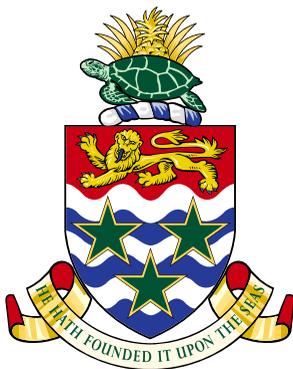


CAYMAN ISLANDS



SUMMARY JURISDICTION ACT

(2025 Revision)

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Note (not forming part of this Act): This revision replaces the 2024 Revision which should now be discarded.



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SUMMARY JURISDICTION ACT

(2025 Revision)

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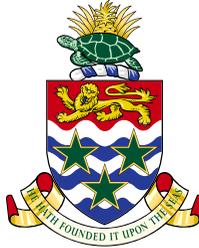
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CAYMAN ISLANDS



SUMMARY JURISDICTION ACT

(2025 Revision)

PART 1 - Introductory

Short title

1. This Act may be cited as the *Summary Jurisdiction Act (2025 Revision)*.

Interpretation

2. In this Act —

“**Chief Clerk**” means the person appointed under section 10;

“**Chief Magistrate**” means the magistrate designated as Chief Magistrate by the Governor in accordance with section 6A;

“**Chief Officer**” means the Chief Officer of the judicial administration appointed in accordance with section 2 of the *Public Management and Finance Act (2020 Revision)*;

“**Clerk of the Court**” means the Chief Clerk or any other clerk appointed under section 10 and who is, at the material time, performing the duties of Clerk of a Court;

“**Code**” means the *Criminal Procedure Code (2021 Revision)*;

“**court**” means a summary court constituted under this Act;

“**Judge**” has the meaning ascribed to it in the *Grand Court Act (2015 Revision)*;

“**Justice of the Peace**” means a person appointed under section 7;

“**magistrate**” means a person appointed or acting under section 6, and where the context so admits, the person presiding over a court; and

Establishment of summary courts

3. (1) There are hereby constituted courts of summary jurisdiction, known as the summary courts, subordinate to the Grand Court and presided over by persons appointed under this Act, and subject to any other law, such courts shall exercise such jurisdiction as is by this Act provided.
- (2) Subject to this or any other law, the court shall have and exercise all the summary jurisdiction heretofore exercised by the Stipendiary Magistrate or any Justices of the Peace under any laws heretofore in force relating to Stipendiary Magistrates or Justices of the Peace.

Territorial jurisdiction of the courts

4. Subject to this or any other law, the court shall have and exercise jurisdiction throughout the Islands and the territorial waters thereof.

Seal of the courts

5. The courts shall have and use a seal of such nature and pattern as the Chief Justice may prescribe.

PART 2 - Judicial and Other Officers

Appointment of magistrates

6. (1) The Governor may appoint persons qualified for appointment under subsection (2) to be magistrates, to have and exercise the powers and jurisdiction of the court as provided by this Act. Every person so appointed shall be, *ex officio*, a Justice of the Peace.
- (2) Any person qualified to practise as a barrister or solicitor in England or in an equivalent capacity in a Commonwealth country approved by the Chief Justice as having comparable standards for call or admission to practice and has so practised for not less than five years, shall be qualified to be appointed a magistrate.
- (3) The Governor may appoint any person to act as a magistrate when there is a vacancy in that office or a person appointed is absent or for any other sufficient reason unable to discharge the duties of that office, and any person may be so appointed to act as a magistrate notwithstanding that that person does not possess the qualifications referred to in subsection (2); but where the person appointed does not possess the aforesaid qualifications, the Governor acting with the advice of the Chief Justice may, by the terms of the appointment,



restrict any of the powers and jurisdiction which such acting magistrate may exercise.

Designation of Chief Magistrate

- 6A.** (1) The Governor, acting with the advice of the Chief Justice, may designate a magistrate appointed under section 6(1) as Chief Magistrate.
- (2) Subject to any direction given by the Chief Justice, the Chief Magistrate shall be responsible for the day to day oversight of the judicial business of the summary courts and the assignment of cases to the magistrates.
- (3) The Governor acting with the advice of the Chief Justice may during any period where —
- (a) the Chief Magistrate is absent; or
 - (b) the office of the Chief Magistrate is temporarily vacant,
- designate a magistrate appointed under section 6(1) to act temporarily as Chief Magistrate during the period of absence or vacancy.

Appointment of Justices of the Peace

- 7.** (1) The Governor, by warrant under the Governor's hand and the Public Seal, may appoint any fit and proper person to be a Justice of the Peace for the Islands, and may provide that the appointment in any particular case shall be for any period of time specified; any such appointment shall continue in force until determined under this Act. Any such appointment shall be recorded by entering the name of the person appointed upon the Roll of Justices of the Peace which shall be maintained by the Chief Clerk and all such appointments shall be published in the Gazette.
- (2) For the avoidance of doubt and notwithstanding sections 11 and 18 of the *Oaths Act (2024 Revision)*, it is hereby declared that the appointment prior to the 20th April, 1981 of a Justice of the Peace under subsection (1) —
- (a) shall not be invalid by reason only of the fact that the oath of allegiance and the judicial oath were tendered and taken before a person other than the person named in the warrant appointing that Justice of the Peace; and
 - (b) shall be deemed to have been properly made *ab initio*,
- and such Justice of the Peace shall not be disqualified by reason only of the fact that there has been any failure by that person to comply with any condition specified in the warrant appointing that person.
- (3) Without prejudice to subsection (1), the Governor may appoint any persons to be Justices of the Peace, *virtute officii*, in favour of the holders for the time being of any public offices by entering the designation of any such offices upon the Roll of Justices of the Peace and publication of the appointments in the Gazette.

- (3A) Notwithstanding subsections (1) and (3), the Governor may appoint a person who is a Member of Parliament to be a Justice of the Peace, *virtute officii*, by entering the designation of the office upon the Rollof Justices of the Peace and by publication of the appointments in the Gazette.
- (3B) Notwithstanding subsection (4), a Justice of the Peace shall not, while serving as a Member of Parliament, exercise —
- (a) any jurisdiction in relation to criminal or civil investigations or proceedings, including —
 - (i) sitting on any court or tribunal or presiding at trials; and
 - (ii) making, issuing or otherwise authorising summonses, warrants, orders, convictions, recognisances and other processes of a court; and
 - (b) any of the powers, functions or duties of a Justice of the Peace under —
 - (i) the *Elections Act (2022 Revision)*, the *Parliamentary Pensions Act (2016 Revision)* or the *Police Act (2021 Revision)*; and
 - (ii) this or any other legislation which otherwise require the Member of Parliament to exercise judicial or quasijudicial functions.
- (4) Subject to any other law, Justices of the Peace shall have and exercise the powers and jurisdiction provided by this Act.
- (5) Persons who are Justices of the Peace for the Islands at the 1st October, 1976 are, without prejudice to their seniority, deemed to have been appointed under subsection (1).

Removal of Justices of the Peace

8. (1) The Governor may direct that —
- (a) the name of a Justice of the Peace; or
 - (b) the entry in relation to an appointment as a Justice of the Peace *virtute officii* pursuant to section 7(3) or (3A),
- be removed from the Roll of Justices of the Peace.
- (2) Upon notification in the Gazette, in the prescribed manner, of the removal of the name of a Justice of the Peace or an entry in relation to an appointment *virtute officii* pursuant to section 7(3) or (3A), the named person or the holder of the appointment *virtute officii*, as applicable, ceases to be a Justice of the Peace.

Re-appointment of Justices of the Peace

9. The Governor may, at any time, re-appoint as a Justice of the Peace any person who has ceased to be a Justice of the Peace, either upon the expiration of any time specified in the warrant of appointment or in accordance with a direction given in exercise of the power conferred by section 8.



Chief Clerk and other officers of the court

- 10.** (1) The Clerk of the Grand Court shall, *ex officio*, be the Chief Clerk of the summary court.
- (2) The Chief Officer, in accordance with the *Public Service Management Act (2018 Revision)*, and after consultation with the Chief Justice, may appoint such other fit and proper persons to be clerks, marshals, bailiffs or other officers of the courts as the proper exercise of the powers and jurisdiction of the courts appears to require. In making any such appointments, the Chief Officer may appoint any of the officers of the Grand Court to be *ex officio* officers of the summary courts and to perform duties as such in addition to their other duties as officers of the Grand Court.
- (3) Officers of the court shall give security, in such sum as the Chief Officer, from time to time, shall in each case order, for fidelity in the performance of their several duties and for the due accounting for and payment of all monies received by them under this Act.
- (4) A person appointed as a marshal under subsection (2) shall, in addition to the powers and duties conferred or to be performed by that person as directed by the court or as may be provided by any Rules, have —
- (a) the power to administer oaths to witnesses in all matters before the court or in connection with any proceedings pending before the court;
 - (b) within the precincts of the court and on the order or direction of the court, the power without warrant to take into custody and detain any person until the rising of the court; and
 - (c) all the powers and immunities of a bailiff appointed under subsection (2).

Duties of the Chief Clerk

- 11.** (1) The Chief Clerk shall be responsible for the general administration and the maintenance of records of the courts, and in particular for —
- (a) the composition of all summonses, warrants, orders, convictions, recognisances, writs of execution and other documents and processes and the submission of the same for the signature of a magistrate;
 - (b) issuing civil processes in accordance with any summary court rules for the time being in force;
 - (c) making, or causing to be made, copies of the record of proceedings before any courts when required to do so by this or any other law or by the magistrate;
 - (d) recording the judgments, convictions and orders of the courts;
 - (e) receiving, or causing to be received, all fines, fees, penalties and other moneys paid or deposited in respect of proceedings in the courts, and the

- keeping, or causing to be kept, of accounts of the same; and for the custody and maintenance of all summary courts files and records; and
- (f) performing such other duties as may be assigned to that person generally by magistrates.
- (2) The Chief Clerk, with the consent of a magistrate, may delegate any of that person's duties to any clerk or other officer appointed under section 10(2).

PART 3 - Composition and Jurisdiction of the Court

Composition of the court and exercise of jurisdiction

12. (1) A court shall be duly constituted by —
- (a) a magistrate, sitting either alone or with one or more Justices of the Peace; or
 - (b) subject to any limitation of jurisdiction imposed by the Chief Justice from time to time, not less than two Justices of the Peace, one of whom, either by agreement between the Justices or by virtue of any direction given in that behalf by the Chief Justice, shall preside.
- (2) If a court is composed of a magistrate sitting with one or more Justices of the Peace, and a difference of opinion arises in respect of any proceeding before such court, the opinion of the magistrate shall prevail but every dissenting opinion shall be recorded. In any other case the decision of the court shall be the decision of the majority of the Justices of the Peace sitting in the court to adjudicate in the particular case, and if the Justices of the Peace are evenly divided on the matter, the decision shall be given in favour of the person upon whom the onus of proof does not lie, and in any event, every dissenting opinion shall be recorded.
- (3) Subject to any other law, a court constituted in accordance with subsection (1) shall have and exercise jurisdiction in criminal matters as in this Act provided.
- (4) The jurisdiction of the courts, when duly constituted in each place in accordance with this section, may be exercised simultaneously in different places in the Islands.

Criminal jurisdiction

13. (1) Subject to this Act, the Code and any other law, the courts shall have jurisdiction to try summarily any person charged with a criminal offence in respect of which jurisdiction is by any law expressly conferred upon a summary court or it is expressly provided or implied that such offence may be tried summarily.



- (2) Subject to this Act, the Code and any other law, the courts have jurisdiction to hold preliminary inquiries and to commit accused persons for trial before the Grand Court.
- (3) When any person is apprehended within the Islands under the *Extradition Act 2003 of the United Kingdom [U.K.Act (c.41)]*, the jurisdiction of the courts shall be exercised by a magistrate sitting alone, and if any such person is brought before a Justice of the Peace, or a court presided over by a Justice of the Peace, such Justice of the Peace shall cause the apprehended person to be detained in custody and brought before a magistrate sitting alone to be dealt with according to law.
- (4) Where, under any other law, a provision authorises an offence to be triable summarily by the Grand Court such provision shall operate as if for the words “**Grand Court**” there were substituted the words “**summary court**”.

Civil jurisdiction

- 14.** Notwithstanding any other law, the jurisdiction of the courts in civil cases and matters shall be exercised by a magistrate sitting alone and, in addition to any jurisdiction conferred by any other law for the time being in force, the courts shall have jurisdiction in respect of any proceedings, causes or matters specified in the Schedule, and may also exercise any power or jurisdiction in respect of any other civil cause or matter which is expressed under any law to be exercisable by or to be within the jurisdiction of a court of summary jurisdiction or a magistrate.

Law and equity

- 15.** (1) In every civil cause or matter which shall be instituted in a court, law and equity shall be administered concurrently and, if there is any conflict or variance between the rules of law and equity in respect of the same matter, the rules of equity shall prevail.
- (2) A court, in the exercise of the jurisdiction vested in it, shall have power to grant and shall grant, either absolutely or on such reasonable terms and conditions as shall seem just, all such remedies or relief whatsoever as any of the parties thereto may appear to be entitled to in respect of any and every legal or equitable claim or defence properly brought forward by them respectively, or which shall appear in such cause or matter; so that so far as possible all matters in controversy between the said parties respectively may be completed and finally determined and all multiplicity of legal proceedings concerning any of such matters avoided.

Power to administer oaths

- 16.** All magistrates, Justices of the Peace and the Chief Clerk are hereby authorised to administer oaths, take affidavits, solemn declarations and affirmations in all matters.



General powers of process

17. (1) Every magistrate and every Justice of the Peace, in addition to any powers to issue summonses, warrants and other processes in accordance with the Code or any other law, shall have power to issue writs of summons for the commencement of any civil proceedings in a court, to receive production of books and documents and make such decrees and orders, issue such process and exercise such judicial and administrative powers in relation to the administration of justice in any matter within the jurisdiction of a court as may, from time to time, be prescribed by this or any other law or by the Rules.
- (2) Any process issued by a court or any person under this Act in any proceedings, whether civil or criminal, shall have force and effect and may be served or executed in any part of the Islands, and shall remain in full force and effect, until executed or cancelled by a court, notwithstanding the vacation of office or death of the person by whom or on whose authority the same was issued.

Procedure when court ceases to be duly constituted during hearing

18. When any magistrate has ceased to be a magistrate or is for whatsoever reason unable to sit as a magistrate at the hearing of any proceedings in a court pending before that magistrate after such proceedings have been commenced but not been completed and by reason of the magistrate's absence the court is no longer duly constituted in such form as to have jurisdiction in the matter, the proceedings shall be re-heard *de novo* before a court reconstituted in such manner as is necessary to confer jurisdiction under this Act.

PART 4 - Sittings of Courts

Places and times of sittings of courts

19. Courts shall ordinarily sit at such places and at such frequency as the Chief Justice may direct, but should the necessity arise a court may be held in any other place and at such times as the Governor may appoint by order. In the absence of any such directions or order, courts shall be held at the places, and at such frequency, as has been the practice in respect of the courts exercising summary jurisdiction immediately before the 1st October, 1976.

Nature of business at any sitting

20. At any sitting of a court both civil and criminal causes and matters may, subject to this Act, be heard, determined and dealt with, or either one or the other, as the magistrate may direct.



Adjournment

- 21.** (1) A magistrate may, at any time, adjourn a court from day to day or to any convenient day.
- (2) If, at any time and place appointed for any sitting of a court, no magistrate is present, the Chief Clerk or in the Chief Clerk's absence any other officer of the court authorised in that behalf by a magistrate or the Chief Clerk, may adjourn the sitting of the court until such time and to such place as may have been communicated to that person by a magistrate or the Chief Clerk or, in the absence of any such communication, to such place and time, not exceeding seven days, as may be convenient.
- (3) All persons bound to be present at any sitting so adjourned shall be equally bound to be present at the time and place so appointed.

PART 5 - Practice and Procedure**General provisions as to practice and procedure**

- 22.** Subject to any other law, the jurisdiction vested in the courts shall be exercised (so far as regards practice and procedure) in the manner provided by this Act, by Rules made under section 44 and by the Code.

Issue of process

- 23.** All summonses, warrants, orders, convictions, recognisances and other processes of a court, whether civil or criminal, shall be issued under the hand of a magistrate or a Justice of the Peace; but where expressly authorised by Rules, writs of summons and other civil processes may be issued under the hand of the Chief Clerk or a Clerk of the Court authorised in that behalf by the Chief Clerk.

Duties of constables

- 24.** All constables are hereby authorised and required to obey the warrants, orders and directions of a magistrate or a court in the exercise of criminal jurisdiction, and, insofar as such obedience may be authorised or required by any law, of civil jurisdiction.

Interpretation of evidence, etc.

- 25.** In any proceedings before a court in which the language spoken by any witness or party requires to be interpreted into English, the presiding magistrate may appoint a suitable person as interpreter, and shall record the name of such person in the record of the proceedings.

Record of proceedings

26. (1) Subject to any other law, in all proceedings before the court at every stage thereof, the magistrate shall be responsible for ensuring that a proper record is maintained of the proceedings and that the oral evidence given before such court, or so much thereof as the magistrate considers material, is taken down in writing either by that magistrate or by a Clerk of the Court under the magistrate's supervision. Any such record of the evidence shall be signed by the magistrate when the magistrate is satisfied that it is an accurate and faithful record.
- (2) No person shall be entitled, as of right, to inspect the record of evidence given in any case before a court, or to make or receive a copy of the notes or other record of such court, save in accordance with section 43 or as may be expressly provided by the Rules, the Code or the *Evidence Act (2021 Revision)* but a magistrate or a Judge may authorise such inspection or the making of a copy thereof for any sufficient reason.

Office of the court

27. (1) The court shall have an office in Grand Cayman at such place as may be appointed by the Governor, which shall be open for the transaction of public business on every day of the year except Saturdays, Sundays and public holidays during the normal working hours of the offices of the government.
- (2) All records of the court and of all proceedings before the court held in any part of the Islands shall be filed, as soon as may be convenient, at the office of the court in Grand Cayman, and the Chief Clerk shall be responsible for the proper care and custody of such records.
- (3) Until such time as any place is appointed as the office of the court under subsection (1), the office of the Grand Court shall also be used as the office of the court in accordance with such administrative directions in that behalf as may be given by the Chief Justice.

PART 6 - General Provisions

Procuring attendance of witnesses

28. (1) In any civil cause or matter and, at any stage thereof, a magistrate may, either of the magistrate's own motion or on the application of any party, summon any person within the Islands to attend to give evidence or to produce any document or thing in that person's possession or power, and may examine any such person as a witness and require that person to produce any such document or thing subject to just exceptions.
- (2) If any person summoned as provided by this section, having reasonable notice of the time and place at which that person is required to attend, after tender of



that person's travelling expenses to and from a court, fails to attend accordingly, and does not excuse such failure to the satisfaction of the court, that person shall, independently of any other liability, be guilty of contempt of such court, and a warrant may be issued by such court to compel that person's attendance.

- (3) The attendance of witnesses in criminal proceedings before the court shall be procured and enforced in accordance with the Code.

Refusal of witness to be sworn or give evidence

29. If, in any civil cause or matter any person required to give evidence, whether appearing on summons or warrant, refuses to take the oath or affirm, as may be appropriate to that person's beliefs, or to answer any question lawfully put to that person or to produce any document or thing in that person's possession or power when required to do so, and does not excuse that person's refusal to the satisfaction of the court that person shall, independently of any other liability, be guilty of contempt of the court.

Prisoner as witness

- 30.** (1) A magistrate may issue an order under the magistrate's hand to bring up any person confined as a prisoner, under sentence or otherwise, to be examined as a witness in any civil cause or matter pending before the court, and the custodian of such prisoner shall obey such order and shall provide for the safe custody of such prisoner during that person's absence for such purpose and during such time the prisoner shall be deemed to be in lawful custody.
- (2) The attendance of a prisoner to give evidence in criminal proceedings before a court shall be procured in accordance with sections 25 and 41 of the Code.

Witnesses' expenses

- 31.** (1) Subject to the Rules or any other law, a court may order and allow to all persons required to attend or be examined as witnesses, in civil or criminal proceedings, such sum or sums of money as shall seem fit as well for defraying the reasonable expenses of such witnesses as for allowing them a reasonable compensation for their trouble and loss of time, but it shall not be lawful in any criminal proceeding for any person to refuse to attend as a witness or to give evidence, when so required by process of the court, on the ground that that person's expenses have not been first paid or provided for; and the sums payable to any witness shall not exceed the sum which would have been payable to such witness in similar circumstances if the proceedings had been before the Grand Court.
- (2) All sums of money payable under this section shall be paid in civil proceedings by the party on whose behalf the witness is called, and shall be recoverable as ordinary costs of the suit, if the court shall so order, and in criminal proceedings

shall, when not ordered by the court to be paid by the party convicted or prosecuted, be paid out of the general revenue of the Islands.

Fees payable

32. (1) The fees and costs set forth in the Rules, or any other law in relation to criminal or civil procedure, may be demanded by the Chief Clerk or other prescribed officer of the court in respect of the several matters therein mentioned; and all fees and costs payable under this Act shall be paid in the first instance by the party applying for the process or other matter in respect of which any such fee or costs are payable:
- (2) No fees shall be payable by any public officer or public department of the Government in any case instituted by any public officer when acting in that person's official capacity or in any case in which a magistrate, upon being satisfied that the party has *prima facie* a ground of claim, endorses on the summons, plaint, information or complaint, as the case may be, that it is a fit one for the remission of fees and costs on account of the poverty of the party or for other sufficient reason; but in every such case such fees and costs shall, in the discretion of the court, be recoverable from the other party if the decision be given against that other party.

Costs

33. (1) Subject to this Act or any other Law and to rules of court, the costs of and incidental to all civil proceedings shall be in the discretion of the court.
- (2) Without prejudice to any general power to make rules of court, such rules may make provisions for regulating matters relating to the costs of those proceedings including, in particular, the entitlement to costs, the assessment or taxation of costs, the powers (if any) of taxing officers and the powers of magistrates to review decisions of taxing officers.
- (3) The court shall have full power to determine by whom and to what extent the costs are to be paid.
- (4) In any criminal or civil proceedings, the court may disallow or order the legal practitioner concerned to meet the whole of any wasted costs or such part of them as may be determined in accordance with the rules of court.
- (5) Costs, including wasted costs, may be awarded to or against the Crown.
- (6) A cost certificate made by a taxing officer shall be enforceable as if it were a judgment or order of the court.
- (7) In this section —
- “**wasted costs**,” means any costs incurred by a party —



- (i) as a result of any improper, unreasonable or negligent act or omission on the part of any legal practitioner or foreign lawyer or any employee of such legal practitioner or foreign lawyer; or
- (ii) which in the light of any such act or omission occurring after they were incurred, the court considers it is unreasonable to expect that party to pay.

Enforcement

34. Without prejudice to any other powers conferred upon the court in respect of any case in which any sum is adjusted to be paid as a fine or penalty by a person convicted of an offence, any judgment or order of the court made in a civil cause or matter may be enforced by one or more of the following means —

- (a) by writ of *fiery facias*;
- (b) by garnishee proceedings;
- (c) by a charging order;
- (d) by an order for committal; or
- (e) by an attachment of earnings order,

and, for the purpose of this section, a magistrate shall have all the powers of a Judge of the Grand Court.

Proceedings in which magistrate has interest

35. Where any cause or matter to which a magistrate is a party or in which the magistrate has a personal interest pending before the court, or for any other sufficient reason the magistrate considers it would be improper for the magistrate to adjudicate in any particular case, the magistrate shall withdraw from the court, and, if necessary in order to ensure that the court is duly constituted after the magistrate's withdrawal, shall arrange for another magistrate to sit or preside, as the case may be, in that magistrate's absence.

Sale of forfeitures

36. Subject to any other law, forfeitures, other than money, which are in respect of an offence tried by a court may be sold or disposed of in such manner as the magistrate may direct, and the proceeds of such sale applied and accounted for as if such proceeds were a fine imposed by the court in the same proceedings.

PART 7 - Appeals from Decisions of the Courts

Criminal Appeals

Criminal appeals

37. In any criminal cause or matter, appeals from judgments or orders of the court shall lie and shall be conducted in accordance with and subject to the Code, and this Part shall not apply in the case of such appeals.

Civil Appeals

Civil appeals

38. Subject to this or any other law, in any civil cause or matter an appeal shall lie to the Grand Court —
- (a) from any final judgment or decision of the court in any proceedings; and
 - (b) from all interlocutory orders of the court in the course of any proceedings, but no appeal shall lie, except by special leave of the court or of the Grand Court, from —
 - (i) any judgment or decision made by consent;
 - (ii) an award of interest only;
 - (iii) an order for costs only; or
 - (iv) any interlocutory order.

PART 8 - Miscellaneous

Repealed

39. **Repealed** by section 5 of the *Penal Code (Amendment) Act, 2022 [Law 22 of 2022]*.

Protection of judicial and other officers

40. (1) Neither the magistrate nor any Justice of the Peace shall be liable to be sued in any civil court for any act done or ordered to be done by that person —
- (a) when acting within their jurisdiction and in the discharge of their judicial functions; or
 - (b) whether or not within the limits of their jurisdiction, provided that that person at the time and in good faith, believed themselves to have jurisdiction to do or order the act complained of, unless it is proved that that person acted maliciously and without reasonable cause.



- (2) No officer of the court or other person, bound to execute the lawful process or order of the court or of any magistrate, shall be liable to be sued in any civil court for the execution of any process or order, whether or not it was within the jurisdiction of the court or magistrate issuing the same, if that officer of the court or other person would be bound to execute it if it had been within such jurisdiction.
- (3) No action shall lie against any magistrate or Justice of the Peace in respect of anything done pursuant to a conviction or order unless such conviction has been quashed or such order set aside or rescinded.

Protection of magistrate acting *bona fide* pursuant to defective order of the court or other magistrate

- 41.** In any case in which any conviction, order or judgment is made by any court and any distress, commitment or process is granted thereon in good faith by any magistrate or Justice of the Peace no action shall lie against such person by reason of any defect in such conviction, order or judgment or for any want of jurisdiction by the court making the same.

Formal defect not to invalidate court order

- 42.** No order made by the court shall, for want of form only, be quashed or removed by *certiorari* into the Grand Court in any case in which it is alleged that the party therein referred to is required to do or abstain from doing anything and there is a valid direction or judgment of the court to sustain the same.

Representation of parties in proceedings before the court

- 43.** (1) Any party to any proceedings before the court may be represented by an advocate as defined in the *Judicature Act (2021 Revision)*.
- (2) In any case in which the Crown, any public officer acting in that person's official capacity or any department of the Government is a party in any civil cause or matter before the court, the Crown, such public officer or department may be represented by the Attorney General, any officer of the Attorney General's Chambers or by any other person authorised in writing in that behalf by the Attorney General.

Training

- 43A.** A Justice of the Peace or a nominee for appointment as a Justice of the Peace shall comply with any requirements for training as may be prescribed.

Suspension of appointment

- 43B.** The appointment of a Justice of the Peace may be suspended —
- (a) where it is determined that the Justice of the Peace is unable to discharge the functions of the office due to infirmity of body or mind;

- (b) for misbehaviour; or
 - (c) for contravention of the code of conduct as may be prescribed,
- and any such suspension of appointment shall be published in the Gazette.

Honorary title

43C. The Cabinet may confer the title of “**Honorary Justice of the Peace**” on a Justice of the Peace who has served a term of ten or more years or terms amounting to ten or more years on the retirement or resignation of that Justice of the Peace.

Retention of appointment

43D.(1) A person appointed as a Justice of the Peace *virtute officii* pursuant to section 7(3) or (3A) and who is a Caymanian within the meaning of the *Immigration (Transition) Act (2022 Revision)* —

- (a) upon retirement, resignation or otherwise ceasing to be the holder of the office; or
- (b) upon ceasing to be a Member of Parliament,

as applicable, may retain the title and continue to serve as a Justice of the Peace unless there are reasons in law that would otherwise render the person unfit to serve.

(2) Where a person appointed as a Justice of the Peace *virtute officii* pursuant to section 7(3A) ceases to be a Member of Parliament and retains the title of Justice of the Peace —

- (a) the restrictions referred to in section 7(3B) no longer apply in the exercise of the person’s powers, functions or duties as a Justice of the Peace; and
- (b) that person may exercise any of the powers, functions or duties of a Justice of the Peace under this or any other legislation

Regulations

43E. The Cabinet, after consultation with the Chief Justice, may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act and, in particular, providing for —

- (a) the procedure for the nomination and appointment of candidates to the office of Justice of the Peace and for the retention of the appointment where the person is appointed *virtute officii*;
- (b) the orientation and periodic training of Justices of the Peace;
- (c) a code of conduct, guidelines for record keeping and general directions for the provision of Justice of the Peace services;
- (d) a tribunal to conduct hearings into complaints made against Justices of the Peace;



- (e) the assessment of the fitness of a Justice of the Peace to serve on attaining the age of seventy years;
- (f) the procedure for the suspension or removal of a Justice of the Peace; and
- (g) the criteria for the selection of suitable candidates for the conferral of the title of “**Honorary Justice of the Peace**” upon retirement or resignation as a Justice of the Peace.

Rules

- 44.** (1) The Rules Committee, constituted under section 19 of the *Grand Court Act (2015 Revision)*, may make Summary Court Rules for the purpose of giving effect to this Act and prescribing all matters of practice and procedure required to be prescribed for the proper exercise of the jurisdiction of the court.
- (2) Without derogation from the generality of the foregoing power, such Rules may provide for —
- (a) any matter of procedure in any civil proceedings before the court and the forms to be used and fees to be paid in any such proceedings;
 - (b) the regulation of any matter as to the forms to be used and the procedure upon giving notice of appeal from decisions of the court and the giving of any recognisance thereupon;
 - (c) the procedure applicable to the execution of distress warrants and for the sale of goods seized thereunder and matters incidental thereto;
 - (d) the mode of giving security in respect of any matter or proceeding within the jurisdiction of the court;
 - (e) the conditions, including the payment of any charge or fee therefor, upon which certified copies of any court records may be obtained in circumstances for which no provision is made under this or any other law;
 - (f) the rates and scales of payment to witnesses in respect of expenses; and
 - (g) the taxation of costs in proceedings before the court.

Construction of other laws

- 45.** In any other law any reference to the magistrate, a Justice of the Peace, two or more Justices of the Peace, the Petty Court or any other court exercising summary jurisdiction shall be construed as a reference to the exercise of the equivalent jurisdiction by a summary court.

Transitional

- 46.** (1) A person who was appointed as a Justice of the Peace before the 1st May, 2015 shall, within twelve months of that date, comply with the prescribed training requirements.

- (2) Subject to section 6, nothing in the *Summary Jurisdiction (Amendment) Act, 2024 (Act 6 of 2024)* affects the validity of any exercise of the jurisdiction, powers, functions or duties of a Justice of the Peace before the 18th September, 2024. the date of commencement of the *Summary Jurisdiction (Amendment) Act, 2024 (Act 6 of 2024)*.



SCHEDULE

(section 14)

Civil Jurisdiction of the Court

1. Any proceedings for the recovery of any sum of money expressed to be recoverable summarily.
2. Any proceedings, whether arising in contract or tort (or both) or in respect of trespass to land, where the debt or damage claimed does not exceed twenty thousand dollars and in which no question of title to any real property arises.
3. Any proceedings in respect of which civil jurisdiction is by any law conferred upon a magistrate or upon a court of summary jurisdiction.
4. Any claims for relief by way of interpleader in respect of any property attached in execution of any decree or order made by the court.

Publication in consolidated and revised form authorised by the Cabinet this 21st day of January, 2025.

Kim Bullings
Clerk of Cabinet

ENDNOTES

Table of Legislation history:

SL #	Act/Law #	Legislation	Commencement	Gazette
	6/2024	Summary Jurisdiction (Amendment) Act, 2024	18-Sep-2024	LG30/2024/s1
		Summary Jurisdiction Act (2024 Revision)	15-Feb-2024	LG9/2024/s4
	22/2022	Penal Code (Amendment) Act, 2022 (part)	20-Dec-2022	LG52/2022/s8
		Summary Jurisdiction Act (2023 Revision)	26-Jan-2023	LG5/2023/s5
	3/2022	Summary Jurisdiction (Amendment) Act, 2022	28-Jun-2022	LG24/2022/s3
	56/2020	Citation of Acts of Parliament Act, 2020	3-Dec-2020	LG89/2020/s1
		Summary Jurisdiction Law (2019 Revision)	21-Feb-2019	LG4/2019/s7
		Summary Jurisdiction Law (2015 Revision)	17-Jul-2015	GE53/2015/s26
11/2015		Summary Jurisdiction (Amendment) Law, 2014 (Commencement) Order, 2015	17-Apr-2015	GE28/2015/s2
	22/2014	Summary Jurisdiction (Amendment) Law, 2014	1-May-2015	G2/2015/s4
		Summary Jurisdiction Law (2006 Revision)	7-Aug-2006	G16/2006/s5
	32/2005	Summary Jurisdiction (Amendment) Law, 2005	1-Jul-2006	G24/2005/s8
		Summary Jurisdiction Law (2004 Revision)	23-Aug-2004	G17/2004 s12
	26/2003	Summary Jurisdiction (Amendment) Law, 2003	27-Jan-2004	G2/2004/s9
		Summary Jurisdiction Law (1995 Revision)	14-Nov-1995	G23/1995/s4
	11/1985	Summary Jurisdiction (Amendment) Law, 1985	8-Jul-1985	G14/1986/s3
	3/1983	Summary Jurisdiction (Amendment) Law, 1983	30-May-1983	G11/1983/s3
	3/1981	Summary Jurisdiction (Amendment) Law, 1981	20-Apr-1981	G8/1981/s3
	6/1979	Summary Jurisdiction (Amendment) Law, 1979	7-May-1979	G10/1979/s10
39/1976		Government Notice of Commencement of Law 10 of 1975	27-Sep-1976	G20/1976/p1-2
	10/1975	Summary Jurisdiction Law, 1975	1-Oct-1976	G25/1975/s1

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