

CAYMAN ISLANDS



SUMMARY JURISDICTION (AMENDMENT) ACT, 2024

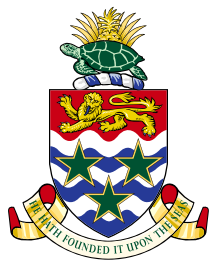
(Act 6 of 2024)

Supplement No. 1 published with Legislation Gazette No. 30 dated 18th September, 2024.

PUBLISHING DETAILS



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Arrangement of Sections

Section	Page
1. Short title	5
2. Amendment of section 7 of the Summary Jurisdiction Act (2024 Revision) - appointment of Justices of the Peace.....	5
3. Repeal and substitution of section 8 - removal of Justices of the Peace.....	6
4. Repeal and substitution of section 43D - retention of appointment.....	6
5. Previous exercise of duties by Justices of the Peace not affected.....	7
6. Transitional provisions	8

CAYMAN ISLANDS

(Act 6 of 2024)

I Assent,



Franz Manderson
Acting Governor

Date: 15th August, 2024

SUMMARY JURISDICTION (AMENDMENT) ACT, 2024

(Act 6 of 2024)

AN ACT TO AMEND THE SUMMARY JURISDICTION ACT (2024 REVISION) TO PROVIDE FOR THE APPOINTMENT OF MEMBERS OF PARLIAMENT AS JUSTICES OF THE PEACE *VIRTUTE OFFICII*; TO RESTRICT MEMBERS OF PARLIAMENT FROM EXERCISING CERTAIN POWERS, FUNCTIONS OR DUTIES OF JUSTICES OF THE PEACE TO AVOID CONFLICT WITH THEIR ROLE AS MEMBERS OF PARLIAMENT; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Act may be cited as the Summary Jurisdiction (Amendment) Act, 2024.

Amendment of section 7 of the Summary Jurisdiction Act (2024 Revision) - appointment of Justices of the Peace

2. The *Summary Jurisdiction Act (2024 Revision)*, in this Act referred to as the “principal Act”, is amended in section 7 by inserting after subsection (3), the following subsections —

“(3A) Notwithstanding subsections (1) and (3), the Governor may appoint a person who is a Member of Parliament to be a Justice of the Peace, *virtute officii*, by entering the designation of the office upon the Roll

of Justices of the Peace and by publication of the appointments in the Gazette.

- (3B) Notwithstanding subsection (4), a Justice of the Peace shall not, while serving as a Member of Parliament, exercise —
- (a) any jurisdiction in relation to criminal or civil investigations or proceedings, including —
 - (i) sitting on any court or tribunal or presiding at trials; and
 - (ii) making, issuing or otherwise authorising summonses, warrants, orders, convictions, recognisances and other processes of a court; and
 - (b) any of the powers, functions or duties of a Justice of the Peace under —
 - (i) the *Elections Act (2022 Revision)*, the *Parliamentary Pensions Act (2016 Revision)* or the *Police Act (2021 Revision)*; and
 - (ii) this or any other legislation which otherwise require the Member of Parliament to exercise judicial or quasi-judicial functions.”.

Repeal and substitution of section 8 - removal of Justices of the Peace

3. The principal Act is amended by repealing section 8 and substituting the following section —

“Removal of Justices of the Peace

8. (1) The Governor may direct that —
- (a) the name of a Justice of the Peace; or
 - (b) the entry in relation to an appointment as a Justice of the Peace *virtute officii* pursuant to section 7(3) or (3A),
- be removed from the Roll of Justices of the Peace.
- (2) Upon notification in the *Gazette*, in the prescribed manner, of the removal of the name of a Justice of the Peace or an entry in relation to an appointment *virtute officii* pursuant to section 7(3) or (3A), the named person or the holder of the appointment *virtute officii*, as applicable, ceases to be a Justice of the Peace.”.

Repeal and substitution of section 43D - retention of appointment

4. The principal Act is amended by repealing section 43D and substituting the following section —



“Retention of appointment

- 43D.**(1) A person appointed as a Justice of the Peace *virtute officii* pursuant to section 7(3) or (3A) and who is a Caymanian within the meaning of the *Immigration (Transition) Act (2022 Revision)* —
- (a) upon retirement, resignation or otherwise ceasing to be the holder of the office; or
 - (b) upon ceasing to be a Member of Parliament,
- as applicable, may 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.
- (2) Where a person appointed as a Justice of the Peace *virtute officii* pursuant to section 7(3A) ceases to be a Member of Parliament and retains the title of Justice of the Peace —
- (a) the restrictions referred to in section 7(3B) no longer apply in the exercise of the person’s powers, functions or duties as a Justice of the Peace; and
 - (b) that person may exercise any of the powers, functions or duties of a Justice of the Peace under this or any other legislation.”.

Previous exercise of duties by Justices of the Peace not affected

- 5.** Subject to section 6, nothing in this amending Act affects the validity of any exercise of the jurisdiction, powers, functions or duties of a Justice of the Peace before the date of commencement of this amending Act.

Transitional provisions

6. Nothing in this amending Act affects the membership of any court or tribunal presiding over any proceedings which are ongoing on the commencement of this amending Act, unless —
- (a) the constitution of the court or tribunal is not in conformity with section 7(3B) of the principal Act as amended by this amending Act; and
 - (b) a party to the proceedings applies for the proceedings to be heard *de novo* on that basis,

in which case the court or tribunal shall be regarded as no longer duly constituted in such form as to have jurisdiction in the matter and the proceedings shall be re-heard *de novo* before a differently constituted court or tribunal.

Passed by the Parliament the 23rd day of July, 2024.

Hon. Sir Alden McLaughlin
Speaker

Zena Merren-Chin
Clerk of the Parliament

