



BERMUDA GOVERNMENT
MINISTRY OF JUSTICE

PATI Information Statement

Name of Public Authority: Judiciary

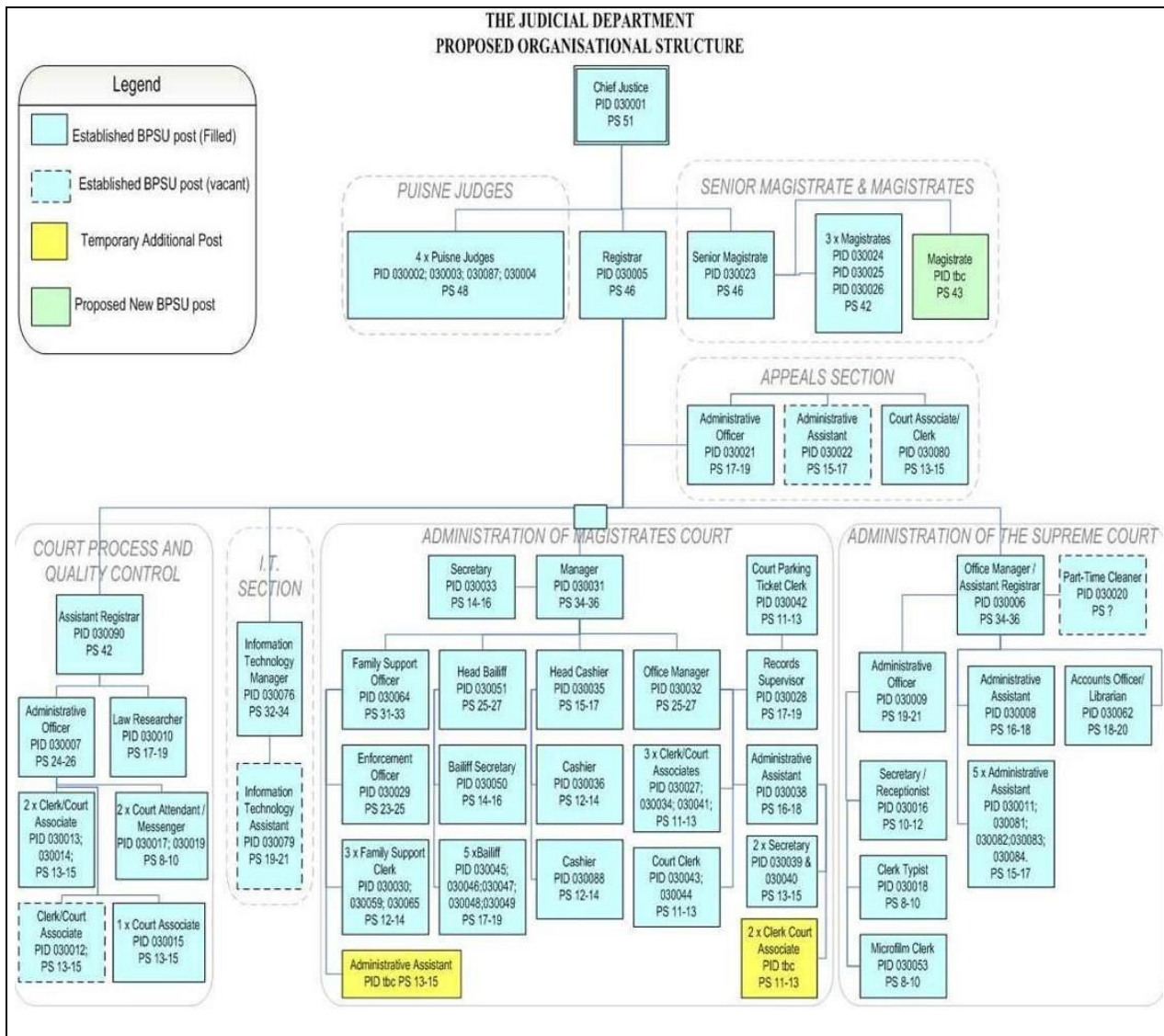
Introduction:

The Public Access to Information 2010 (PATI) legislation (hereinafter referred to as “the Act”) is designed to make Government and the public sector more accountable and open, by giving the public the right to request and access information subject to limited exemptions. Each public authority is required to produce an information statement that gives an overview of the types of information accessible through the public authority. This statement provides information on the functions and services of the Judicial Department and the classes of records held. Brief summaries of our administrative manuals policies and guidelines are also provided.

The vast majority of our records fall within Section 4 (1) of the Act which states “Subject to subsection (2), this act does not apply to (a) records relating to the exercise of judicial or quasi judicial functions by any court, tribunal or other body or person;” though this exemption does not apply to records relating to the general administration of same. However our employment records remain confidential, pursuant to Sections 22 and 24 of the Act as personal information. Therefore not all records can be accessed. This information statement will clarify these categories where required and the information statement will be updated from time to time as necessary.

Section A: Structure, Organization and Legislation [s5(1)a]

The structure of the Court is hierarchical with appeals lying to the Court above. The Magistrates Court is the first tier in the hierarchy, followed by the Supreme Court, the Court of Appeal and finally to the Privy Council in London. The procedure of the Courts is governed by their individual rules, which set out the applicable fees and the matters to be heard are set out on the Court lists and posted in the cause lists. The Supreme Court weekly lists are posted to our website.



Legislation

The Judicial Department manages our Court system. This has traditionally been concerned with the maintaining a proper registry of Court proceedings overseeing budgets, arranging the lists of court cases, creating court calendars and supervising non-judicial personnel.

The Courts of Bermuda administer justice in keeping with the Constitution, the laws of Bermuda and well established principles of common law. The governing legislation of the Courts is contained in the Court of Appeal Act 1964, the Supreme Court Act 1905 and the Magistrates Court Act 1948. Criminal proceedings for breaches of the laws of Bermuda are taken before a Magistrate in the case of proceedings before the Summary Court or before a judge and jury in the case of proceedings on Indictment before the Supreme Court. Generally the more serious offences are tried on indictment though the Magistrates Court has jurisdiction to try serious drug cases and to impose severe penalties upon conviction.

In Civil cases the Magistrates Court has jurisdiction to hear disputes up to a value of \$25,000 but the Supreme Court has unlimited jurisdiction, including the most complex commercial disputes in its Commercial Court.

Section B: 1) Functions, powers, duties of the Authority [s5(1)b]

The Judiciary is established by the Constitution as a separate and independent branch of Government. Its mission is to carry out its task fairly, justly and expeditiously and to abide by the requirement of the judicial oath “to do right by all manner of people, without fear or favour, affection or ill-will” The code of Judicial conduct is published on our web site.

The Mission of the administrative section of the Department is to provide the services and support necessary to enable the Judiciary to achieve its mission and to ensure the efficient and effective administration of justice.

Section B: 2) Obligations under PATI Act [s5(1)b]

To provide an **information statement** for the public and promulgate it [s5],

- To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
 - General information, e.g. activities of the Authority
 - Log of all information requests and their outcome
 - Quarterly expenditure (upon request) [s6(5)]
 - Contracts valued at \$50,000 or more.
- To **respond to information requests** in a timely manner [s12-16]
- To **track information requests**, and provide this data to the Information Commissioner
- To respond to requests from the Information Commissioner [s9]
- To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19]
- To conduct an **internal review** if formally requested [part 5]
- To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
- To provide an **annual written report** to the Information Commissioner of the status of information requests [s58 (3)].
- **To do anything else as required** under the PATI Act and subsequent Regulations [s59, 60], including:
 - **Fees** for Requests for information
 - Management and maintenance of **records**
 - **Procedures** for administering the Act
- To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
- To **designate one of its officers** to be the person to whom requests are directed [s62]

Section C: Services and Programmes [s5(1)c]

We assist the public and Attorneys with the efficient filing of documents for particular cases, and ensuring that the Court files are continually updated. We enter in the Cause book all new actions and keep it open for inspection and search at all times upon payment of the requisite fee of \$5. In Probate matters we update our book of wills which can be similarly inspected. We schedule and maintain a list of Court proceedings and prepare a weekly court calendar for the Supreme Court which is posted on our web site. We also ensure a proper audio record of proceedings in Supreme Court for appeal purposes.

Services we offer

Our web site contains various guides and advices for the General public. These include:

- a. An overview of what we do;
- b. Contact information and Directions to Courts 1, 2, & 3 and Commercial Court 1 and 2 and the Judge's chambers;
- c. Guidelines for Judicial conduct;
- d. Information and a juror's guide to jury Duty
- e. Supreme Court Newsletter;
- f. A youth's guide to the Bermuda Court System (In English and Portuguese).
- g. Bermuda's Small Claims procedure
- h. Speeches by Judges
- i. Considered Judgments for the Court of Appeal from 2007 to date
- j. Considered Judgments from the Supreme Court from 2007 to date
- k. The weekly Court list for the Supreme Court.

Section D: Records and documents held [s5(1)d]

1. Who we are and what we do

- a. Roles and Responsibilities
See above under Mission statement
- b. Organisation's the Department is responsible for and those it works with:
 - The Department is responsible for the Management of the Criminal

Injuries Scheme.

- The Department works with the Department of Public Prosecutions and the Defence Bar, The Department of Corrections, The Department of Court Services, and the Bermuda Police Service.
- The Department forms part of the Ministry of Justice, headed by the Attorney General.

2. What we spend and how we spend it

The Budget for the Department is contained within Head 03-Judicial, of the Budget Book as part of the budget for the Ministry of Justice.

- a. Statement of Accounts:
See above

- b. List of Contracts with Values:

The Maintenance of our buildings infrastructure is the responsibility of the Ministry of Public Works. Outside of our usual contracts for cleaning and office supplies, we engage a private Security firm to provide security for the Magistrates Court on a full time basis and on an as needed basis for Supreme Court trials. We also engage a local Transcription service to transcribe discs when required for appeals to the Court of Appeal.

- c. Budget setting procedures and financial governance:
Spending is overseen by our Cost Centres officer who reports directly to the Registrar as the Department's Accounting Officer.

- d. What are our priorities and how are we doing:

- i. Our mission statement is to provide smooth and efficient administration of Justice. Irrespective of the number of matters filed, the mandate is to fulfill this mission. We have worked hard to reduce the backlog of Criminal cases from 79 to 18 and trials can now be offered within three months of Arraignment subject to the agreement of Counsel. The pace of civil cases is increasingly being driven by judicial case management though the parties or their attorneys can still influence that outcome, sometimes for tactical reasons.

- ii. The success of fulfilling our mission statement has a effect on the Bermudian Public, the
 - a. Government, Civil Authorities, and International Business, all of whom may be affected, directly or
 - b. indirectly.

- iii. Public Service Agreements
- iv. Employment policy operates within the guidelines set out in the Bermuda Public Services Union (BPSU) Collective Agreement, the Conditions of Employment and Code of Conduct (CECC), together with the Staff Handbook.

3. List and Registers

We maintain the following lists:

- a. The Cause Book (Civil Matters)
- b. Criminal List
- c. List of Divorces
- d. Book of Wills filed for Probate
- e. Bankruptcy

Section E: Administration (all public access) manuals [s5(1)e]

Practice Directions are issued from time to time by the Chief Justice for conducting departmental business and delivering services and these are issued following consultation with the Registrar and are posted on our web site www.gov.bm/judicial.

Section F: Decision-making documents [s5(1)f]

We do not have policy decisions to make other than to fulfill our mandate, but where operational decisions are required to be made, the Registrar consults with the Chief Justice.

Section G: The Information officer [s5(1)g]

Contact Information

Supreme Court Registry
 113 Front Street
 Hamilton HM12
 Tel: 292-1350
 Fax: 292-2268

Information Officer (for PATI queries)

Ms Alexandra Wheatley
 Assistant Registrar (Relief)
anwheatley@gov.bm
 Tel: 292-1350 x 2253

Section H: Any Other Information [s5(1)h]

Classes of Information Not Generally Included

The following information is not accessible, due to requirements of security or confidentiality, or exemption under the PATI Act 2010:

Information held in the personnel file of employees, unless that information is requested by the employee him/herself (subject to certain instances where disclosure may be allowed).

Exemptions According To The Act

Section 4(1) of the Act states that the Act does not apply to:

“Records relating to the exercise of judicial or quasi-judicial functions by any court, tribunal, or other body or person.”

By reference to Section 4 (2) this does not include records relating to general administration

- a. Health or safety: where disclosure would endanger the physical or mental health or the safety of an individual
- b. Documents containing information are exempt
- c. Commercial information
- d. Information received in confidence
- e. Cabinet documents
- f. Ministerial responsibility: where disclosure of records could undermine free and frank discussion and advice between Ministers, or between Ministers and public officers, in the course of their public duties
- g. Deliberations of public authorities: where disclosure could undermine free and frank discussion and advice during the course of the deliberative process
- h. Operations of public authorities: where disclosure could prejudice the effectiveness of operations of public authorities
- i. Records for which disclosure could have an adverse effect on the financial and economic interests of Bermuda
- j. National security, defence and international relations
- k. Governor’s responsibilities and communications with the United Kingdom
- l. Law enforcement records: where disclosure of certain types of information would prejudice law enforcement efforts or would endanger a person’s life or safety
- m. Legal professional privilege: where disclosure of records would be exempt from production in legal proceedings on the basis of legal professional privilege
- n. Records for which disclosure would be in contempt of court or a breach of parliamentary privilege
- o. Disclosure prohibited by other legislation The Supreme Court Records Act 1955 deals with Supreme Court Records and their disposal

p. Contempt of Court and Parliamentary privilege.

Section I: Any Other Information To be Provided? [s5(1)i]

Avenues for Accessing Information

Members of the Public may contact the PATI Information Officer in order to request information. (see Contact Information above)

Fees for Processing Requests

Depending on the type of information requested, a fee may be applied for processing. These fees will be in line with Bermuda Government guidelines.

Feedback and Complaints

See Contact Information noted above.

Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]

Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times by [s5(1-5), PATI Act]:

Date Information Statement was updated: 17th November 2012

Locations of Information Statement:

Your principal office: (www.judiciarygov.bm)	YES
The Bermuda National Library;	YES
The Bermuda Archives;	YES
Available electronically,	YES
Website for public authority.	YES
Have you published a notice in the Gazette indicating the places where the information statement is available for the public?	NO
With the Information Commissioner.	YES

Sign and Date: