

THE JUDICATURE (RULES OF COURT)
ACT

Cap. 180
Ss. 44, 45.
Laws
21 of 1961,
15 of 1962
S. 35.
Acts
43 of 1968
S. 4,
5 of 1981,
23 of 1997.

[1st November, 1961.]

1. This Act may be cited as the Judicature (Rules of Court) Act. Short title.

2.—(1) In this Act—

Interpreta-
tion.

“attorney-at-law” shall have the meaning assigned to it by the Legal Profession Act; 5/1981
S. 2.

“Bar Association” means the Jamaican Bar Association incorporated under the Companies Act on the 16th January, 1973;

“Bar Council” means the Council of the Bar Association;

“Committee” means the Rules Committee of the Supreme Court established under section 3.

3.—(1) There is hereby established a Committee to be known as the Rules Committee of the Supreme Court. Establish-
ment of
Rules
Committee

(2) The provisions of the Schedule shall have effect as to the constitution and operation of the Committee and otherwise in relation thereto. of the
Supreme
Court.
Schedule.

4.—(1) It shall be the function of the Committee to make rules (in this Act referred to as “rules of court”) for the purposes of the Judicature (Appellate Jurisdiction) Act, the Judicature (Supreme Court) Act, the Judicature (Supreme Court) (Additional Powers of Registrar) Act, the Justices of the Peace (Appeals) Act, the Indictments Act and any other law or enactment for the time being in force relating to or affecting the Functions of
the Com-
mittee.
Cap. 177
1953 Edn.
(omitted).

jurisdiction of the Supreme Court, or the Court of Appeal or any Judge or officer of such respective Court.

(2) Rules of court may make provision for all or any of the following matters—

- (a) for regulating and prescribing the procedure (including the method of pleading) and the practice to be followed in the Court of Appeal and the Supreme Court respectively in all causes and matters whatsoever in or with respect to which those Courts respectively have for the time being jurisdiction (including the procedure and practice to be followed in the offices of the Supreme Court), and any matters incidental to or relating to any such procedure or practice, including (but without prejudice to the generality of the foregoing provision) the manner in which, and the time within which, any applications, appeals or references which under any law or enactment may or are to be made to the Court of Appeal or the Supreme Court or any Judge of such respective Court, shall be made;
- (b) for regulating the sittings of the Court of Appeal and the Supreme Court, and of the Judges of the Supreme Court whether sitting in Court or in Chambers;
- (c) for regulating the vacations to be observed by the Supreme Court and the Court of Appeal and in the offices of the Supreme Court;
- (d) for prescribing what part of the business which may be transacted and of the jurisdiction which may be exercised by Judges of the Supreme Court

in Chambers may be transacted or exercised by officers of the Supreme Court;

- (e) for providing that any interlocutory application in relation to any matter, or to any appeal or proposed appeal, may be heard and disposed of by a single Judge;
- (f) for regulating any matters relating to the costs of proceedings in the Court of Appeal or the Supreme Court;
- (g) for repealing any enactment relating to matters with respect to which rules are made under this section;
- (h) for regulating the means by which particular facts may be proved and the mode in which evidence thereof may be given in any proceedings or on any application in connection with or at any stage of any proceedings;
- (i) for regulating or making provision with respect to any other matters which were or might have been regulated or with respect to which provision was or might have been made by rules of the Supreme Court or which under this Act or any other enactment may be regulated or provided for by rules of court;
- (j) for specifying the circumstances in which the Supreme Court may make an order for an interim payment:

23/1997
S. 2 (b).

Provided that no rule of court shall—

- (a) save so far as relates to the power of the Court for special reason to allow depositions or affidavits to be read, affect the mode of giving evidence by oral examination of witnesses in trial by jury, or the rules of evidence, or the law relating to jury-men or juries;

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(b) take away or prejudice the right of any party to have the issues for trial by jury submitted and left by the Judge to the jury before whom the same shall come for trial, with a proper and complete direction to the jury upon the law, and as to the evidence applicable to such issues.

(3) A rule of court intended or likely to involve an increase of expenditure out of public funds shall not be made except with the concurrence of the Minister responsible for finance; but the validity of a rule of court shall not in any proceedings in any court be impugned either by the court or by any party to the proceedings on the ground only that any such concurrence as aforesaid has not given or is not expressed to have been given.

15/1962
S. 35.

(4) Where a law or enactment confers any jurisdiction on or extends or varies the jurisdiction of the Supreme Court, or the Court of Appeal or any Judge of such respective Court, the Committee may make such rules or orders (including rules or orders regulating costs, fees and other expenses) as appear to the Committee to be necessary for regulating the practice and procedure of the court in the exercise of the jurisdiction so conferred, extended or varied; and it shall not be necessary for that or any other law or enactment to confer on the Committee power to make any rules or orders for those purposes.

(5) Where by any provision of any law or enactment in force immediately before the commencement of this Act the power of making rules of court is conferred on any authority, body, Judge, officer or person, that law or enactment shall after such commencement have effect as if in substitution for that provision the provisions of this section were in terms referred to and incorporated in that law or enactment, in so far as those provisions are consistent therewith.

(6) Rules of court shall be subject to negative resolution.

(7) Any rules of court made under any law or enactment and in force immediately before the commencement of this Act shall continue in force as if they had been made under this section and may be altered or annulled accordingly. A reference in any law or enactment made after the commencement of this Act to rules of court shall be construed in the absence of a contrary intention as a reference to rules of court made under this section or having effect as if so made.

(8) The power conferred by this section to make rules of court shall be a power to which subsection (1) of section 29 of the Crown Proceedings Act, applies and in relation to civil proceedings by or against the Crown shall be exercised subject to the provisions of that section.

5. The power conferred by section 4 to make rules of court may be exercised—

Rule-making powers generally

- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases; and
- (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of the relevant law or enactment; and

- (c) generally, in anticipation of any law or enactment providing for an appeal, a reference or an application to the Supreme Court or any Court or Judge thereof.

SCHEDULE

(Section 3 (2))

1. The Committee shall consist of—

Members of
Committee
5/1981
S. 3(a).

- (a) the Chief Justice, the President of the Court of Appeal, a Judge of the Supreme Court designated by the Chief Justice, the Attorney-General and the Director of State Proceedings as *ex-officio members*; and
- (b) five attorneys-at-law, in private practice, appointed by the Minister on nomination by the Bar Council.

2. (1) The Chief Justice shall be the chairman of the Committee. Chairman.

(2) In the case of the absence or inability to act at any meeting of the Chief Justice, the members of the Committee present at such meeting shall elect one of their number to act as chairman.

3. (1) The Committee shall meet at such times 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 Committee shall determine. Procedure and meetings.

(2) The quorum of the Committee shall be four.

(3) Subject to the provisions of this Schedule the Committee shall have power to regulate their own proceedings.

(4) The validity of the proceedings of the Committee shall not be affected by any vacancy among the members thereof or by any defect in the appointment of any member thereof. 5/1981 S. 3(b).