

**PART D**

**ISLAND COURT (SUPERVISING MAGISTRATES)**

**RULES**

**2005**

**ISLAND COURTS (SUPERVISING MAGISTRATES) RULES**  
**2005**

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## **Interpretation**

In these rules, unless the context indicates otherwise:

“**chief registrar**” means chief registrar of the Supreme Court;

“**custom area**” means part or whole of an island where the customs are substantially similar;

“**supervising magistrate**” means a magistrate appointed by the Chief Justice as the supervising magistrate of an Island Court.

## **Rule 1 - Identification of suitable persons for appointment as justices**

- (1) The supervising magistrate of each Island Court must continuously attempt to identify, by personal observation, appropriate inquiries and public notice, suitable persons, both male and female, for consideration for appointment as justices of that Island Court.
- (2) In considering whether a person is suitable for consideration for appointment, the supervising magistrate should have regard to the following features of the person concerned:
  - (a) level of education and training;
  - (b) business and administrative experience;
  - (c) religious affiliation;
  - (d) political affiliation;
  - (e) standing in the community;
  - (f) knowledge of custom;
  - (g) gender.
- (3) The supervising magistrate should endeavour to ensure that there is in each custom area a sufficient number of justices with adequate education, experience and knowledge of custom and a balance of gender and religious and political affiliations to provide independent and impartial judicial services for each custom area within the jurisdiction of the Court.
- (4) In June of each year the supervising magistrate must forward a report to the Chief Justice, copied to the chief registrar as to the persons whom the magistrate considers would be suitable for appointment as justices of the Island Court, and also a report as to such persons whose appointment as a justice should be terminated.

## **Rule 2 - Appointment of justices**

- (1) When a supervising magistrate of an Island Court has informed the chief registrar of the names of persons who could be considered as suitable for appointment as a justice, the chief registrar shall cause a police report to be obtained with regard to such persons.
- (2) The chief registrar will cause such further inquiries as he or she considers appropriate to be made of the persons who have been proposed by the supervising magistrate for consideration for appointment as justices of an Island Court, and shall then forward a report to the Judicial Service Commission for consideration as to the persons who should be appointed as justices of each Island Court, and the persons whose appointment as a justice should be terminated.
- (3) The chief registrar will inform each supervising magistrate of an Island Court as to which persons have been appointed as justices of that Island Court, and as to which justices of that Court have been terminated, by the Judicial Service Commission.

### **Rule 3 - Training of justices**

- (1) The supervising magistrate of each Island Court shall ensure that adequate training is provided to justices of that Court as to the meaning and application of the rules of civil and criminal procedure. Such training should be provided by the supervising magistrate personally and also by arranging for training from other sources.
- (2) The supervising magistrate should ensure that justices who sit as the chairpersons of an Island Court have adequate training as to the responsibilities of a chairperson of an Island Court.

### **Rule 4 - Training of clerks**

- (1) The supervising magistrate of each Island Court shall ensure that adequate training is provided to the clerk of that Court as to the meaning and application of the rules of civil and criminal procedure, and the rules relating to court clerks. Such training should be provided by the supervising magistrate personally and also by arranging for training from other sources.
- (2) The supervising magistrate should encourage the clerk to undertake further education and training, and to make constructive comments and suggestions for the improvement of the provision of judicial services by that Island court.

### **Rule 5 - Nomination of justices for hearings**

- (1) The supervising magistrate shall discuss with the clerk the panel of justices for each sitting of the Island Court to ensure that it is balanced as regards gender,

religious and political affiliation, and that in the case of claims to ownership of customary land that the members are knowledgeable about the customs of the area where the land is situated.

- (2) The supervising magistrate shall also discuss with the clerk the person to be nominated as chairperson for each sitting of the court to ensure that the hearing is conducted in an orderly and respectful way.

#### **Rule 6 - Revision of decisions of Island Courts**

- (1) The supervising magistrate of each Island Court must regularly revise the decisions of that Island court, at intervals of not more than 3 months.
- (2) The supervising magistrate of each Island Court must make appropriate arrangements with the clerk of that Court for all the decisions of that Court to be made available for inspection and revision by the magistrate.

#### **Rule 7 - Review of operations of Island Court**

- (1) The supervising magistrate of each Island Court shall keep the operations of the Court under continuing review to ensure:
  - (a) that the facilities of the Court are sufficient to enable it to operate effectively;
  - (b) that the Court provides judicial services throughout the territorial jurisdiction of the Court;
  - (c) that the judicial services provided by the Court are of a high standard.
- (2) The supervising magistrate of each Island Court must regularly inspect the office of that Court, and also attend sessions of the Court to observe the manner in which the justices and the clerk perform their duties.
- (3) If the supervising magistrate considers that there are some actions or decisions that should be taken to improve the quality of the judicial service provided by the Island Court, the magistrate should submit a report to the Chief Justice, copied to the Chief Registrar.

#### **Rule 8 - Annual Reports**

- (1) In December of each year, the supervising magistrate shall submit a report to the Chief Justice providing the following information about the operations of the Island Court during that year:
  - (a) number of sitting days;
  - (b) location of sittings;
  - (c) categories and numbers of cases dealt with by that Court;

- (d) names and addresses of justices;
- (e) names and addresses of chairpersons;
- (f) number of office inspections and attendances at sittings of that Court by the supervising magistrate;
- (g) training of justices;
- (h) training of clerk;
- (i) facilities of that Court;
- (j) any other matter relating to the operation of that Court.