3. JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

Statute: Judicature (Appellate Jurisdiction Act) Constitution of Jamaica S.110 Jurisdiction:

- a. Appeals:
 - Section 110 Constitution of Jamaica
 - Section 35 Judicature (Appellate Jurisdiction Act)

1. COURT OF APPEAL

Statutes: Judicature (Appellate Jurisdiction Act)
Constitution of Jamaica (Section 103-109)

Jurisdiction:

- a. Civil and Criminal Appeals from:
 - Supreme Court (1b)
 - Revenue Court (1b)
 - Gun Court (1b)
 - Resident Magistrate's Court (1a)
 - Family and Children's Court (1a)
 - Traffic Court (1a)
 - Coroner's Court (1a)
 - Office of the Special Coroner's (1a)
 - Tribunals and Administrative Bodies

2. PRIVY COUNCIL OF JAMAICA

Statute: Constitution of Jamaica

Jurisdiction:

- a. Prerogative of Mercy
 - Section 90 -91 Constitution of Jamaica

Court of Appeal is constituted of a President and six (6) Judges of Appeal

- One (1) President appointed by Governor General on the recommendation of the Judicial Services Commission.
- The Chief Justice as head of the Judiciary sits but only when there are at least four (4) other Judges and on the invitation of the President.
- Six (6) Judges of Appeal appointed by the Governor General on the recommendation of the Judicial Services Commission.

Qualification required for Judges of Appeal is a minimum of ten (10) years at the Bar or one who has held office as a Judge of unlimited Jurisdiction in the Commonwealth.

1b.REVENUE COURT

Statutes: Judicature Revenue Court Act Jurisdiction:

- a. Appeal Cause or Matter
 - Customs Act
 - Excise Duty Act
 - Valuation Act
 - Income Tax Act
 - Land Valuation Act
 - Land Development Act
 - Transfer Tax Act
 - Bauxite Production Levy Act

The Revenue Court is presided over by a Puisne Judge.

Puisne Judges are appointed by the Governor General on recommendation of the Judicial Services Commission.

1b. SUPREME COURT

Statutes: Judicature (Supreme Court) Act
Constitution of Jamaica (Section 97-102)

Jurisdiction:

- a. Civil Division
- High Court Civil
- Matrimonial
- Probate and Administration
- Commercial

b. Criminal Division

- Home Circuit and
- Rural Circuit
- Gun Court (Circuit Court Division) Judge Sitting with a Jury

Process:

- Criminal Indictment
- Civil Pleadings
- Motions

The Supreme Court is presided over by The Chief
Justice who is appointed by the Governor General on
the recommendation of the Prime Minister after
consultation with the Leader of the Opposition.

Also presiding is one (1) Senior Puisne Judge and thirty-two (32) Puisne Judges all appointed by the Governor General on recommendation of the Judicial Services Commission.

There are also up to four (4) Masters in Chambers.

Two (2) Registrars and five (5) Deputy Registrars

1c.CARIBBEAN COURT OF JUSTICE

Statute: Revised Treaty of Chaguaramas

Original Jurisdiction: Hears first instance cases - Interprets and

applies the Revised Treaty of Chagaramus. **NB**: Does not have appellate jurisdiction

1b. GUN COURT

Statutes: The Gun Court Act

Jurisdiction: High Court Division - Judge sitting

without a jury

The Gun Court is presided over by a Puisne Judge.

Puisne Judges are appointed by the Governor General on recommendation of the Judicial Services Commission.

1a.FAMILY COURT

Statutes: Judicature Family Court Act Jurisdiction:

- Affiliation Act
- Children's (Adoption) Act
- Children (Guardianship) Act
- Education Act
- Child Care and Protection Act
- Maintenance Act
- Married Women's Property Act
- Maintenance Order (Facilities For Enforcement) Act

The Family Court is presided over by a Resident Magistrate. Referred to in this Court as a Judge of the Family Court.

Resident Magistrates are appointed by the Governor General on recommendation of the Judicial Services Commission.

They are assigned to a parish by the Chief Justice and report to the Chief Justice.

The minimum qualification for the Resident Magistrate is five (5) years at the Bar.

1a.RESIDENT MAGISTRATES COURT

Statutes: Judicature (Resident Magistrates) Act Jurisdiction:

- a. 1 Parish + 1 mile beyond boundary line of Parish
- b. Summary
- Criminal 3 years imprisonment

Process:

- Information
- Indictment
- Arrest/ Warrant
- Civil- J\$3,000,000

Process:

 Plaint and statement of claim. The Resident Magistrate's Court is a Court of evidence and not a Court of pleadings.

1a. DRUG COURT

Statutes: Drug Court (Treatment and Rehabilitation of Offenders) Act

The Drug court is held under special sitting of the Resident Magistrates Court

Two (2) Justices of the Peace of which one (1) must be a woman may preside over the Drug Court in place of the Resident Magistrate.

1a. TRAFFIC COURT

Statutes: The Traffic Court Act

1a.CORONER'S COURT

Statutes: The Coroner's Act

1a.OFFICE OF THE SPECIAL CORONER

Statutes: The Corner's Act

The Resident Magistrate's Court, Traffic Court, Drug Court, Coroner's Court and Office of the Special Coroner are presided over by a Resident Magistrate.

Resident Magistrates are appointed by the Governor General on recommendation of the Judicial Services Commission.

They are assigned to a parish by the Chief Justice and report to the Chief Justice.

The minimum qualification for the Resident Magistrate is five (5) years at the Bar.

PETTY SESSIONS OR LAY MAGISTRATES COURT

Statutes: Justices of the Peace Jurisdiction Act Jurisdiction:

- a. Parish in which the Court sits
- b. Summary Criminal or Minor Offences
 - Maximum Term- 3 months
 - Maximum fine J\$2000.00
 - Penalty determined by statute creating offence

Process:

Summons on information

- 1. The Petty Sessions Court is Presided Over by Two (2) or three (3) Justices of the Peace. One (1) Resident Magistrate sitting exercises the power of two (2) Justices.
- 2. Justices of the Peace are appointed by the Governor General on the recommendation of the Minister if Justice.
- 3. They are appointed by commission and appointed to the Petty Sessions panel by the Custos of the Parish.
- 4. They report to the Custos in relation to conduct. The tenure of their office depends on good behaviour.
- 5. The functions of the Justice of the Peace include:
 - Petty Sessions Duty
 - Attest Legal Documents
 - Witness making of statements under caution
 - Attend Identification Parades
 - Attend Spirit Licence Sessions
 - Consider applications for bail