

THE TRAFFIC COURT ACT

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SCHEDULE

THE TRAFFIC COURT ACT

[1st December, 1956.]

Law:
54 of 1955,
Acts
42 of 1969
2nd Sch.
6 of 1987
S. 17.

1. This Act may be cited as the Traffic Court Act.

Short title.

2. In this Act—

Interpreta-
tion.

“Corporate Area” means the combined area of the parishes of Kingston and Saint Andrew;

“the Court” means the Traffic Court established under this Act;

“Resident Magistrate” means a person appointed to be a Resident Magistrate or to act as such under the Judicature (Resident Magistrates) Act;

“Clerk”, “Deputy Clerk” and “Assistant Clerk” mean respectively a person appointed to be a Clerk of the Courts, a Deputy Clerk of the Courts, or an Assistant Clerk of the Courts or to act in any one of those capacities (as the case may be) under the Judicature (Resident Magistrates) Act.

3. There shall be established in the Corporate Area a Court of Record to be called the Traffic Court.

Establish-
ment of
Traffic
Court.

4.—(1) It shall be lawful for the Court to hear and determine any of the offences and contraventions mentioned in the Schedule, if committed in the parish of Kingston or in the parish of Saint Andrew or in any other parish by any person residing in the parish of Kingston or in the parish of Saint Andrew.

Jurisdiction
of the
Court.
Schedule.

(2) The Judge of the Court shall, when sitting therein for the trial of any offence mentioned in the Schedule, be deemed to be exercising the special statutory summary

TRAFFIC COURT

jurisdiction of a Resident Magistrate, unless the offence is triable on indictment and the offender is indicted therefor.

(3) The Court shall have all ministerial powers, duties and authorities incident to the jurisdiction vested in it by subsection (1) of this section.

(4) The provisions of the Judicature (Resident Magistrates) Act and of the Justices of the Peace Jurisdiction Act shall apply to the Court in the exercise of the jurisdiction vested in it by this Act and to the process, procedure and practice of the Court (whether before, during or after trial) as the said provisions apply to a Resident Magistrate's Court in the exercise of the jurisdiction vested in it by the Judicature (Resident Magistrates) Act and to the process, procedure and practice of such Court.

Seal.

5. The Chief Justice shall cause a seal to be provided for the Court and all process issuing from the Court shall be sealed or stamped with such seal.

Where
Court to
be held.

6. The Court shall ordinarily hold its sittings in Kingston, but subject to rules of court made under section 15, the Court may sit at any time and at any place in the Corporate Area for the trial of any of the offences mentioned in the Schedule.

Schedule.

Judge of
the Court.

7.—(1) The Judge of the Court shall be a Resident Magistrate or a person qualified to act as a Resident Magistrate who shall be assigned to the Court by the Chief Justice and who shall, in addition to being the Judge of the Court, have all the functions, duties, powers, jurisdiction, immunities and privileges of a Resident Magistrate, as provided in the Judicature (Resident Magistrates) Act, in relation to the parishes of Kingston and Saint Andrew.

(2) The Judge of the Court may, subject to the approval of the Chief Justice, sit at any time and at any

place in the Corporate Area for the trial of any matter (whether criminal or civil) within the jurisdiction of the Resident Magistrate's Court for the parish of Kingston or the Resident Magistrate's Court for the parish of Saint Andrew.

8. It shall be lawful for any Resident Magistrate, upon the application of the Judge of the Court, to act for the Judge of the Court on any particular occasion:

Any Resident Magistrate may act for the Judge.

Provided that a Resident Magistrate shall not act in this manner for the Judge of the Court for more than a week at a time, without the consent of the Minister.

9.—(1) There shall be assigned to the Court a Clerk, a Deputy Clerk and such number of Assistant Clerks as the Minister may consider necessary for the proper carrying out of the provisions of this Act.

Officers of the Court.

(2) The Clerk, the Deputy Clerk and the Assistant Clerks so assigned shall, for the purpose of discharging the functions of the Court within their province, have respectively all the functions, duties, powers, immunities and privileges of any Clerk or Deputy Clerk or Assistant Clerk (as the case may be) of the Resident Magistrates' Courts for the parishes of Kingston and Saint Andrew.

10. The attendance of accused persons and witnesses before the Court may be enforced by the same officers, by the same process and in the same way, as the attendance of such persons before Justices may be enforced under the provisions of the Justices of the Peace Jurisdiction Act.

Enforcement of attendance of accused persons and witnesses.

11.—(1) Any Resident Magistrate having jurisdiction in the matter before whom any case involving the trial of any offence mentioned in the Schedule and within the jurisdiction of the Traffic Court is brought shall, unless he is of

Power to transfer cases for trial to appropriate Court. Schedule.

TRAFFIC COURT

the opinion that such a course will cause unnecessary hardship or unnecessary inconvenience to witnesses or accused persons, transfer such case for trial by the Traffic Court and the record shall be endorsed accordingly.

(2) The Judge of the Traffic Court shall, if he is satisfied that the requirements of justice render it expedient to do so or so as to avoid any unnecessary hardship or unnecessary inconvenience to witnesses or accused persons, transfer any case within the jurisdiction of the Traffic Court that may be brought before him for trial by any Resident Magistrate's Court having jurisdiction in the matter, as may be appropriate, and the record shall be endorsed accordingly.

Powers of
Resident
Magistrates'
Courts for
Kingston
and Saint
Andrew and
of the
officers
thereof not
affected.
Schedule.

12. The foregoing provisions of this Act shall not be deemed to limit, prejudice or affect the powers and jurisdiction of the Resident Magistrates' Courts for the parishes of Kingston and Saint Andrew or the powers of the Clerks, Deputy Clerks and Assistant Clerks of the Resident Magistrates' Courts for those parishes, in relation to the offences mentioned in the Schedule or in any other manner.

Appeals.

13. An appeal from any judgment of the Judge of the Court in any case tried by him in virtue of the jurisdiction conferred on the Court by this Act shall lie to the Court of Appeal, and the provisions of sections 294 to 305 (inclusive) of the Judicature (Resident Magistrates) Act shall apply to such appeal as the said provisions apply to criminal appeals under that Act.

Rules of
court.
6/1987
S. 17.

14.—(1) Subject to subsection (3), the Rules Committee established under section 135 of the Judicature (Resident Magistrates) Act may make, revoke and alter rules for the Court—

- (a) for the effectual execution of this Act and of the objects thereof;
- (b) for the regulation of the practice and proceedings of the Court;
- (c) for the registration of all orders and judgements and the keeping of books by the Clerk of the Court, recording or relating to the proceedings of the Court;
- (d) for the settling of the duties of the officers of the Courts;
- (e) for prescribing forms for the Court,

so, however, that rules, forms and practice in force in the Court at the 1st day of October, 1987, shall remain in force until such rules, forms and practice are amended or revoked.

(2) Rules of court may be made for regulating the proceedings of the Court of Appeal for the purposes of this Act.

(3) Rules made under this section shall not have effect unless approved by the Minister, with or without modifications, and published in the *Gazette*.

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(4) Where no other provision is expressly made by this Act or by rules under this section the procedure and practice for the time being prescribed by rules for the Resident Magistrates' Courts shall apply to the Court, so far as such rules may be appropriate and with such variations as the circumstances may require.

(5) The word "rules" in this section includes forms.

15. The Minister may by order amend the Schedule.

**Power to
amend
Schedule.**

TRAFFIC COURT**SCHEDULE (Sections 4, 6, 11, 12 and 15)**

1. Offences under, and contraventions of, the Road Traffic Act and any regulations made thereunder.
2. Offences against the Main Roads Act.
3. Offences against the Parochial Roads Act.
4. Offences triable summarily which are committed in the course of a transaction giving rise to a charge for an offence or contravention mentioned in item 1, 2 or 3, or which arise from facts which are the same as or are closely connected with facts giving rise to a charge for an offence or contravention mentioned in item 1, 2 or 3.

L.N.
247/1959.