

## MAGISTRATES AMENDMENT ACT 2009

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**BERMUDA**

**2009 : 31**

### **MAGISTRATES AMENDMENT ACT 2009**

[Date of Assent: 14 July 2009]

[Operative Date: 14 July 2009]

WHEREAS it is expedient to make provisions with respect to the judicial immunity of Magistrates and other persons eligible to perform judicial acts:

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

#### **Short title**

1 This Act may be cited as the Magistrates Amendment Act 2009.

#### **Inserts section 10A**

2 The Magistrates Act 1948 is amended by inserting the following section next after section 10—

#### **“Scope of magistrate’s immunity**

10A (1) Subject to this section, a magistrate shall be immune from any personal civil liability in respect of his judicial acts whether within or without jurisdiction.

(2) Nothing in subsection (1) shall in any way impair the availability of other forms of relief in respect of decisions of courts of summary jurisdiction, including appeals, applications for judicial review and applications for redress under section 15 of the Bermuda Constitution.

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(3) The common law rules governing the criminal liability of superior court judges in the exercise of their judicial functions shall henceforth apply to any magistrate when acting in a judicial capacity.

(4) For the purposes of this section “magistrate” includes a justice of the peace and any person appointed to sit as a member of a Special Court or required by law to carry out any other judicial function.”.

### **Consequential amendments and savings**

3 (1) Sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12 and 13 of the Protection of Justices Act 1897 are repealed.

(2) Any provision of the Protection of Justices Act 1897 found to be inconsistent with any provision of this Act shall, to the extent of the inconsistency, be void.