any interlocutory order.

PART VIII-Miscellaneous

Power to deal with
misbehaviour in court,
etc.

39. Without prejudice to any other law or any other powers invested in the court, any person who-

- (a) wilfully insults the court or any magistrate when exercising his judicial functions or any legal practitioner or witness during his attendance at the court; or
- (b) wilfully interrupts the proceedings of the court, or otherwise misconducts himself in the presence of the court,

is guilty of an offence, and any constable may, by order of the court, take the offender into custody and detain him until the rising of the court, and the court may also, if it considers fit, commit the offender to prison for thirty days or impose a fine of fifty dollars for any such offence.

Protection of judicial
and other officers

40. (1) Neither the magistrate nor any Justice of the Peace shall be liable to be sued in any civil court for any act done or ordered to be done by him-

- (a) when acting within his jurisdiction and in the discharge of his judicial functions; or

- (b) whether or not within the limits of his jurisdiction, provided that he at the time and in good faith, believed himself to have jurisdiction to do or order the act complained of, unless it is proved that he acted maliciously and without reasonable cause.

(2) No officer of the court or other person, bound to execute the lawful process or order of the court or of any magistrate, shall be liable to be sued in any civil court for the execution of any process or order, whether or not it was within the jurisdiction of the court or magistrate issuing the same, if he would be bound to execute it if it had been within such jurisdiction.

(3) No action shall lie against any magistrate or Justice of the Peace in respect of anything done pursuant to a conviction or order unless such conviction has been quashed or such order set aside or rescinded.

41. In any case in which any conviction, order or judgment is made by any court and any distress, commitment or process is granted thereon in good faith by any magistrate or Justice of the Peace no action shall lie against such person by reason of any defect in such conviction, order or judgment or for any want of jurisdiction by the court making the same.

Protection of magistrate acting *bona fide* pursuant to defective order of the court or other magistrate

42. No order made by the court shall, for want of form only, be quashed or removed by *certiorari* into the Grand Court in any case in which it is alleged that the party therein referred to is required to do or abstain from doing anything and there is a valid direction or judgment of the court to sustain the same.

Formal defect not to invalidate court order

43. (1) Any party to any proceedings before the court may be represented by an advocate as defined in the Judicature Law (2004 Revision).

Representation of parties in proceedings before the court
2004 Revision

(2) In any case in which the Crown, any public officer acting in his official capacity or any department of the Government is a party in any civil cause or matter before the court, the Crown, such public officer or department may be represented by the Attorney-General, any officer of the Attorney-General's Department or by any other person authorised in writing in that behalf by the Attorney-General.

44. (1) The Rules Committee, constituted under section 19 of the Grand Court Law (2006 Revision), may make Summary Court Rules for the purpose of giving effect to this Law and prescribing all matters of practice and procedure required to be prescribed for the proper exercise of the jurisdiction of the court.

Rules
2006 Revision

(2) Without derogation from the generality of the foregoing power, such Rules may provide for-

- (a) any matter of procedure in any civil proceedings before the court and the forms to be used and fees to be paid in any such proceedings;
- (b) the regulation of any matter as to the forms to be used and the procedure upon giving notice of appeal from decisions of the court and the giving of any recognisance thereupon;
- (c) the procedure applicable to the execution of distress warrants and for the sale of goods seized thereunder and matters incidental thereto;
- (d) the mode of giving security in respect of any matter or proceeding within the jurisdiction of the court;
- (e) the conditions, including the payment of any charge or fee therefor, upon which certified copies of any court records may be obtained in circumstances for which no provision is made under this or any other law;
- (f) the rates and scales of payment to witnesses in respect of expenses; and
- (g) the taxation of costs in proceedings before the court.

Construction of other
laws

45. In any other law any reference to the magistrate, a Justice of the Peace, two or more Justices of the Peace, the Petty Court or any other court exercising summary jurisdiction shall be construed as a reference to the exercise of the equivalent jurisdiction by a summary court.

SCHEDULE

(Section 14)

Civil Jurisdiction of the Court

1. Any proceedings for the recovery of any sum of money expressed to be recoverable summarily.
2. Any proceedings, whether arising in contract or tort (or both) or in respect of trespass to land, where the debt or damage claimed does not exceed twenty thousand dollars and in which no question of title to any real property arises.
3. Any proceedings in respect of which civil jurisdiction is by any law conferred upon a magistrate or upon a court of summary jurisdiction.
4. Any claims for relief by way of interpleader in respect of any property attached in execution of any decree or order made by the court.

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Carmena Watler
Clerk of Cabinet

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