

THE JUSTICES OF THE PEACE (OFFICIAL SEALS) ACT

REGULATIONS
(under section 10)

THE JUSTICES OF THE PEACE (OFFICIAL SEALS) REGULATIONS, 2004

(Made by the Minister on the 30th day of August, 2004)

L N 89B/2004

1. These Regulations may be cited as the Justices of the Peace (Official Seals) Regulations, 2004

2. In these Regulations, “Permanent Secretary” means the Permanent Secretary in the Ministry with responsibility for Justices of the Peace.

3.—(1) Every official seal shall be circular in shape with a diameter of one and one-quarter inches and shall, in accordance with the diagram set out in the First Schedule—

First
Schedule

- (a) bear the identification number of the Justice, as specified in paragraph (2);
- (b) identify the parish for which the Justice is appointed,
- (c) bear the words “Justice of the Peace”, a coat of arms and the two scales of Justice

(2) The identification number of a Justice shall consist of a six-digit sequence that includes a parish code.

4.—(1) In relation to the Register of Justices of the Peace required to be kept by a Custos Rotulorum under section 7 of the Act, the Custos Rotulorum shall ensure that—

- (a) the Register is kept securely;
- (b) the Register is kept up-to-date, and

- (c) data recorded in the Register is in legible form and, subject to the provisions of paragraph (2), is organized in a manner that facilitates inspection thereof by the public.

(2) The Register shall be arranged in alphabetical sequence of the surname of every Justice appointed for the parish and, in relation to each such Justice, shall include the following particulars—

- (a) full name;
- (b) title, if any;
- (c) age and sex;
- (d) identification number;
- (e) address, including district of residence;
- (f) telephone number;
- (g) the date on which the Justice was sworn in;
- (h) next-of-kin, if any;
- (i) the date of issue of an official seal to the Justice;
- (j) the date of return of an official seal by the Justice, including the reason for the return;
- (k) the date of revocation of an official seal by the Permanent Secretary;
- (l) the signature of the Justice; and
- (m) any additional particulars that the Custos Rotulorum considers appropriate for the inclusion in the Register.

(3) Subject to the requirements of paragraphs (1) and (2), the Custos Rotulorum may keep a Register in electronic form in addition to a Register kept in paper or book form.

(4) A separate Register shall be kept in respect of Justices listed on the Supplemental List.

5.—(1) Every person in charge of a Courthouse, post office, tax office, Parish Council office or Police Divisional Headquarters shall ensure that—

- (a) the list of Justices of the Peace referred to in section 7(6) of the Act is kept in accordance with the requirements of that section; and
- (b) the list contains the name and address, including the district of residence, of every Justice of the Peace for the parish.

(2) The Custos Rotulorum shall ensure that every person referred to in paragraph (1) is supplied with an accurate and up-to-date list for the purposes of that paragraph.

6.—(1) Official seals shall be issued to the Custos Rotulorum for each parish by the Permanent Secretary.

(2) The Custos Rotulorum for each parish shall be responsible for—

- (a) entrusting official seals to Justices of the Peace for the purposes of section 3 of the Act; and
- (b) the safe-keeping of all official seals issued to him and not entrusted under sub-paragraph (a), or otherwise in his custody or care.

7.—(1) Where an official seal is lost, damaged, destroyed or stolen, the Justice to whom the seal was entrusted shall—

- (a) as soon as is reasonably practicable, make a report to the Custos Rotulorum of the parish for which the Justice is appointed, in accordance with Form 1 of the Second Schedule; and
- (b) where the seal is damaged, return the seal forthwith to the Custos Rotulorum.

(2) Upon receiving a report under paragraph (1), the Custos Rotulorum shall forthwith notify the Permanent Secretary, forwarding a copy of the report.

(3) If the Custos Rotulorum has reason to believe that an official seal is lost, damaged, destroyed or stolen, the Custos Rotulorum shall forthwith notify the Permanent Secretary, stating the reasons for the belief.

Second
Schedule.
Form 1.

(4) A Custos Rotulorum shall forward to the Permanent Secretary any—

- (a) damaged official seal in his custody; or
- (b) official seal that comes into his possession other than through the provision of regulation 7(1).

(5) Upon receiving notification that an official seal is lost, destroyed or stolen, the Permanent Secretary shall revoke the seal and cancel the relevant identification number.

(6) Where the Permanent Secretary determines that an official seal—

- (a) is lost, damaged or destroyed as a result of the negligence of a Custos Rotulorum or Justice, the Permanent Secretary shall notify the Custos Rotulorum or Justice, as the case may be, in writing of the determination and that Custos Rotulorum or Justice shall be responsible for the full cost of replacing the seal;
- (b) was stolen while in the custody or care of a Custos Rotulorum or while entrusted to a Justice, the Permanent Secretary shall notify the Custos Rotulorum or Justice, as the case may be, of the determination and that Custos Rotulorum or Justice shall be responsible for fifty per cent of the full cost of replacing the seal; or
- (c) is damaged or destroyed by ordinary wear and tear or is lost, damaged or destroyed in circumstances other than those referred to in sub-paragraph (a), the Permanent Secretary shall replace the seal at no cost to the Custos Rotulorum or Justice, as the case may be.

(7) Within twenty-one days after receiving a written notification under paragraph (5)(a) or (b), a Custos Rotulorum or Justice, as the case may be, may appeal in writing to the Minister against any determination by the Permanent Secretary that an official seal was lost, damaged, destroyed or stolen in the circumstances specified in paragraph (5)(a) or (b).

(8) In any appeal under paragraph (7), the Minister may, as he considers appropriate in all the circumstances—

- (a) confirm the determination of the Permanent Secretary; or
- (b) revoke that determination and direct the Permanent Secretary to replace the seal at no cost to the Custos Rotulorum or Justice.

(9) An appeal under paragraph (b) shall be without prejudice to any other remedy or right of appeal afforded by any other law.

8. —(1) Where—

- (a) a Justice returns an official seal to the Custos Rotulorum under the provisions of section 5 (2) of the Act (retirement, resignation, revocation of commission, etc., of Justice) or for any other reason, the Justice shall; or
- (b) a Custos Rotulorum forwards an official seal to the Permanent Secretary under any provision of the Act or of these Regulations, or for any other reason the Custos Rotulorum shall,

complete and return along with the seal, a form in accordance with Form 2 of the Second Schedule.

Second
Schedule
Form 2

(2) Upon receiving an official seal forwarded with a form under paragraph (1)(b), the Permanent Secretary, or a person authorized by the Permanent Secretary for that purpose, shall sign the form and shall issue a signed copy of the form to the Custos Rotulorum.

(3) The Permanent Secretary shall act in accordance with paragraph (4) in relation to a seal which is returned to the Permanent Secretary because—

- (a) it is damaged; or
- (b) a Justice has ceased to use it under the provisions of section 5(2) of the Act.

(4) The Permanent Secretary shall—

- (a) if paragraph (3) (a) applies, and the seal can be repaired, repair and re-issue the seal;
- (b) if paragraph (3) (a) applies, and the seal cannot be repaired, destroy the seal;
- (c) if paragraph (3) (b) applies, re-issue the seal.

9. Every notice or other document required to be sent under the Act or these Regulations shall be sent by registered post.

10. (1) A Justice who attests or authenticates a document shall affix his seal above or as near as possible to the signature of that Justice.

FIRST SCHEDULE

(Regulation 3)

Official Seal of Justices of the Peace



SECOND SCHEDULE

(Regulations 7 and 8)

FORM 1

Declaration by Justice as to lost, damaged, destroyed or stolen official seal

To: _____, the Custos Rotulorum for the parish of _____

From: _____, Justice of the Peace for the parish of _____

Identification number of Justice:

I hereby declare as follows:—

- 1. That I was entrusted with an official seal bearing the abovementioned identification number on the _____ day of _____,
- 2. That I honestly believe that on or about the _____ day of _____ the said seal was [lost/damaged/destroyed/stolen]*.
- 3. The circumstances in which the seal was [lost/damaged/destroyed/stolen] are:

*[Cross out the inapplicable words]

Dated this _____ day of _____,

Justice of the Peace for the parish of _____

FORM 2

To: [Permanent Secretary/Custos Rotulorum]

From: [Justice of the Peace/Custos Rotulorum] for the parish of _____

Date: _____

Forward herewith is official seal bearing identification number _____ issued to (Justice of the Peace) on the _____ day of _____

The seal is returned to you for the following reason:

Signed: _____
Justice of the peace

Custos Rotulorum

Receipt acknowledged by:

Permanent Secretary