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**THE JUSTICE OF THE PEACE (APPOINTMENT AND
CODE OF CONDUCT) RULES**

A PROCLAMATION

L.S.

Kenneth O. Hall,
Governor-General.

By His Excellency the Most Honourable
PROFESSOR KENNETH OCTAVIUS
HALL, Member of the Order of the
Nation, Member of the Order of Jamaica,
Governor-General of Jamaica.

WHEREAS, it is recognized that the Office of Justice of the Peace is significant in the system of administration of justice in Jamaica:

AND WHEREAS, it is desirable that the persons appointed to that Office should display the highest standards of professionalism and moral and ethical conduct:

AND WHEREAS, a Code of Conduct for Justices of the Peace has been developed in order to promote the maintenance of these standards and to preserve the integrity of the Office of Justice of the Peace:

NOW, THEREFORE, I, KENNETH OCTAVIUS HALL, Member of the Order of the Nation, Member of the Order of Jamaica, Governor-General of Jamaica, DO HEREBY PROCLAIM AND MAKE KNOWN that Justices of the Peace shall hereafter be appointed pursuant to and carry out their functions in accordance with the Justices of the Peace (Appointment and Code of Conduct) Rules, 2006 which are appended hereto.

Given under my hand at King's House, this 30th day of November in the Year of Our Lord Two Thousand and Six.

APPENDIX

THE JUSTICES OF THE PEACE (APPOINTMENT AND CODE OF CONDUCT) RULES, 2006

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| Citation. | 1. These Rules may be cited as the Justices of the Peace (Appointment and Code of Conduct) Rules, 2006. |
| Interpretation. | <p>2. In these Rules, unless the context otherwise requires—</p> <p>“Custos” means the Custos Rotulorum of the relevant parish;</p> <p>“functions” includes the exercise of a power and the carrying out of a duty;</p> <p>“Justice” means Justice of the Peace;</p> <p>“Minister” means the Minister responsible for Justices of the Peace.</p> |
| Appointment of Justice of the Peace. | 3. The Governor-General, acting on the recommendation of the Minister responsible for Justices of the Peace, may appoint to the Commission of Justice of the Peace any person qualified in accordance with these Rules. |
| Justices of the Peace Advisory Committee. | <p>4.—(1) There is, for the purposes of these Rules, hereby established in each parish, a Justices of the Peace Advisory Committee (hereinafter called the Advisory Committee).</p> <p>(2) The Advisory Committee shall consist of—</p> <p>(a) the Custos Rotulorum of the parish, who shall be the Chairman;</p> <p>(b) the most senior ranking Resident Magistrate for the parish; and</p> <p>(c) the Police Officer in charge of the parish.</p> |
| Functions of Advisory Committee. | <p>5.—(1) The Advisory Committee shall make to the Minister recommendations for appointment as Justices of the Peace, and for that purpose, the Advisory Committee shall keep under constant review, the needs of the parish as a whole, and also the needs of each local community in the parish with a view to ensuring that—</p> <p>(a) there is an adequate number of Justices of the Peace for the Petty Sessions Court and the Children's Court;</p> |

- (b) there is an adequate number of Justices of the Peace to serve on a Licensing Authority under the Spirit Licence Act;
- (c) there is an adequate distribution throughout the parish of Justices of the Peace who are available and willing to attest or authenticate documents for members of the public and that the distribution is so arranged that no member of the public needs to travel a long distance in order to access the services of a Justice of the Peace.

(2) The Advisory Committee shall ensure that—

- (a) its recommendations for appointments will not result in an excessive number of Justices of the Peace for a parish or any particular geographical area thereof; and
- (b) any person recommended by it for appointment is qualified therefor pursuant to rule 6.

(3) The Minister may give directions to the Advisory Committee as are necessary to facilitate the carrying out of its functions.

Qualifications
for appoint-
ment as
Justice of the
Peace.

6.—(1) A person is eligible to be appointed as a Justice of the Peace who is—

- (a) a Jamaican citizen who is resident in Jamaica at the time of appointment and who is able to read and speak English fluently;
- (b) a person who the Governor-General is satisfied—
 - (i) is of unquestionable integrity and commands the respect and confidence of his local community;
 - (ii) has given good service to the community and the wider Jamaica and who demonstrates the potential for continuing to so serve; and
- (c) between 25 and 70 years of age; however a person who is outside of this age group may be appointed in exceptional circumstances.

(2) Where the operations of a Government agency may be facilitated by having ready access to the services of a Justice of the Peace, officers serving in that agency may be recommended for appointment to facilitate the work of the agency.

(3) A Justice of the Peace appointed pursuant to paragraph (2) is not required to serve in Petty Sessions or Children's Courts or on a Licensing Authority under the Spirit Licence Act.

Application
or nomina-
tion for
appointment.

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

(2) Applications or nominations for appointment shall be submitted in writing to the Custos of the parish in which the applicant or nominee resides (in such form, if any, as may be prescribed).

(3) Upon receipt of an application or nomination the Custos shall—

- (a) refer it to the Advisory Committee; and
- (b) cause a member of the Jamaica Constabulary Force now below the rank of Inspector to make discreet enquiry into the background of the applicant or nominee,

in order to ensure the person's eligibility and suitability for appointment.

(4) The Advisory Committee after being notified of the result of any enquiry under paragraph (3) shall submit to the Minister the names of those persons who have been considered suitable for appointment.

(5) The Minister shall submit to the Governor-General the names of such of the persons submitted by the Advisory Committee that the Minister is prepared to recommend to the Governor-General for appointment as Justices of the Peace.

Procedure to
be followed
by Custos
upon
receiving
application
or nomina-
tion.

8.—(1) Where an application or a nomination for appointment to the Commission of Justice of the Peace is made to the Custos in respect of any person, the Custos shall, before giving directions for enquiry to be made concerning that person, write to the applicant or nominee—

- (a) acknowledging receipt of the application or nomination, and stating that before the application or nomination can be sent to the Minister, he is required to direct that enquiries be made into the person's background; and
- (b) inviting the person to state in writing whether he or she 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.

(2) The Custos' recommendation to the Minister shall state—

- (a) the person's name, age, address and occupation;
- (b) that the Custos is satisfied that the person is a Jamaican citizen who is resident in Jamaica;
- (c) details of the nature of service given by the person and the Custos' own assessment of the person's potential for future service;

- (d) whether, the recommendation is for a new appointment or to fill a vacancy and if so, the reason for the vacancy;
- (e) in the case of a new appointment, the reason why such an appointment is desirable and whether the new appointment is being made to strengthen the panel of Justices of the Peace available to sit in Court.

Conditions
subject to
which
appointments
are made.

9.—(1) Every person who the Minister has recommended to the Governor-General to be appointed as a Justice of the Peace is required, prior to the taking of the Oath of Office, to participate in such training courses organized by or under the auspices of the Justice Training Institute, as may be approved by the Minister as qualifying training for Justices of the Peace.

Schedule.

(2) A Justice of the Peace is required to observe the provisions of the Code of Conduct for Justices of the Peace prescribed in the Schedule to these Rules, and failure to do so shall be regarded as an act of misconduct.

(3) Subject to paragraph (4), every Justice of the Peace is required to—

- (a) enhance his competence in the performance of his functions by participating in training and educational courses approved by the Minister, and keeping current with developments in the law; and
- (b) agree in writing to perform a fair share of judicial duties as a lay magistrate and to serve the public in relation to the attestation and authentication of documents.

(4) Paragraph (3) does not apply to Justices of the Peace who are on the Honour Roll or Supplemental Roll of Justices of Peace.

Termination
and
revocation of
Commission
of Justice of
the Peace.

10.—(1) A Justice of the Peace may at any time resign his commission and shall thereupon surrender his Instrument of Office to the Custos Rotulorum for the parish in which he was appointed.

(2) Where the Instrument of Office of a Justice of the Peace has been lost or destroyed, he shall forthwith notify the Custos and shall observe (with such modification as may be necessary) the provisions of the Justices of the Peace (Official Seals) Act that apply in the case of the loss or destruction of an Official Seal.

(3) The Minister, upon being satisfied as to the circumstances of the loss or destruction shall cause to be issued another Instrument of Office in substitution therefor; and the Instrument of Office issued in substitution shall, notwithstanding the date on which it is subscribed, be deemed to have been of full force and effect from the date of the original Instrument.

(4) An appointment to the Commission of Justice of the Peace may be revoked by the Governor-General whenever the Justice of the Peace—

- (a) behaves in such manner as to—
 - (i) taint the Office of Justice of the Peace; or
 - (ii) be likely to bring the Office into public ridicule, to cause public scandal or bring the administration of justice into disrepute; or
- (b) fails to comply with any of the conditions subject to which his appointment was made.

Procedure where question of Revocation of appointment to Commission of Justice of the Peace arises.

11.—(1) Where the question of the revocation of a person's appointment to the Commission of Justice of the Peace has arisen, on account of a Custos having received any complaint or allegation that the Justice has committed any breach specified in rule 10 (4), the Custos shall cause an enquiry to be made into all the circumstances surrounding the alleged misconduct.

(2) On receipt of a report on the findings of the enquiry, the Custos shall forward the findings and his recommendation to the Minister for transmission to the Governor-General.

(3) A Justice of the Peace in relation to whom an enquiry is directed under this rule shall have the right to be heard by the Custos who shall, before taking a decision on the matter, consider submissions made by the Justice in relation thereto.

(4) For the purpose of any enquiry the Custos may—

- (a) request the assistance of the Police Officer in charge of the parish; or
- (b) may establish a committee consisting of Justices of the Peace to conduct the enquiry and to report on its findings.

(5) Where it appears that a Justice of the Peace has failed to comply with any of the conditions subject to which his appointment was made, the Custos shall, in writing—

- (a) remind the Justice of the undertaking given by him at the time of his appointment;
- (b) require him to give a further undertaking to fulfil those conditions in future and state that if he is not prepared to give such further undertaking, he will be required to resign his Commission or a recommendation will be made for its revocation.

(6) Where a Justice of the Peace has been convicted of a criminal offence, the Justice shall submit a report thereof to the Custos and may include in the report any explanation or information that he considers necessary.

(7) Subject to paragraph (8), the Custos shall after considering the report, submit his report to the Minister with his recommendations as to what action should be taken.

(8) Before submitting his report to the Minister pursuant to paragraph (7), the Custos may direct an enquiry to be made in the manner specified in paragraphs (1) and (4) and he may be guided by the findings and recommendations of any such enquiry.

(9) The failure of a Justice of the Peace to furnish a report as required by paragraph (6) shall be deemed to be an act of gross misconduct of such nature that his continuing as a Justice of the Peace would bring the office into public ridicule.

(10) A Justice of the Peace who has been convicted of a criminal offence may not continue to sit as a Justice of Petty Sessions or as a Justice in the Children's Court or serve on a Licensing Authority under the Spirit Licence Act until he has been advised by the Custos that the Minister is satisfied that he can so continue.

Honour Roll
and
supplemental
list.

12—(1) The name of any Justice of the Peace who falls within paragraph (a) or (b) hereunder shall be removed from the list of active Justices of the Peace and placed on an Honour Roll of Justices, namely a Justice who—

- (a) has attained the age of 75 years;
- (b) though under the age of 75 years, is unable, by reason of illness or disability, to perform duties to the level of competence normally required of a Justice of the Peace.

(2) A Justice, whose name is placed on the Honour Roll shall perform only such duties as may be assigned to him by the Custos.

(3) The Custos shall maintain a supplemental list of Justices of the Peace containing—

- (a) the names of Justices that the Minister, on the recommendation of the Custos, has exempted from judicial duties on account of factors such as the inability or impracticability of the Justice attending Petty Sessions or Children's Courts on a regular basis;
- (b) the names of Justices who have attained the age of 75.

(4) A Justice of the Peace whose name is on the Supplemental List shall not be called upon to sit in Petty Sessions, Children's Courts or spirit licensing sessions, but may perform the following duties—

- (a) sign documents for the purpose of authentication or attestation;
- (b) take and attest to or authenticate by his signature, any written declaration not made on oath;

- (c) give certificates of fact within his knowledge or his opinion on any matter;
- (d) administer oaths to persons swearing to affidavits or statutory declarations;
- (e) perform duties on Community Consultative Committees.

Tenure.

13. The tenure of appointment of a Justice of the Peace is—

- (a) for life; or
- (b) until terminated by virtue of the appointee's—
 - (i) submitting a written resignation of his commission to the Custos;
 - (ii) removal from Office for misconduct or inability to perform his functions or for any other reason under provisions of the Justices of the Peace (Jurisdiction) Act; or
 - (iii) migration from Jamaica for a period exceeding twelve months.

Jurisdiction.

14. Every Justice of the Peace shall be appointed with jurisdiction over a parish as constituted by the Counties and Parishes Act, however, upon ceasing to reside in that parish, the Justice may be appointed to exercise jurisdiction in the parish of his new residence after consultation between the two Custodes of the respective parishes.

Annual list to be forwarded to Minister.

15. In January of each year, each Custos shall forward to the Minister, a current list of all Justices of the Peace within his parish under the following headings—

- (a) Justices who are available for the Roster for Petty Sessions and Children's Courts;
- (b) Supplemental List of Justices;
- (c) Honour Roll of Justices;
- (d) Justices who have left the parish but have not surrendered their Commissions.

SCHEDULE

(Rule 9)

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 his or her Office a Justice of the Peace shall—

- (a) act to the best of his or her ability, professionally, fairly, diligently and expeditiously;
- (b) be unbiased in the exercise of his or her duties and shall take all necessary and precautionary steps to avoid conflict of interest, real or perceived, uphold the integrity of the Office, and should scrupulously preserve his or her independence in the discharge of his or her professional duties;
- (c) act at all times in the public interest, without fear or favour, and in so doing shall avoid partisan political influences;
- (d) not use the title “Justice of the Peace” to promote self-interest, the private interest of others or to further the trade, business or professional interests of the office holder.

General
Duties.

3.—(1) A Justice of the Peace shall—

- (a) abide by the Oath of Office of the 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 he 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 without regard to age, gender, race, colour, religion, culture, social class; language, mental or physical ability or political opinion;
- (e) safeguard the confidentiality of information and the privacy of information about any individual that comes to him by virtue of his functions as a Justice of the Peace and shall not disclose that information except as required by law.

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

Duties in the
administra-
tion of
Justice.

4.—(1) A Justice of the Peace shall—

- (a) refrain from openly and publicly criticizing the system of administration of justice and shall, when necessary or desirable, communicate his views, concerns or suggestions to the Custos of the parish in which he is appointed;

- (b) exercise good judgement and at all times seek to demonstrate knowledge and competence;
- (c) hear and decide matters without fear or favour and where there is a risk of bias or conflict of interest should consider recusing himself as an appropriate course;
- (d) maintain reasonable competence in the law and shall not be swayed by partisan interest, public clamour or fear of criticism and shall, where necessary, seek the advice of the Clerk of the Courts for the parish in which he exercises jurisdiction;
- (e) exercise patience and restraint and act in a dignified and courteous manner to litigants, lawyers, witnesses and others with whom he deals when sitting on the bench;
- (f) convey in plain ordinary language his decisions and reasons therefor where it is so required by law.

(2) A Justice of the Peace shall not initiate or receive any communications made to him, in the absence of the parties to the judicial proceedings being adjudicated on by him, concerning the merits of such proceedings, unless permitted by law so to do.