

# The Judicial Service Commission Act 1983

ACT NO. 7 OF 1983

[Date of Assent: 16.8.83]

[Commencement: 15.2.84]

## ACT

To establish a Judicial Service Commission; to set out its powers, duties, composition and to empower it to advise the Prime Minister on all matters relating to the appointment, discipline and removal from office of judicial officers to whom this Act applies and to deal with matters incidental thereto.

Enacted by the Assembly.

1. This Act may be cited as the Judicial Service Commission Act 1983 and shall come into operation on a date to be fixed by the Minister by notice in the Gazette.

Short title  
and  
commence-  
ment

2. There is established a Judicial Service Commission (hereinafter referred to as the "Commission") —

Establish-  
ment  
of  
commission

3. (1) The Commission shall consist of —

Compositon

(a) The Chief Justice who shall be chairman;

(b) The Chairman of the Public Service Commission as a member; and

(c) One other member from among persons who hold or have held judicial office, appointed by the King acting on the advice of the Prime Minister.

(2) A person appointed under paragraph (c) shall remain a member of the Commission for a period of 3 years but he may at any time be removed from that office by the King acting on the advice of the Prime Minister.

(3) The Commission may, by rules or otherwise regulate its own procedure.

(4) The Commission may, subject to the rules of procedure, act notwithstanding any vacancy in its membership.

(5) The Commission shall take a decision by a simple majority of members present at a meeting.

4. (1) There shall be a Secretary to the Commission whose office shall be the office of the Permanent Secretary to the Ministry responsible for Justice.

The office  
of the  
Secretary

(2) The Secretary shall keep a record of the members present and the business transacted at every meeting of the Commission.

(3) The Secretary shall in exercising the powers and performing the duties of that office, be under the direction and control of the Commission and where the Commission has established or made its own rules, he shall perform all duties and exercise all powers that are assigned to him by those rules or are necessary for the proper discharge of the powers and duties of that office.

(4) All correspondence and other papers for the Commission shall be addressed to the Secretary and not to the Chairman or to a member individually.

Powers of  
the  
Commission

5. (1) The Commission shall make recommendations to the Prime Minister concerning the appointment, discipline and removal from office of Judicial officers to whom this Act applies.

(2) The following are officers to whom this Act applies and whom the Prime Minister in consultation with the Judicial Service Commission may appoint, discipline and remove from office where it appears necessary and expedient to him —

- (a) Registrar or Assistant Registrar of the Court of Appeal;
- (b) Registrar or Assistant Registrar of the High Court;
- (c) Magistrate;
- (d) Judicial Commissioner; and
- (e) such other officers as may be prescribed by the Minister by notice in the Gazette.