

JUDICATURE (SUPREME COURT) ADDITIONAL
POWERS OF REGISTRAR

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THE JUDICATURE (SUPREME COURT)
ADDITIONAL POWERS OF REGISTRAR
ACT

Cap. 181.
Law
15 of 1962
S. 35.
Act
11 of 2015
Sch.

[13th February, 1948.]

1. This Act may be cited as the Judicature (Supreme Court) Additional Powers of Registrar Act.

Short title.

2. In this Act—

Interpre-
tion.

“this Act” includes any order made under this Act;

“Chief Justice” means the Chief Justice of Jamaica;

“Deputy Registrar” means the Deputy Registrar of the Supreme Court;

11/2015
Sch.

“the Court” means the Supreme Court;

“Judge” means a Judge of the Supreme Court;

“Registrar” means the Registrar of the Supreme Court and includes, in respect of the exercise of any jurisdiction conferred by the Chief Justice under section 3(1)(b) of this Act, the Deputy Registrar.

11/2015
Sch.

3.—(1) The Chief Justice may, by order published in the *Gazette* as from such date as shall be specified in that order, empower—

Power to
make order
conferring
jurisdiction
on Regis-
trar.
Schedule.
11/2015
Sch.

(a) the registrar to exercise jurisdiction in relation to all of the matters specified in the Schedule or in relation to the matters specified in the order;

(b) a Deputy Registrar to exercise jurisdiction in relation to the matters specified in paragraph 2 of the Schedule or in relation to the matters specified in the order.

(2) The Chief Justice may by order amend or revoke any order made under subsection (1), and any such amending or revoking order shall specify the date on which it shall take effect.

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(3) Where under any amending or revoking order made under subsection (2) the Registrar ceases to have jurisdiction in relation to any matter, then, in relation to any such matter pending before the Registrar on the date specified in such amending or revoking order, the following provisions shall have effect, that is to say—

- (a) where the matter has not as yet been heard by the Registrar, then such matter shall be deemed to be pending before a Judge;
- (b) where the matter has been part heard by the Registrar, then the Registrar shall continue to have and exercise jurisdiction in relation to such matter and may make an order thereon as if such amending or revoking order had not been made, but thereafter the Registrar shall cease to have and exercise jurisdiction in relation thereto.

Powers of Registrar exercising jurisdiction under this Act, etc.

4.—(1) Where under this Act the Registrar has jurisdiction in relation to any matter, then, subject to this Act, the Registrar shall have and may exercise in relation to the matter all the powers of the Court or a Judge, including the power of making an order in such matter, which order may include provision for costs, certificate for counsel or other consequential matters; and any such order so made by the Registrar shall, subject to this Act, have the same effect as if it had been made by the Court or a Judge.

(2) Where under this Act the Registrar exercises jurisdiction in relation to any matter, then—

- (a) in relation to such matter, the Registrar shall have all the rights, powers, immunities and privileges of a Judge;
- (b) any party to the proceedings may, if he so desires, appear by counsel or solicitor.

Power of Registrar to refer matter to Judge.

5.—(1) Where under this Act the Registrar is empowered to exercise jurisdiction in relation to any matter but, on such matter coming before him, he considers that it is desirable by reason either of the nature of the matter, or of

the importance of the principles involved, or of the difficulty of the legal problems connected therewith, or for any other reason, whether similar to the foregoing or not, so to do, he may refer the matter to a Judge.

(2) Where under subsection (1) the Registrar refers any matter to a Judge, the Judge to whom the matter is so referred may either—

- (a) dispose of the matter as if it had been pending before him originally; or
- (b) refer the matter back to the Registrar with such directions as he may think fit.

(3) Where a Judge refers any matter back to the Registrar with directions under subsection (2), the Registrar shall forthwith take all necessary steps to comply with and give effect to such directions and for such purpose shall have and may exercise all the powers of the Judge.

6.—(1) Subject to the provisions of section 13 of the Appeals. Judicature (Supreme Court) Act, an appeal shall lie from any order or decision of the Registrar made in the exercise of any jurisdiction conferred upon him under this Act to a Judge in Chambers.

(2) The provisions of subsection (1) shall have effect 15/1962 S. 35. notwithstanding the provisions of section 73 of the Bankruptcy Act, or of any other enactment; and an appeal shall lie from any order or decision of the Judge in Chambers made on an appeal under subsection (1) in the same manner and subject to the same conditions as if such order or decision had been made on a matter which had come before him originally.

(3) Any appeal under subsection (1) to a Judge in Chambers shall be made in such time and in such form and subject to such conditions as may be provided by rules of Court.

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(4) No appeal from an order or decision of the Registrar under this section shall operate as a stay of proceedings unless the Registrar or a Judge so orders.

Special provisions relating to exercise by Registrar of jurisdiction in bankruptcy.

7.—(1) Where under this Act the Registrar has jurisdiction in relation to any matter in bankruptcy and under the Bankruptcy Act or any rules relating to proceedings in bankruptcy, the proceedings in such matter are required to be or may be held in open Court, then the Registrar shall have power to sit in open Court for the purpose of exercising jurisdiction in relation to such matter.

(2) Where under this Act the Registrar exercises jurisdiction in relation to any matter in bankruptcy, then section 54 and subsection (1) of section 72 of the Bankruptcy Act shall have effect as if in such subsection (1) of section 72—

- (a) there were inserted after the words “or otherwise incapacitated” the words “or unless such examination was held before the Registrar and the application for the order of discharge is opposed”; and
- (b) the word “Judge”, on the last three occasions on which that word appears in the subsection, included a reference to the Registrar.

Savings.

8. Nothing in this Act shall be construed as depriving the Court or a Judge of any jurisdiction, right, power, privilege or immunity in relation to any matter in respect of which the Registrar is empowered under this Act to exercise jurisdiction, and the Court or a Judge may, in relation to any such matter, have and exercise jurisdiction as if this Act had not been enacted.

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9. The Minister may by order published in the *Gazette* amend the Schedule by adding to, altering, or removing therefrom, the duties and powers contained in the said Schedule.

Power to
amend
Schedule.

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SCHEDULE

L.N.
94/1960.
Cap. 177.
[1953 Edtn.
Omitted]

1. (a) Applications under section 30 of the Judicature (Civil Procedure Code) Law for leave to renew the writ of summons.
- (b) Applications under section 41 of the Judicature (Civil Procedure Code) Law for leave to serve the writ of summons on an agent authorized to bring action on behalf of the defendant outside the jurisdiction.
- (c) Applications under section 42 of the Judicature (Civil Procedure Code) Law for leave to serve a writ on a servant or agent in Jamaica of a defendant outside the jurisdiction.
- (d) Applications under section 44 of the Judicature (Civil Procedure Code) Law for an order for substituted or other service or for the substitution of notice for service where the defendant is within the jurisdiction.
- (e) Applications under sections 45, 46, 47, 48 and 51 of the Judicature (Civil Procedure Code) Law for leave to serve out of the jurisdiction.
- (f) Applications under section 68 of the Judicature (Civil Procedure Code) Law for an order that a guardian be assigned to a defendant.
- (g) Applications under section 87 of the Judicature (Civil Procedure Code) Law for an order for an account.
- (h) Applications under sections 126, 126B and 127 of the Judicature (Civil Procedure Code) Law for leave to issue and serve a third party notice.
- (i) Applications under sections 130 and 132A of the Judicature (Civil Procedure Code) Law by a third party.
- (j) Applications under sections 145 and 147 of the Judicature (Civil Procedure Code) Law for an order where such application is made consequent upon the death of any party to a cause or matter.
- (k) Applications under section 247, 248 or 249 of the Judicature (Civil Procedure Code) Law to assess damages or the value of goods where
 - (i) interlocutory judgment has been entered and the Court or Judge has directed that such damages or the value of goods shall be assessed by the Registrar; and
 - (ii) there is only one defendant, or if there is more than one defendant, interlocutory judgment has been entered against all the defendants.
- (l) Applications under section 259 or 264 of the Judicature (Civil Procedure Code) Law for leave to amend before trial.

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- (m) Applications for directions under section 272 of the Judicature (Civil Procedure Code) Law other than applications under section 272(3) by the defendant for an order to dismiss the action.
 - (n) Applications under section 610 of the Judicature (Civil Procedure Code) Law for leave to issue a summons.
 - (o) Examination of a judgment debtor under section 612 of the Judicature (Civil Procedure Code) Law.
 - (p) Applications under section 621 of the Judicature (Civil Procedure Code) Law for the issue of a writ for the sale of land of a judgment debtor.
 - (q) The making of orders for payment of money into and out of Court.
 - (r) Applications for leave to file inventories and accounts out of time.
 - (s) Applications for leave to enter orders on conditional appearances.
 - (t) Orders entered by and with the consent of the parties.
2. Applications for the grant of probate or of letters of administration, or for the re-sealing of a grant of probate or of letters of administration, where such applications are not opposed and including the direction regarding the advertisement of the application for re-sealing as provided in the Rules made under the Probates (Re-Sealing) Act.
3. (a) Applications under rule 16 of the Matrimonial Causes Rules, 1989, for leave to substitute for personal service some other mode of service, or to substitute notice for service, in a matrimonial cause. L.N. 532/89.
- (b) Applications under rule 21 or 27 of the Matrimonial Causes Rules, 1989, for leave to enter an appearance, or to file any pleading, out of time in a matrimonial cause.
- (c) Applications under rule 23 or 26 of the Matrimonial Causes Rules, 1989, for leave to amend a petition, summons, pleading or other document in a matrimonial cause.
- (d) Applications under rule 30 of the Matrimonial Causes Rules, 1989, for the appointment of medical inspectors in a matrimonial cause.
- (e) Applications under the Matrimonial Causes Rules, 1989, for leave to file supplemental or further affidavits in support of any petition or answer in a matrimonial cause.

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- (f) Applications under rule 34 of the Matrimonial Causes Rules, 1989, for an order that the hearing or trial take place at one of the Country Circuits in cases in which the parties appear in person.
 - (g) Applications under rule 38 of the Matrimonial Causes Rules, 1989, for leave to proceed with application for decree absolute out of time.
 - (h) Applications under rule 31 of the Matrimonial Causes Rules, 1989, for leave to prove a marriage by affidavit or to give evidence by affidavit.
 - (i) Applications under rule 43 of the Matrimonial Causes Rules, 1989, for maintenance pending suit.
 - (j) Applications under rule 44 of the Matrimonial Causes Rules, 1989, for maintenance of children.
 - (k) Applications under rule 45 of the Matrimonial Causes Rules, 1989, for maintenance.
 - (l) Applications to dismiss petitions in proceedings for divorce.
4. (a) Applications under section 22 of the Bankruptcy Act for an order absolute on a petition by a debtor against himself.
- (b) Applications under section 34 of the Bankruptcy Act for a provisional order.
 - (c) Applications under section 54 of the Bankruptcy Act to confirm a deed of arrangement where the application is not opposed.
 - (d) The public examination of a debtor under section 66 of the Bankruptcy Act.
 - (e) Applications under section 72 of the Bankruptcy Act for an order of discharge where the application is not opposed.
 - (f) *Ex parte* applications under the Bankruptcy Act.
 - (g) The making of orders under section 37 of the Bankruptcy Act for a debtor to file his statement of affairs.
 - (h) The making of absolute orders for bankruptcy under sections 38 and 51 of the Bankruptcy Act.