

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE SUMMARY JURISDICTION
LAW (2006 REVISION) TO EMPOWER THE CABINET TO MAKE
REGULATIONS PROVIDING FOR THE TRAINING OF JUSTICES OF
THE PEACE; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

THE SUMMARY JURISDICTION (AMENDMENT) BILL, 2014

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Summary Jurisdiction Law (2006 Revision) to empower the Cabinet to make regulations that would put in place the procedures for the orientation and training of Justices of the Peace.

Clause 1 provides for the short title and commencement.

Clause 2 amends the Summary Jurisdiction Law (2006 Revision) to provide for the insertion of new sections 43A through 43E. Section 43A provides that a Justice of the Peace or any nominee for the office must comply with any requirement for training as may be prescribed.

The new section 43B provides for the suspension of the appointment of a Justice of the Peace for inability to discharge the functions of the office due to infirmity, for misbehaviour or for contravention of the code of conduct.

The new section 43C provides for the conferral of the title of “Honorary Justice of the Peace” on a Justice who has served for ten or more years on his retirement or resignation.

The new section 43D provides for the retention of the appointment of Justice of the Peace by Caymanians who were appointed to serve by virtue of office. On retirement, resignation or otherwise ceasing to hold the office, the person may continue to serve as a Justice of the Peace unless there are reasons within law that would render the person unfit to serve.

The new section 43E empowers the Cabinet to make regulations providing for, among other things, the appointment or removal of a Justice of the Peace and the orientation and training of Justices of the Peace. The provision also empowers Cabinet to make regulations providing for the assessment of the fitness to serve on attaining seventy years and for the conferral of the title of “Honorary Justice of the Peace”.

Clause 3 sets out transitional provisions for persons who are appointed as Justices of the Peace before the commencement of the Summary Jurisdiction (Amendment) Law, 2014. Every person so appointed shall take steps to comply with the prescribed training requirements within twelve months of the commencement of this Law.

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ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Summary Jurisdiction (Amendment) Law, 2014. Short title and
commencement

(2) This Law shall come into force on such date as may be appointed by Order made by the Cabinet.

2. The Summary Jurisdiction Law (2006 Revision) is amended by inserting after section 43 the following sections - Insertion of sections
43A to 43E in the
Summary Jurisdiction
Law (2006 Revision) -
training; suspension of
appointment; honorary
title; retention of
appointment; regulations

"Training	43A. A Justice of the Peace or a nominee for appointment as a Justice of the Peace shall comply with any requirements for training as may be prescribed.
Suspension of appointment	43B. The appointment of a Justice of the Peace may be suspended - (a) where it is determined that the Justice of the Peace is unable to discharge the functions of the office due to infirmity of body or mind; (b) for misbehaviour; or

- (c) for contravention of the code of conduct as may be prescribed,

and any such suspension of appointment shall be published in the Gazette.

Honorary title	43C. The Cabinet may confer the title of “Honorary Justice of the Peace” on a Justice of the Peace who has served a term of ten or more years or terms amounting to ten or more years on the retirement or resignation of that Justice of the Peace.
Retention of appointment (2013 Revision)	43D. Any person appointed as a Justice of the Peace <i>virtute officii</i> pursuant to section 7(3) who is a Caymanian within the meaning of the Immigration Law (2013 Revision) may, upon retirement, resignation or otherwise ceasing to be the holder of the office, retain the title and continue to serve as a Justice of the Peace unless there are reasons in law that would otherwise render the person unfit to serve.
Regulations	<p>43E. The Cabinet may make regulations prescribing all matters that are required or permitted by this Law to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Law and, in particular, providing for -</p> <ul style="list-style-type: none"> (a) the procedure for the nomination and appointment of candidates to the office of Justice of the Peace and for the retention of the appointment where the person is appointed <i>virtute officii</i>; (b) the orientation and periodic training of Justices of the Peace; (c) a code of conduct, guidelines for record keeping and general directions for the provision of Justice of the Peace services; (d) a tribunal to conduct hearings into complaints made against Justices of the Peace; (e) the assessment of the fitness of a Justice of the Peace to serve on attaining the age of seventy years; (f) the procedure for the suspension or removal of a Justice of the Peace; and (g) the criteria for the selection of suitable candidates for the conferral of the title of

“Honorary Justice of the Peace” upon retirement or resignation as a Justice of the Peace.”.

3. A person who was appointed as a Justice of the Peace before the commencement of this Law shall comply with the prescribed training requirements within twelve months of the commencement of this Law. Transitional

Passed by the Legislative Assembly the _____ day of _____, 2014.

Speaker.

Clerk of the Legislative Assembly.