

OBJECTS AND REASONS

This Bill seeks to amend the *Supreme Court of Judicature Act, Cap. 117A* *inter alia* to:

- (a) make clear that a judge of the Court of Appeal may deliver a separate judgment or opinion in any case in that Court;
- (b) require the Rules Committee to make rules regulating the procedure in appeals from the Court of Appeal to the Caribbean Court of Justice;
- (c) empower judges of the Supreme Court to disallow improperly incurred costs or, as the case may be, to order that attorneys-at-law pay such costs personally; and
- (d) relieve the Judicial Council of the duty to administer legal aid.

Arrangement of Sections

Section

- 1. Short title.
- 2. Amendment of section 25(2) of Cap. 117A.
- 3. Amendment of section 53(1) of Cap. 117A.
- 4. Amendment of section 57 of Cap. 117A.

Section (cont'd)

5. Amendment of section 59 of Cap. 117A.
6. Amendment of section 60(3) Cap. 117A.
7. Amendment of section 82 of Cap. 117A.
8. Amendment of Cap. 117A.
9. Amendment of section 93(1) of Cap. 117A.

BARBADOS

A Bill entitled

An Act to amend the *Supreme Court of Judicature Act*.

ENACTED by the Parliament of Barbados as follows:

1. This Act may be cited as the *Supreme Court of Judicature* Short title.
(Amendment) Act, 2007.

Amendment
of section
25(2) of
Cap. 117A.

2. Subsection (2) of section 25 of the *Supreme Court of Judicature Act*, in this Act referred to as the principal Act, is deleted and the following subsection is substituted:

"(2) A person is not guilty of contempt of court on the ground that he has distributed a publication containing matter mentioned in subsection (1) if, at the time of the distribution and having taken all reasonable care, he did not know and had no reason to suspect that the publication contained any such matter."

Amend-
ments of
section
53(1) of
Cap. 117A.

3. Subsection (1) of section 53 of the principal Act is amended by deleting the words "Subject to subsection (4) of section 60, a single" and substituting the words "A single".

Amendment
of section 57
of
Cap. 117A.

4. Section 57 of the principal Act is amended,

(a) in subsection (3), by deleting paragraph (b) and substituting the following paragraph:

"(b) with leave of the Court of Appeal, to the Caribbean Court of Justice from an order or decision of the Court of Appeal, including an order or decision of the Court of Appeal on an appeal under this section.";

(b) in subsection (7)(b), by deleting "section 122 of the *Magistrates' Jurisdiction and Procedure Act*" and substituting "section 230 of the *Magistrate's Courts Act*";

(c) in subsection (7)(c), by deleting "section 83 of the *Magistrates' Jurisdiction and Procedure Act*" and substituting "section 109 of the *Magistrate's Courts Act*";

(d) in the concluding words of subsection (7), by deleting "*Magistrates' Jurisdiction and Procedure Act*" and substituting "*Magistrate's Courts Act*".

5. Section 59 of the principal Act is amended by deleting "*Magistrates' Jurisdiction and Procedure Act*" and substituting "*Magistrate's Courts Act*".

Amendment
of section 59
of
Cap. 117A.

6. Section 60 of the principal Act is amended by deleting subsection (3) and substituting the following subsections:

Amendment
of section
60(3) of
Cap. 117A.

"(3) On any appeal to the Court of Appeal, the judgment or opinion of the Court shall be pronounced as follows:

(a) if the President of the Court is taking part in the hearing of the appeal, by the President of the Court or such other Justice of Appeal taking part in the hearing of the appeal as the President of the Court directs;

(b) if the President of the Court is not taking part in the hearing of the appeal, by the senior Justice of Appeal taking part in the hearing of the appeal or such other Justice of Appeal taking part in the hearing of the appeal as that senior Justice directs.

(4) Any member of the Court of Appeal taking part in the hearing of an appeal may deliver a separate judgment or opinion concurring in or dissenting from the judgment or opinion

(a) of the Court; or

(b) of any other member of the Court taking part in the hearing of the appeal."

Amendment
of section 82
of
Cap. 117A.

7. Section 82 of the principal Act is amended by inserting the following subsection immediately before subsection (1):

"(1A) The Rules Committee shall make rules regulating the procedure in appeals from the Court of Appeal to the Caribbean Court of Justice."

Amendment
of
Cap. 117A.

8. The principal Act is amended by inserting the following section immediately after section 85:

"Wasted
costs.

85A. (1) In any proceedings in the High Court or the Court of Appeal, the court may

(a) disallow; or

(b) order an attorney-at-law to meet,

the whole or any part of wasted costs.

(2) In this section, "wasted costs" means any costs incurred by a party

(a) as a result of any improper, unreasonable or negligent act or omission on the part of an attorney-at-law or an employee of an attorney-at-law; or

(b) which, in the light of any improper, unreasonable or negligent act or omission on the part of an attorney-at-law or an employee of an attorney-at-law (being an act or omission occurring after the costs were incurred), the court considers it unreasonable to expect that party to pay."

Amendment
of section
93(1) of
Cap. 117A.

9. Subsection (1) of section 93 of the principal Act is amended by deleting paragraph (c).