

CAYMAN ISLANDS



Summary Jurisdiction Law

JUSTICES OF THE PEACE REGULATIONS, 2015

(SL 20 of 2015)

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CAYMAN ISLANDS**Summary Jurisdiction Law**

JUSTICES OF THE PEACE REGULATIONS, 2015

(SL 20 of 2015)**Arrangement of Regulations**

Regulation	Page
1. Citation	5
2. Definitions.....	5
3. Criteria for nomination	5
4. Nomination	6
5. Appointment	7
6. Swearing in.....	7
7. Code of conduct	7
8. Training	8
9. Complaints	8
10. Removal, suspension or resignation	9
11. Retention of the title of Justice of the Peace	9
12. Record keeping	10
13. Duty to notify.....	10

SCHEDULE 1

Nomination Form for the Appointment as a Justice of the Peace

SCHEDULE 2

Instrument of Appointment

SCHEDULE 3

Oath of Allegiance & Judicial Oath

SCHEDULE 4

Justices of the Peace Record of Services Provided

SCHEDULE 5

Justices of the Peace Code of Conduct

SCHEDULE 6

Powers and duties of the Tribunal



CAYMAN ISLANDS



Summary Jurisdiction Law

**JUSTICES OF THE PEACE REGULATIONS,
2015**

(SL 20 of 2015)

The Cabinet, in exercise of the powers conferred by section 43E of the Summary Jurisdiction Law (2006 Revision) and after consultation with the Chief Justice, makes the following Regulations —

Citation

1. These Regulations may be cited as the Justices of the Peace Regulations, 2015.

Definitions

2. In these Regulations —

“**code of conduct**” means the code set out in Schedule 5; and

“**elector**” shall have the same meaning as in the *Elections Law (2013 Revision)*.

Criteria for nomination

3. (1) A nominee for appointment as a Justice of the Peace shall —
 - (a) be eighteen years or older;
 - (b) be literate and have a good command of the english language;
 - (c) be capable of exercising sound judgement;
 - (d) be of good character; and
 - (e) not have a criminal record nor be an undischarged bankrupt.



- (2) Police officers, retired police officers who retired in the twelve months preceding nomination, public officers having the power of arrest and prison officers are not eligible for nomination.

Nomination

4. (1) Nomination for a person to be appointed as a Justice of the Peace shall be made in writing by a registered elector and shall be in the form set out in Schedule 1.
- (2) The nomination form shall be submitted with the nominee's curriculum vitae and references from two registered electors, other than the registered elector making the nomination under paragraph (1), to the Clerk of the Court.
- (3) The Clerk of the Court shall acknowledge receipt of every nomination form received and where the form is not properly completed the Clerk shall return it to the person making the nomination indicating what is required for the proper completion of the form.
- (4) The Clerk of the Court shall carry out, or cause to be carried out, such background checks on a nominee that will enable the Clerk to determine whether the nominee satisfies the criteria under regulation 3 including, but not limited to, obtaining a police clearance certificate.
- (5) The Clerk of the Court shall forward copies of the nomination form, curriculum vitae and references to the Attorney General, the Director of Public Prosecutions and the President of the Justices of the Peace Association for their consideration and recommendation for interview.
- (6) Where the nominee is recommended for an interview by a majority of the persons to whom the nomination is forwarded under paragraph (5), the Clerk of the Court shall carry out an interview with the nominee to —
 - (a) determine the nominee's suitability for the appointment;
 - (b) determine the willingness to serve; and
 - (c) explain the duties and responsibilities of a Justice of the Peace.
- (7) The Clerk of the Court's determinations under paragraph (6), where the nominee is willing to serve, shall be forwarded to the Chief Justice along with the comments from the Attorney General, the Director of Public Prosecutions and the President of the Justices of the Peace Association and a report on the background checks for the Chief Justice's approval for training for the nominee.
- (8) Upon approval for training by the Chief Justice, the nominee shall participate in training as directed by the Clerk of the Court.



- (9) The Clerk of the Court shall notify the Chief Justice when the nominee has completed training and the Chief Justice shall forward the nomination, curriculum vitae and references, along with approval for appointment as a Justice of the Peace, to the Governor.

Appointment

5. (1) The Governor shall consider nominations as forwarded by the Chief Justice and where the Governor considers that a nominee is suitable for appointment as a Justice of the Peace, an offer of appointment shall be forwarded to the nominee.
- (2) Where a nominee has been found unsuitable for appointment, the nominee shall be informed in writing by the Clerk of the Court as soon as may be practicable.
- (3) The offer of appointment shall state that the nominee, in accepting the appointment, agrees to undergo orientation and any training provided for Justices of the Peace at least once in every five years, where required.
- (4) The nominee shall submit, in writing, acceptance of the offer of appointment to the Governor.
- (5) On receipt of the acceptance in writing from the nominee, the Governor shall instruct that the instrument of appointment be prepared by the Attorney General in the form set out in Schedule 2.
- (6) A copy of the instrument of appointment shall be delivered to the Clerk of the Court and to the nominee together with a copy of the code of conduct.

Swearing in

6. (1) The Clerk of the Court shall arrange for the swearing in of the nominee on receipt of the instrument of appointment.
- (2) The nominee for appointment shall be sworn in the form set out in Schedule 3 and the Clerk shall arrange for —
- (a) the appointee's name to be added to the Roll of Justices;
 - (b) the appointment to be published in the Gazette; and
 - (c) the delivery of the official stamp.
- (3) The Clerk of the Court shall inform the Chief Justice, the Attorney General, the Director of Public Prosecutions and the Justices of the Peace Association of the swearing in of every nominee for appointment as a Justice of the Peace.

Code of conduct

7. Every Justice of the Peace shall observe the code of conduct set out in Schedule 5.

Training

8. (1) Every Justice of the Peace shall participate in orientation prior to being sworn in and training as may be provided from time to time on any topic relating to the provision of Justice of the Peace services, the relevant Laws, the code of conduct or any other area that the Chief Justice may determine.
- (2) Every Justice of the Peace shall be notified at least four weeks in advance of the schedule for training at the last known address of the Justice of the Peace and every effort shall be made to accommodate and facilitate the participation of Justices of the Peace in any training as may be scheduled from time to time.

Complaints

9. (1) A person may make a complaint about the conduct of a Justice of the Peace to the Clerk of the Court stating the material facts on which the complaint is based and where it is not frivolous or vexatious, the Clerk of the Court shall notify the Justice of the Peace of the complaint.
- (2) The complaint and any response from the Justice of the Peace shall be forwarded by the Clerk of the Court to the Attorney General within twenty-one days of receipt of the complaint.
- (3) The Attorney General shall enquire into the facts and report the findings to the Governor who may make a determination that an enquiry into the complaint is in order and, where such a determination is made, the Governor shall advise the Chief Justice to appoint a tribunal.
- (4) A tribunal shall be comprised of a magistrate, who shall be the chairman, and two Justices of the Peace nominated by the Justices of the Peace Association and shall enquire into the facts of the complaint and, based on its findings, make recommendations to the Governor for the dismissal of the complaint or the censure, suspension or removal of the Justice of the Peace as the tribunal sees fit.
- (5) A tribunal established under this regulation shall have such powers and duties as set out in Schedule 6.
- (6) The Governor may appoint a secretary to attend the sittings of the tribunal to record its proceedings, keep the records, summon witnesses, record the testimony of witnesses and generally to perform such other duties connected with an inquiry as the chairman of the tribunal may direct.
- (7) The chairman of a tribunal shall submit a report and its recommendations to the Governor within 30 days of adjournment.
- (8) A Justice of the Peace who is aggrieved by a decision of the tribunal made under this regulation may appeal therefrom to a Judge in Chambers in the



manner and time prescribed by law or by the rules made, from time to time, by the Court relating to appeals in civil matters.

Removal, suspension or resignation

- 10.** (1) A Justice of the Peace may resign the appointment as Justice of the Peace at any time by notice in writing addressed to the Governor.
- (2) Where a Justice of the Peace is charged with a serious offence that carries the penalty of imprisonment or an offence that may bring the office into disrepute, the appointment may be suspended by the Governor pending the outcome of the proceedings.
- (3) The Governor may suspend the appointment of a Justice of the Peace for the failure to participate in training as provided for in these regulations where failure to participate is without reasonable excuse.
- (4) The Governor may direct that a Justice of the Peace be suspended or removed from the Roll of Justices of the Peace for —
- (a) inability to discharge the function of the office whether arising from infirmity of body or mind or any similar cause;
- (b) misconduct;
- (c) conviction for an offence that carries the penalty of imprisonment or an offence that may bring the office into disrepute;
- (d) being adjudged a bankrupt;
- (e) providing Justice of the Peace services while suspended; or
- (f) contravention of the code of conduct.
- (5) The Clerk of the Court shall publish by way of the Gazette the resignation, suspension or removal of a Justice of the Peace.

Retention of the title of Justice of the Peace

- 11.** (1) A Justice of the Peace who has served for ten years or more and who resigns the appointment, may be permitted to use the title “J.P., Honorary” after the name of the Justice of the Peace where the Justice of the Peace has not been found to have contravened the code of conduct or would have been liable for removal or suspension had there not been a resignation by the Justice of the Peace.
- (2) A Justice of the Peace wishing to use the title referred to in paragraph (1) shall submit the request for permission, in writing to the Attorney General.
- (3) The name of every person entitled to use the title referred to in paragraph (1) shall be published in the Gazette as a person to whom the designation has been granted.

- (4) A person who is entitled to use the title referred to in paragraph (1) shall not provide justice of the peace services.
- (5) Permission to use the title referred to in paragraph (1) shall be revoked where the honouree would have been in contravention of regulation 10(4)(b) through (f) had the honouree not resigned the appointment as a Justice of the Peace.

Record keeping

- 12. (1) A Justice of the Peace shall keep a written record of any service provided in any real property transaction, in the issuing of a warrant, any attestation of documents or in any other ways that signatures are witnessed or identities certified and every occasion on which there is a refusal to provide justice of the peace services and the reasons for refusing in the form set out in Schedule 4.
- (2) A Justice of the Peace shall submit the record to the Clerk of the Court on an annual basis.
- (3) Where a Justice of the Peace resigns, is suspended or dismissed or dies the records shall be secured by the Clerk of the Court.

Duty to notify

- 13. (1) The Clerk of the Court shall notify the Attorney General in writing as soon as practicable where a Justice of the Peace is —
 - (a) convicted of a criminal offence;
 - (b) found to have acted dishonestly by any tribunal; or
 - (c) adjudged a bankrupt.
- (2) The Commissioner of Police shall notify the Attorney General in writing as soon as practicable of a Justice of the Peace being charged with a criminal offence.



SCHEDULE 1**Regulation 4****Nomination Form****Judicial Administration
Cayman Islands Government****Nomination Form for the Appointment as a Justice of the Peace****To:** Clerk of the Court

61 Albert Panton Street PO BOX 495

George Town

Grand Cayman, KY1-1106

I, _____ (*First Name*) _____ (*Surname*)
of _____

(*Address of Residence and Mailing Address*)

and being a registered elector in the district of _____, hereby
nominate, in accordance with the criteria set out regulation 3 of the Justices of the Peace
Regulations, 2015 the person named below to be appointed as a Justice of the Peace for
the Cayman Islands.

- (1) Full name of nominee: _____
- (2) Date of birth: _____
- (3) Place of birth: _____
- (4) Nationality: _____
- (5) Place of business/work: _____
- (6) Address of residence (*including district*): _____



- (7) Mailing Address: _____
- (8) Electoral District registered in (*if different from #6*) _____
- (9) Profession or occupation: _____
- (10) Qualifications held: _____

- (11) Telephone contact: _____
- (12) Email address: _____

I hereby certify that, to the best of my knowledge, the above information regarding this nominee is true, and that the nominee is a person of high moral and ethical standing within the community, is a registered elector and that the nominee does not have a criminal record nor has been declared bankrupt. I certify too that, to the best of my knowledge there is no conflict of interest in making this nomination and neither the nomination nor the appointment is sought to further the nominee's interests nor my own interests.

I enclose two reference letters from registered voters and the curriculum vitae of the nominee.

Dated this ____ day of _____, 20____

Signed
(*Nominator*)



SCHEDULE 2**Instrument of Appointment****THE SUMMARY JURISDICTION LAW (2006 REVISION)****Regulation 5****WARRANT OF APPOINTMENT OF JUSTICE OF THE PEACE**

BY HER EXCELLENCY,
THE GOVERNOR
OF THE CAYMAN
ISLANDS

GOVERNOR

TO:_____

GREETINGS

IN EXERCISE of the powers conferred upon me by subsection (1) of section 7 of the Summary Jurisdiction Law (2006 Revision), I, _____, Governor of the Cayman Islands, do hereby by this Warrant given under my hand and the Public Seal, APPOINT YOU, _____, to be a Justice of the Peace for the Cayman Islands.

GIVEN UNDER MY HAND
AND THE PUBLIC SEAL
OF THE CAYMAN ISLANDS
AT GEORGE TOWN
IN THE ISLAND OF
GRAND CAYMAN
THIS ____ DAY OF

IN THE YEAR
OF OUR LORD
TWO THOUSAND
____ IN THE
____ YEAR
OF THE REIGN
OF HER MAJESTY
QUEEN ELIZABETH II



SCHEDULE 3**Regulation 6****Oath of Allegiance & Judicial Oath****Oath of Allegiance**

I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to the Law.

So help me God.

Sworn to and subscribed by me this _____ day of _____ 20____

Clerk of the Court

Justice of the Peace

Oath for the Due Execution of Judicial Office

I, _____, do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, and the people of the Cayman Islands in the office of Justice of the Peace of the Cayman Islands, and that I will do right to all manner of people according to the law without fear or favour, affection or ill- will.

So help me God.

Sworn to and subscribed by me this _____ day of _____ 20____

Clerk of the Court

Justice of the Peace



SCHEDULE 4**Regulation 12****Justices of the Peace Record of Services Provided**

Date	Time	Details of Action Taken by Justice of the Peace	Signature

Records of services provided by Justices of the Peace, that is, service provided in any real property transaction, in the issuing of a warrant, any attestation of documents or in any other ways that signatures are witnessed or identities certified and refusal to provide services and reason for refusal shall be recorded on this form and shall be made available for inspection at any time.

SCHEDULE 5

Regulation 7

Justices of the Peace Code of Conduct

1. Access to services

- a. A Justice of the Peace must not unreasonably refuse to provide Justice of the Peace services and must treat all persons seeking Justice of the Peace services with courtesy, dignity and respect.
- b. A Justice of the Peace must deal with requests for Justice of the Peace services in a timely manner.

2. Conduct and integrity

- a. A Justice of the Peace must not engage in unlawful activities or conduct that brings the office of Justice of the Peace into disrepute.
- b. A Justice of the Peace must keep safe and must not reveal information which is private, confidential or commercially sensitive which has been obtained in the course of providing Justice of the Peace services, unless authorized by law to do so.
- c. A Justice of the Peace must remain independent and impartial when providing Justice of the Peace services.
- d. If a Justice of the Peace has a personal, family, financial or business interest in a matter which the Justice of the Peace is required to act, the Justice of the Peace must disclose the interest to the person seeking Justice of the Peace services or decline to provide services in that matter.
- e. If a Justice of the Peace is removed from the Roll of Justices the provision of Justice of the Peace services must cease immediately.

3. Financial and personal benefit

- a. A Justice of the Peace is not permitted to charge a fee or accept a gift for providing Justice of the Peace services.
- b. A Justice of the Peace must not use the title of “Justice of the Peace” to advance or appear to advance business, commercial or personal interests. However, a Justice of the Peace may use the title of “Justice of the Peace” after his or her name on a business card or letterhead.

4. Knowledge and competence

- a. A Justice of the Peace must be familiar with and follow the instructions for Justice of the Peace services outlined in the Law and any handbook provided for guidance.



- b. When providing Justice of the Peace services, a Justice of the Peace must clearly indicate the full name and signature on the document.
- c. A Justice of the Peace must never attest to or witness a signature unless the Justice of the Peace is satisfied as to the identity of the person and the Justice of the Peace has seen the person requesting the services signing the document.
- d. Where the Law provides that a declaration or instrument be signed or attested by a Justice of the Peace, the Justice of the Peace must do so in accordance with any instructions under that Law and any requirements on the declaration or instrument.
- e. A Justice of the Peace must not offer legal advice in the capacity as a Justice of the Peace.

5. Notifications

A Justice of the Peace must provide written notification to the Clerk of the Court of a change of -

- (a) name;
- (b) postal or email address; or
- (c) telephone number.

SCHEDULE 6

(Regulation 12)

Powers and duties of the Tribunal

1. A tribunal shall have powers to regulate its own proceedings.
2. It shall be the duty of the members of the tribunal, after taking such oath or affirmation, to conduct a full hearing into the matter before them and to conduct the hearing in accordance with principles of natural justice calling before them such witnesses and requesting such evidence as may be necessary to make a determination.
3. Each tribunal shall meet as often as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Chairman of the tribunal shall determine.
4. The quorum of each tribunal shall be two members.
5. The chairman of a tribunal, or in the chairman's absence the deputy chairman, shall preside over every meeting of the tribunal.
6. The decisions of each tribunal shall be by a majority of votes of members present and voting.
7. The validity of the proceedings of a tribunal shall not be affected by any vacancy among the members or by any defect in the appointment of a member.
8. A record of the proceedings and of the decisions reached at each meeting of each tribunal, and the reasons for reaching such decisions, shall be kept by the tribunal and shall be available for inspection.
9. On completion of the hearing, the chairman of the tribunal shall report to the Governor, in writing its decision; and where required, to furnish to the Governor a full statement of the proceedings of the hearing and the reasons leading to the determination arrived at.
10. Where the members of the tribunal are in any case equally divided on any question that arises during the proceedings of the tribunal, the member presiding shall have a casting vote.
11. The members of the tribunal shall make such rules for their own guidance and the conduct and management of proceedings before them as they may from time to time think fit.
12. The tribunal acting under these regulations has the power that a magistrate under section 28(1) and 30(1) of the Law has to summon and examine any person within the Islands to give evidence or to produce any document or thing within the person's possession or power and to examine any document or thing produced.



Made in Cabinet the 14th day of April, 2015.

Kim Bullings
Clerk of the Cabinet.