

ABILL

ENTITLED

AN ACT to Amend the Judicature (Supreme Court) Act.

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

1.—(1) This Act may be cited as the Judicature (Supreme Court) (Amendment) Act, 2015, and shall be read and construed as one with the Judicature (Supreme Court) Act (hereinafter referred to as the “principal Act”) and all amendments thereto.

Short title,
construction
and com-
mencement.

(2) This Act shall come into operation on a day appointed by the Minister by notice published in the *Gazette*.

Repeal and replacement of section 11 of principal Act.

2. The principal Act is amended by deleting section 11 and substituting therefor the following—

“Officers of the Court.

11. The following officers shall be attached to the Supreme Court—

- (a) one or more Registrars;
- (b) one or more Deputy Registrars;
- (c) an Executive Legal Officer to the Chief Justice;
- (d) a Director of Court Administration;
- (e) a sufficient number of clerks; and
- (f) such other officers as may be prescribed by rules of court.”.

Insertion of new sections 15A and 15B in principal Act.

3. The principal Act is amended by inserting next after section 15 the following sections—

“Director of Court Administration.

15A.—(1) Subject to subsection (2), the Director of Court Administration shall be appointed by the Governor-General, on the recommendation of the Public Service Commission after consultation with the Chief Justice, for a term of three years which shall be renewable, subject to the approval of the Chief Justice.

shall— (2) The Director of Court Administration

- (a) be the chief executive officer of the Court Administration Division established under this Act (in this Act referred to as “the Division”) and shall be responsible for the day-to-day supervision of the work and staff of the Division;

- (b) be the accounting officer of the Division for the purposes of the *Financial Administration and Audit Act*;
- (c) be responsible for the preparation and submission of all documents (including a budget, corporate plan and operational plan) required to be submitted by an accounting officer under the *Financial Administration and Audit Act*, in consultation with the Chief Justice;
- (d) provide the Chief Justice with such information in relation to the performance of—
 - (i) the Director of Court Administration; and
 - (ii) the Division,as may be required by the Chief Justice from time to time;
- (e) be accountable to, and take directions from, the Chief Justice in the performance of the functions of the Director of Court Administration and as to performance of the Division, and the implementation of policy in relation to the Division as directed by the Chief Justice; and
- (f) comply with such directions as may be issued by the Chief Justice from time to time on any matter falling within the functions of the Director of Court Administration.

(3) The Chief Justice may designate a person to act temporarily in the place of the Director

of Court Administration in the absence of the Director of Court Administration or where the office is vacant.

(4) Subject to subsection (5), the Director of Court Administration shall be the officer responsible for attending proceedings before any committee of Parliament, as may be required, and may be accompanied by such other persons as may be appropriate for the purpose of providing necessary information to such committee.

(5) For the avoidance of doubt, the Director of Court Administration shall not be required in any proceedings before any court, committee or tribunal to give account in respect of any matter relating to the exercise of judicial functions by a judicial officer.

(6) In this section and section 56, “judicial officer” includes—

- (a) a Judge of the Supreme Court or the Court of Appeal;
- (b) the Registrar of the Court of Appeal;
- (c) a Registrar or Master of the Supreme Court; and
- (d) a Judge of a Parish Court.

(7) The Director of Court Administration shall receive such emoluments as are equivalent to those payable to the office of Permanent Secretary.

Executive
Legal Officer
to the Chief
Justice.

15B.—(1) There shall be appointed in accordance with this section an Executive Legal Officer to the Chief Justice.

(2) A person shall not be appointed as Executive Legal Officer to the Chief Justice unless the person is an attorney-at-law.

(3) The Executive Legal Officer to the Chief Justice shall be responsible for assisting the Chief Justice by—

- (a) carrying out such administrative functions as may be assigned or delegated to the Executive Legal Officer by the Chief Justice;
- (b) liaising with the Director of Court Administration on a day-to-day basis on behalf of the Chief Justice; and
- (c) providing such legal research as may be required.”.

4. The principal Act is amended in section 16, by—

- (a) deleting the marginal note and substituting therefor the following—

“Appointment
and duties of
Court
Reporters.”;

- (b) deleting the words “short hand writers” wherever they appear and substituting therefor, in each case, the words “Court Reporters”;
- (c) inserting, next after subsection (1), the following subsections—

“ (1A) In respect of the proceedings referred to in subsection (2) or (3) commenced after the appointed day, the Court Reporter or such other person designated by the Judge or such clerk as may be directed by the Judge, shall be responsible for recording the notes of evidence in those proceedings.

(1B) The notes of evidence referred to in subsection (1A) may—

- (a) be recorded by such means (which may include electronic means) as may be specified by rules of court;

Amendment
of section 16
of principal
Act.

- (b) bear the seal of the Court; and
- (c) be certified as a true copy thereof in such manner as may be specified by rules of court.”;
- (d) deleting from subsection (2) the words “Shorthand notes shall be taken of the proceedings” and substituting therefor the words “Notes shall be taken of the proceedings”; and
- (e) deleting from subsection (3) the words “Shorthand notes” and substituting therefor the word “notes”.

Insertion of
new heading
and sections
56 and 57 in
principal
Act.

5. The principal Act is amended by inserting next after section 55 the following heading and sections—

“

Court Administration

Court
Administration
Division.

56.—(1) There is hereby established an administrative division of the Supreme Court to be known as the Court Administration Division.

(2) The Court Administration Division shall, under the direction and control of the Chief Justice, be responsible for—

- (a) the performance of administrative management services in respect of all the courts of Jamaica, including—
 - (i) strategic planning;
 - (ii) human resource management services;
 - (iii) internal audit and risk management;
 - (iv) finance and accounts;
 - (v) customer and client services;
- and

- (vi) maintenance of court facilities,
but excluding the matters referred to in subsection (3) until otherwise determined in accordance with that subsection;
- (b) providing administrative support services for judicial officers and Clerks of Court;
- (c) providing information to the public in respect of court systems and procedures;
- (d) providing and maintaining information and communication technologies for the courts; and
- (e) providing such other services, and carrying out such other functions, as may be assigned to it by this or any other law.

(3) Until otherwise provided by the Minister, responsibility for the performance of administrative services in respect of the following matters shall be retained by the Ministry responsible for justice—

- (a) procurement of motor vehicles for the judiciary;
- (b) major capital works in relation to the Courts;
- (c) data collection for court management information systems and policy development with respect to the justice system,

and the Minister may, from time to time, provide that responsibility for any of those matters shall be transferred to the Division.

(4) The Court Administration Division may appoint and employ, at such remuneration and on

such terms and conditions as may be approved by or with the authority of the Governor-General acting on the advice of the Public Service Commission, such officers and agents as may be considered necessary for the proper performance of the functions of the Division.

(5) In respect of each financial year, the Director of Court Administration shall cause to be prepared and submitted to the Chief Justice for approval, an annual report on the operations of the Court Administration Division, in such form as may be required under the *Financial Administration and Audit Act*.

(6) The accounts and financial transactions of the Court Administration Division shall be audited annually by the Auditor-General and a statement of accounts so audited shall form part of the annual report mentioned in subsection (5).

(7) The Director of Court Administration shall cause the annual report as approved by the Chief Justice pursuant to subsection (5) to be transmitted, within four months after the end of the financial year concerned, to—

- (a) the Minister; and
- (b) the Minister responsible for finance, and the Auditor General.

(8) The Minister shall cause a copy of the annual report transmitted under subsection (7) to be laid on the table of each House of Parliament.

Advisory
Board.

57.—(1) There shall be established an Advisory Board for the Court Administration Division, constituted as follows—

(a) the *ex officio* members of the Advisory Board shall be—

- (i) the Chief Justice, who shall also be the chairperson of the Board;
- (ii) the President of the Court of Appeal;
- (iii) the Senior Puisne Judge;
- (iv) the Chief Judge of the Parish Courts; and
- (v) the Director of Court Administration, who shall be a non-voting member of the Board;

(b) the other members of the Advisory Board (hereinafter referred to as the “appointed members of the Advisory Board”) shall be—

- (i) a Judge of the Court of Appeal, selected by the Judges of that Court;
- (ii) a Judge of the Supreme Court, selected by the Judges of that Court;
- (iii) a Judge of the Parish Courts, selected by the Judges of the Parish Courts;

- (iv) the Permanent Secretary in the Ministry responsible for justice;
- (v) a representative of the Jamaican Bar Association;
- (vi) a representative of a Bar Association selected by the General Legal Council for any region in Jamaica outside of Kingston and St. Andrew, being a Bar Association selected by the General Legal Council;
- (vii) a person selected by the Minister responsible for justice, after consultation with the chairman of the Legal Aid Council, as being representative of court users (and not being a person employed within the court system); and
- (viii) a person selected by the Minister responsible for justice, being an expert in the field of commerce, finance or administration.

(2) The term of office of the appointed members of the Advisory Board shall be for a period of three years and such members shall be eligible for re-appointment.

(3) The Advisory Board shall be responsible for advising the Chief Justice on matters

concerning the management and operation of the Court Administration Division and the management of the courts of Jamaica generally.

(4) The Advisory Board shall meet with such frequency as it determines necessary, but in any event no less than four times per year, and may, subject to the provisions of this section, determine its own procedure at meetings.

(5) The Advisory Board may form such sub-committees of its members as it deems necessary.

(6) The chairperson of the Advisory Board shall have both an original and a casting vote in the event of any equality in the voting of the Board members.

(7) Subject to subsection (8), there shall be paid to the members of the Advisory Board such remuneration (if any), whether by way of salaries, honoraria or fees and such other allowances, as may be determined by the Minister with responsibility for the public service.

(8) Subsection (7) shall not apply to a member of the Advisory Board who holds or is acting in any office of emolument in the public service, but that member shall be entitled to be reimbursed for travelling expenses, and any other reasonable expenses, incurred in the performance of the duties of the Advisory Board.”

6. Within six months from the date of coming into operation of this Act, the Chief Justice and the Minister responsible for justice shall enter into a Memorandum of Understanding stipulating the mechanisms by which policy recommendations with respect to the administration and management of court services are to be submitted to the Minister

Memorandum
of Under-
standing.

responsible for justice by the judiciary for the consideration and approval of the Cabinet.

Passed in the Senate this 3rd day of December, 2015 with seven (7) amendments.

A. BROWN

Deputy President.

MEMORANDUM OF OBJECTS AND REASONS

A decision has been taken, to amend the Judicature (Supreme Court) Act in order to provide for—

- (a) the establishment of a Court Administration Division, which will supersede and replace the Court Management Services which was initially established as an administrative arrangement, and which shall be responsible for the provision of general administration and management services in respect of all the courts of Jamaica;
- (b) the appointment of a Director of Court Administration, who shall be the chief executive officer of the Division;
- (c) the appointment of an Executive Legal Officer to the Chief Justice; and
- (d) the governance framework for the Court Administrative Division, including the appointment of an advisory Board.

This Bill seeks to give effect to that decision, and is a companion measure to the Bill shortly entitled the Judicature (Resident Magistrates) (Amendment and Change of Name) Act, 2015.

MARK GOLDING,
Minister of Justice.

A BILL

ENTITLED

AN ACT to Amend the Judicature (Supreme Court) Act.

As passed in the Honourable Senate.

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SECTION 11 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO REPEAL AND REPLACE

11. There shall be attached to the Supreme Court the following officers, that is to say—

- (a) one or more Registrars;
- (b) one or more Deputy Registrars;
- (c) sufficient number or clerks;
- (d) a Crier, and

such other officers as may be prescribed by rules of court.

SECTION 15 OF THE PRINCIPAL ACT WHICH IT
IS PROPOSED TO AMEND

15.—(1) There shall be attached to the Supreme Court such number of Deputy Registrars (each of whom is hereinafter referred to as the Deputy Registrar) as may from time to time be appointed by the Governor-General.

(2) No person shall be appointed to be Deputy Registrar unless he is a member of the Bar of Jamaica, England or Northern Ireland or of the Faculty of Advocates of Scotland or a Solicitor of the Supreme Court or of the Supreme Court of Judicature of England, Scotland or Northern Ireland or a Writer to the Signet of Scotland.

(3) The Deputy Registrar shall subject to the general or special directions of the Registrar assist the Registrar in the performance of the duties of Registrar, and the Deputy Registrar shall in the exercise of his office have all and singular the like authorities, powers, duties, immunities and liabilities of the Registrar save and except the powers vested in the Registrar by virtue of section 13.

(4) Everything by this Act or any enactment amending or incorporated with the same appointed or authorized or required to be done or signed by the Registrar may be done or signed by the Deputy Registrar and shall be as valid and effectual as if done or signed by the Registrar.

SECTION 16 OF THE PRINCIPAL ACT WHICH IT
IS PROPOSED TO AMEND

16.—(1) There shall from time to time be appointed such number of shorthand writers who shall receive such salary as Government may determine.

(2) Shorthand notes shall be taken of the proceedings at the trial of any person on indictment in the Supreme Court, and a transcript of the notes or any part thereof shall—

- (a) on any appeal or application for leave to appeal be made and furnished to the Registrar if he so directs; and
- (b) be made and furnished to any party interested upon the payment of such charges as may be fixed by rules of court whether the person tried was or was not convicted, or in any case where the jury were discharged before verdict.

(3) Subject to the provisions of subsections (4) and (5) shorthand notes shall also be taken of the whole or of any part of the proceedings at the trial of civil actions or proceedings in the Supreme Court upon request in writing to the Registrar by any party thereto and a transcript of the notes or any part thereof shall—

- (a) on any appeal be made and furnished to the Registrar if he so directs; and
- (b) be made and furnished to any party interested upon the payment to the Registrar of such charge, not exceeding five cents per folio of one hundred and sixty words and not exceeding twenty-five per cent of such charge for each carbon copy thereof, as may be fixed by rules of court.

(4) The duties to be performed by the shorthand writers under subsection (2) shall take precedence of the duties to be performed by the shorthand writers under subsection (3).

(5) A fee of six dollars thirty cents per day of five hours and a further fee of one dollar and five cents for every hour or part of an hour over the first five hours, payable in advance unless a Judge otherwise orders, shall be paid to the Registrar for the attendance at the trial of a civil action or proceeding of a shorthand writer.

(6) Rules of court may make such provisions as is necessary for securing the accuracy of the notes to be taken and the verification of the transcript.

SECTION 55 OF THE PRINCIPAL ACT WHICH IT
IS PROPOSED TO AMEND

55. All fees receivable in the Supreme Court under this Act, or under any rules made pursuant to this Act, shall be paid into and shall form part of the Consolidated Fund.”.