

**THE JUSTICES OF THE PEACE (OFFICIAL SEALS)
ACT, 2002**

(Act 15 of 2000)

ARRANGEMENT OF SECTIONS

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SCHEDULE

JAMAICA

No. 15—2002

I assent,

[L.S.]

H. F. COOKE,
Governor-General.

28th day of March, 2002.

AN ACT to Provide for official seals for Justices of the Peace
and for matters connected therewith or incidental thereto.

[The date notified by the Minister
bringing the Act into operation]

BE IT ENACTED by The Queen's Most Excellent Majesty, by
and with the advice and consent of the Senate and House
of Representatives of Jamaica, and by the authority of the
same, as follows :—

1. This Act may be cited as the Justices of the Peace
(Official Seals) Act, 2002, and shall come into operation
on a date to be appointed by the Minister by notice
published in the *Gazette*. Short title
and com-
mencement.

2. In this Act—

“appointed day” means the date appointed by the Min-
ister under section 1; Interpreta-
tion.

“functions” includes powers and duties;

“Justice” or “Justice of the Peace” has the meaning assigned to it in section 3 of the Interpretation Act;

“official seal” means the official seal prescribed for the use of Justices under section 3;

“Register” means a Register of Justices of the Peace established under section 7.

Official
seal.

3.—(1) From and after the appointed day, every Justice of the Peace shall be entrusted with an official seal of such size or specification as may be prescribed in regulations made under section 10.

(2) The official seal referred to in subsection (1) shall—

(a) remain in the possession of the Justice of the Peace during the tenure of his office; and

(b) be used solely in the execution of his functions as a Justice.

(3) From and after the appointed day, no Justice shall use any seal in the execution of his functions, other than the official seal mentioned in subsection (1).

Every docu-
ment to
have official
seal.

4.—(1) From and after the appointed day, every document which is attested to or authenticated by a Justice in the execution of his functions shall bear the official seal, the date of execution thereof and the signature of that Justice.

(2) A document attested to or authenticated on or after the appointed day by a Justice in the execution of his functions shall not be valid unless the requirements under subsection (1) have been complied with.

Duties of
justice or
executor,
etc. with
respect to
seals.

5.—(1) Every Justice of the Peace who is entrusted with an official seal shall—

(a) preserve and maintain the safe custody of the seal;

(b) report the damage, destruction, loss or theft of the seal, as soon as is reasonably practicable, to a member of the Jamaica Constabulary Force not below the rank of Deputy Superintendent, and the *Custos Rotulorum* of the parish for which he is appointed a Justice.

(2) A Justice shall cease to use the official seal if—

(a) that Justice retires from office, resigns his commission or, as the case may be, his commission is revoked;

(b) he is directed to cease using the official seal by the *Custos Rotulorum*,

and shall return the seal to the *Custos Rotulorum* within five days, or such longer period as may be stipulated by the *Custos Rotulorum*, of the date of such retirement, resignation, revocation or direction, as the case may be.

(3) On the death of a Justice of the Peace, the executor, administrator, personal representative or any person having charge of the affairs of such Justice shall forthwith return the official seal entrusted to that Justice to the *Custos Rotulorum*.

(4) An official seal which is returned to the *Custos Rotulorum* shall be forwarded to the Permanent Secretary in the Ministry with responsibility for Justices of the Peace, unless it is required for the purpose of any proceedings in a court of law or for the purpose of an official investigation.

(5) Upon the termination of any court proceedings or investigation referred to in subsection (4), the seal shall be returned to the *Custos Rotulorum*, who shall forward the seal to the Permanent Secretary in the Ministry with responsibility for Justices of the Peace.

(6) The Ministry shall deal with any seal forwarded under subsection (4) or (5) in the manner prescribed.

Document admissible in evidence without further proof. 6. Any document purporting to bear the official seal, the date of execution thereof and the signature of any Justice authorized by any enactment to administer any oath, affidavit, declaration or other affirmation, shall be admitted in evidence without proof that the seal or signature is the seal or signature of that Justice.

The Register. 7.—(1) Every *Custos Rotulorum* shall keep a Register (to be known as the Register of Justices of the Peace) of all persons who are appointed as Justices of the Peace for the parish for which the *Custos Rotulorum* is appointed.

(2) The Register shall contain the name, age and address of each Justice and such other particulars as may be prescribed.

(3) A Justice of the Peace shall notify the *Custos Rotulorum* forthwith, in writing, of any change in the name or address of the Justice.

(4) The Register shall be open to inspection by any member of the public at all reasonable times.

(5) A copy of the Register and any changes made thereto shall be notified in the *Gazette*.

(6) A list of the names of all the Justices of the Peace contained in each Register, together with such other particulars as may be prescribed, shall be kept at a conspicuous place in every Courthouse, post office, tax office, Parish Council office and Police Divisional Headquarters, and shall be available for inspection by the public at all reasonable times.

Amendment of Register.

8.—(1) The *Custos Rotulorum* in each parish shall have power, on production to him of such evidence as appears to him to be satisfactory—

(a) to remove from or restore to the Register any entry which ought to be removed or restored;

(b) to remove from the Register the name of any person who—

- (i) has died;
- (ii) has ceased to be ordinarily resident in Jamaica; or
- (iii) has ceased to be a Justice of the Peace appointed for that parish;

(c) to amend any incorrect entry in the Register;

(d) to make, from time to time, any necessary change in any of the particulars prescribed pursuant to section 7 (2).

(2) Every *Custos Rotulorum* shall notify the Minister of any changes made to the Register kept by that *Custos Rotulorum* pursuant to this Act.

(3) If a *Custos Rotulorum*—

- (a) sends by registered post to any person, whose name is in the Register a letter, addressed to him at his address appearing in the Register, enquiring whether he has ceased to act as a Justice, or has changed his address; and
- (b) receives no reply to that letter within two months from the date of posting,

the *Custos Rotulorum* shall notify the Minister who may direct the *Custos Rotulorum* to remove that person's name from the Register.

(4) A person who is aggrieved by the removal of his name from the register pursuant to this section may appeal in writing to the Minister who may—

- (a) confirm the removal; or
- (b) if satisfied that the circumstances so warrant, direct the *Custos Rotulorum* to restore the person's name to the register.

Offences
and
penalties.

9.—(1) Every Justice of the Peace who—

- (a) uses an official seal for an unlawful purpose;
- (b) allows any other person to take possession of or use an official seal for any fraudulent purpose; or
- (c) uses an official seal after he resigns his commission, retires from office or after his commission is revoked by the Governor-General,

commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

(2) Every Justice of the Peace who—

- (a) knowingly makes any false statement or supplies any false information or particular to the *Custos Rotulorum*;
- (b) fails to report, in accordance with section 5, the damage, destruction, loss or theft of the official seal; or
- (c) fails to return, in accordance with section 5, the official seal consequent on his retirement from office or the resignation, revocation or cessation of his commission,

commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3) Every person who—

- (a) alters, duplicates or tampers with the official seal of any Justice of the Peace;
- (b) uses an official seal without lawful authority to do so;

- (c) is found in unlawful possession of an official seal;
- (d) falsely holds himself out to be the rightful possessor of an official seal;
- (e) parts with possession of an official seal to another person for an unlawful purpose;
- (f) destroys, makes away with or, by wilful neglect, allows any person to obtain possession of an official seal;
- (g) fails to return the official seal consequent on the death of a Justice, pursuant to subsection 5 (3),

commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

10. The Minister may make regulations generally for giving effect to the purposes and provisions of this Act and, in particular but without prejudice to the generality of the foregoing, may make regulations— Regulations

- (a) prescribing the size and specification of official seals and the manner of affixing, impressing or subscribing them on documents;
- (b) prescribing the form and method of keeping the Register;
- (c) prescribing the particulars to be entered in the Register;
- (d) providing for the service of documents under this Act;
- (e) providing for the preservation, custody and safe-keeping, replacement and the cost relating thereto, disposal or surrender of official seals;

- (f) prescribing the form of any document required under this Act;
- (g) prescribing the procedure for the return of official seals pursuant to section 5.

Amendment
of enact-
ments.
Schedule.

11. The enactments mentioned in the first column of the Schedule are amended in the manner specified in the second column of that Schedule.

SCHEDULE

(Section 11)

Amendments of Enactments

Enactments

Amendments

The Attestation
of Instruments
(Facilities) Act

Insert next after section 3 the following as section
4—

“Oath, etc.
admin-
istered
by Justice
to bear
official
seal.

4. Every oath, affidavit, de-
claration or other affirmation
taken, administered or received
by a Justice from any person in
writing, in accordance with sec-
tion 2, shall bear the official seal
of that Justice.”

The Voluntary
Declarations Act

Insert next after section 10 the following as section
10A—

“Declara-
tion made
before
Justice
to bear
official
seal.

10A. Every declaration made,
taken or received before a Justice
by virtue of this Act, shall bear
the official seal of that Justice.”