
ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Amendment of section 10 of principal Act
3. Insertion of new sections
4. Insertion of Schedules



GRENADA

ACT NO. 22 OF 2012**I assent,**CARLYLE ARNOLD GLEAN
*Governor-General.**25th July, 2012.*

AN ACT to amend the Magistrates Act Cap. 177 of the Continuous Revised Edition of the Laws of Grenada 2010, to prescribe a code of conduct to which Justices of the Peace should adhere to and criteria to be satisfied for appointment of Justices of the Peace.

[By Notice].

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

1. —(1) This Act may be cited as the—

MAGISTRATES (AMENDMENT) ACT, 2012

Short title and
commence-
ment.

and shall be read as one with the Magistrates Act Cap 177 of the Continuous Revised Edition of the Laws of Grenada 2010, hereinafter referred to as the principal Act.

(2) This Act shall come into force on a day to be fixed by the Minister by Notice published in the *Gazette*.

Amendment of
Section 10 of
principal Act.

2. Section 10 of the principal Act is amended by inserting after subsection (1) the following new subsection—

“(1a) A Justice of the Peace shall hold office for a period of five years, and all persons appointed as Justices of the Peace before the commencement of this Act continues to be Justices of the Peace for a period of five years after the day on which this Act comes into force, and may be eligible for re-appointment.”

Insertion of new
sections.

3. The principal Act is amended by—

(a) inserting immediately after section 11 the following new sections—

**“Prescribed requirements for appointment
as Justice of the Peace—**

11A. For the purposes of this Act, a person shall not be appointed as a Justice of the Peace unless:

- (a) the person is a Grenadian citizen between the ages of 30 and 72 years;
- (b) the person is not an undischarged bankrupt;

- (c) the person can speak English fluently and be sufficiently proficient in reading and writing in the English Language, so as to be able to—
 - (i) read and understand instructions relating to his or her official duties;
 - (ii) seek advice about his or her official duties;
 - (iii) communicate clearly in a court room; and
 - (iv) read and understand court documents and legislation;
- (d) the person consents in writing to confidential inquiries being made as to his suitability for appointment, including a criminal record check;
- (e) the person provides at least two references as to his good character, reputation and standing in the community;
- (f) the person has not been convicted of any offence or have any outstanding charges or proceedings in relation to an offence alleged to have been committed by him;
- (g) the person lives or works in an area or community in which there is a

need for a Justice of the Peace and he or she establishes that the appointment as Justice of the Peace is required to fulfill a community based need.

Code of Ethics

11B. A Justice of the Peace shall adhere to the Code of Ethics as set out in Schedule III to this Act.”

- (b) inserting immediately after section 15 the following new sections–

“Justice of the Peace to keep records

15A. A Justice of the Peace shall be required to keep proper records in an annual record book of the performance of all his duties and functions under this Act and, in particular, with respect to the granting of bail and the issuing of warrants as set out in Schedule IV.

Breach of provisions of the Act

15B. A Justice of the Peace who commits a breach of sections 10-15A and Schedule III provisions of this Act commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding two years.”

Insertion of
Schedules.

- 4.** The principal Act is amended by inserting after the Second Schedule the following new Schedules–

“SCHEDULE III

CODE OF ETHICS

(Section 11B)

1. A Justice of the Peace shall exemplify high standards of integrity and honesty while performing the duties of a Justice of the Peace.

2. A Justice of the Peace shall refrain from any conduct or activity which is detrimental to the office of the Justice of the Peace or which may tend to discredit the office or bring it into disrepute.

3. A Justice of the Peace shall not engage in any activity which conflicts with or which is inconsistent or incompatible with his duties as a Justice of the Peace.

4. A Justice of the Peace shall, within the law defend with due diligence and to the best of his ability the rights and interests of those who require his services.

5. A Justice of the Peace shall not at any time or under any circumstance whatsoever, make any false promises to any person seeking his assistance.

6. A Justice of the Peace shall at all times be courteous, cooperative and respectful to—

- (a) legal and judicial officers;
- (b) other members of the Royal Grenada Police Force; and
- (c) the community as a whole.

7. A Justice of the Peace, shall by his deportment, demeanor, dress, conduct and general behavior, in both his public and private life command respect of his colleagues and the public and also exemplify such qualities for the dignity and honor of his office.

8. (1) A Justice of the Peace may charge a fee in accordance with prescribed Regulations, but shall not accept a gift or reward or any advantage whatsoever for providing services as a Justice of the Peace.

(2) Notwithstanding subsection (1) the Governor-General may recommend the payment of a stipend to a Justice of the Peace.

9. A Justice of the Peace shall keep safe and must not reveal information which is private, confidential or commercially sensitive and which the Justice of the Peace has obtained when providing service as a Justice of the Peace, unless authorised by law.

10. A Justice of the Peace shall remain independent and impartial when providing service as a Justice of the Peace.

11. A Justice of the Peace must not use, or seek to use, the office of Justice of the Peace for the purpose of advancing his or her business, commercial or personal interests.

12. A Justice of the Peace who is charged with a serious offence shall cease to function as a Justice of the Peace until the subject matter of the offence is determined.

13. If a Justice of the Peace has a personal, family, financial or business interest in a matter before him, the Justice of the Peace must disclose the interest to the person seeking the services of the Justice of the Peace or decline to provide such services in that matter.

SCHEDULE IV

(Section 15A)

1. Where a Justice of the Peace is required to keep proper records under section 15A, he shall in each case, record the following—

- (a) with respect to his duties and functions, other than the granting of bail—
 - (i) the name of the Justice of the Peace;
 - (ii) the nature of the duty or function;
 - (iii) the names and addresses of the relevant parties; and
 - (iv) the date when and the place where the duty or function was performed;
- (b) with respect to the granting of bail—
 - (i) the name of the Justice of the Peace;
 - (ii) the names of the complainant and defendant;
 - (iii) the case number;
 - (iv) the court in which the matter will be heard;
 - (v) the amount of bail fixed;
 - (vi) the name of the surety or sureties, if any;
 - (vii) the deed number and the Schedule to the said deed where such deed is used as security;

-
- (viii) the estimated value of the property; and
 - (ix) the date when and the place where the bail was granted;
- (c) with respect to the issuing of warrants—
- (i) the name of the Justice of Peace;
 - (ii) the names of the complainant and defendant;
 - (iii) the name and number of the police officer;
 - (iv) the type of warrant; and
 - (v) particulars of the offence.”
-

Passed by the House of Representatives this 26th day of June, 2012.

RAPHAEL DONALD
Acting Clerk to the House of Representatives.

Passed by the Senate this 10th day of July, 2012.

RAPHAEL DONALD
Acting Clerk to the Senate.

GRENADA
