

THE CUSTOS ROTULORUM ACT

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THE CUSTOS ROTULORUM ACT

Act
17 of 2011.

[23th September, 2011.]

1. This Act may be cited as the Custos Rotulorum Act. Short title.
2. In this Act— Interpretation.
- “Custos” means a Custos Rotulorum appointed in accordance with section 4 or any person appointed in accordance with section 9 to act as Custos Rotulorum;
- “Minister” means the Minister responsible for Justices of the Peace;
- “Justice” or “Justice of the Peace” has the meaning assigned to it under the Interpretation Act;
- “office of Custos” means the office of Custos Rotulorum established by section 3;
- “official seal” means the official seal prescribed under section 16 for the use of a Custos;
- “parish” in relation to a Custos means the parish in respect of which the Custos is appointed.
3. There is hereby established the office of Custos Rotulorum, to which persons may be appointed in accordance with section 4. Establishment of office.
- 4.—(1) A Custos shall be appointed by the Governor-General, on the advice of the Prime Minister. Appointment of Custos.
- (2) A person appointed as Custos shall before assuming office, take and subscribe before the Governor-General—
- (a) the oath of allegiance referred to in section 7 of the Oaths Act; and
- (b) the official oath referred to in section 8 of the Oaths Act.

Tenure of
office of
Custos.

Eligibility for
appointment
as Custos.

5. Subject to the provisions of this Act, a Custos shall hold office until the age of seventy-five years.

6. A person is eligible to be appointed as Custos if the person—

- (a) is a Justice of the Peace;
- (b) is a Jamaican citizen who has not attained seventy years of age;
- (c) is able to read and speak English fluently;
- (d) is a resident of the parish in respect of which such appointment is to be made so, however, that, a person to be appointed in respect of Kingston or St. Andrew may be a resident of either of those parishes;
- (e) is one who—
 - (i) displays the highest standard of professionalism and moral and ethical conduct;
 - (ii) commands the respect and confidence of the local community of which that person is a member; and
 - (iii) has given good service to the local community and the wider Jamaica.

Disqualifica-
tions for
appointment
as Custos.

7. A person shall be disqualified for appointment as Custos who is—

- (a) a member of the House of Representatives or the Senate;
- (b) an undischarged bankrupt;
- (c) convicted of any offence involving dishonesty or moral turpitude; or
- (d) either a—
 - (i) party to; or
 - (ii) partner in a firm, director or manager of a company, which to the person's knowledge, is a party to,

any contract with the Government for or on behalf of the public service, unless, prior to such appointment, the person previously disclosed to the Governor-General, the nature of the contract and such interest or the interest of such firm or company therein.

8. An office of Custos shall become vacant—

- (a) if the Custos resigns from the office;
- (b) if the Custos' appointment is terminated.

The office of Custos, when becomes vacant.

9.—(1) Where a vacancy arises in an office of Custos, the Governor-General may, acting on the advice of the Prime Minister, appoint a person who is eligible by virtue of section 6, to act as Custos until an appointment is made.

Filing of vacancy.

(2) Where by reason of—

- (a) inability to discharge the functions of the office of Custos (whether arising from infirmity of body or mind or any other cause);
- (b) absence from Jamaica,

a Custos is unable to perform functions as Custos, the Governor-General, on the advice of the Prime Minister, may appoint a person who is eligible by virtue of section 6, to act as Custos.

10.—(1) An Office of Custos shall be deemed to be vacated—

- (a) if any circumstances referred to in section 7 arise during that Custos' tenure that, if that person were not Custos, would have, by virtue of that section caused that Custos to be disqualified for appointment;
- (b) if the Custos transfers residence to another parish;
- (c) if the Custos attains the age of seventy-five years, unless specifically requested to continue by the Governor-General on the advice of the Prime Minister in order to—

Custos shall be deemed to vacate office.

- (i) enable the Custos to complete any matter engaged in before attaining that age; or
- (ii) facilitate the selection of a person for succession as Custos; however, the period of continuation in office shall not exceed two years.

(2) Subsection (1) shall not apply in relation to the circumstances of section 7(d), if the Custos, the firm or company had before entering into the contract, in writing, disclosed to the Governor-General the nature of the contract and the Custos' interest or the interest of the firm or company therein.

Removal from
office of
Custos.

11.—(1) Subject to subsection (2), a Custos may be removed from office on the following grounds—

- (a) inability to carry out the functions of the office of Custos (whether arising from infirmity of body or mind or any other cause);
- (b) failure to carry out the functions of the office of Custos in a competent manner; or
- (c) misbehaviour.

(2) The Custos shall be removed from office by the Governor-General by instrument under the Broad Seal if the question of the removal from office of the Custos has been referred to a tribunal appointed under subsection (3) and the tribunal has recommended to the Governor-General that the Custos ought to be removed from office on any of the grounds specified in subsection (1).

(3) If the Governor-General decides that the question of removing the Custos from office ought to be investigated, then—

- (a) the Governor-General shall appoint a tribunal, which shall consist of—
 - (i) the Permanent Secretary in the Ministry responsible for Justices of the Peace;