



THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

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No. 59

No. 152

THE JUDICATURE (RULES OF COURT) LAW, 1961
(Law 21 of 1961)

THE LEGAL PROFESSION ACT, 1971
(Act 15 of 1971)

The Disciplinary Committee (Appeal Rules), 1972

In exercise of the powers conferred on the Rules Committee of the Supreme Court by Section 4 of the Judicature (Rules of Court) Law, 1961 the following Rules are hereby made:—

1. These Rules may be cited as the Disciplinary Committee (Appeal Rules), 1972.

2. In these Rules—

“The Act” means the Legal Profession Act, 1971;

“appeal” means an appeal to the Court under section 16 or 18 of the Act;

“appellant” includes the attorney of or for the person aggrieved to whom the application relates;

“the Committee” means the Disciplinary Committee established under Section 11 of the Act.

"the Council" means the General Legal Council established under Section 3 of the Act;

"the Court" means the Court of Appeal;

"the record" shall include the complaint, the notes of evidence and any document filed or tendered in evidence;

"the Registrar" means the Registrar of the Court;

"the Secretary" means the person appointed by the Committee or Council to be Secretary of the Committee or Council as the case may be, or any person for the time being with the authority of the Committee or Council performing all or any of the duties as Secretary.

3. An appeal to the Court shall be by way of re-hearing and shall be brought by notice of motion hereafter referred to as notice of appeal.

4. (1) Every notice of appeal shall specify the grounds of the appeal and the precise form of the order which the appellant proposes to ask the Court to make and shall state an address for service within Jamaica.

(2) Except with the leave of the Court the appellant shall not be entitled on the hearing of an appeal to rely upon any grounds of appeal not specified in the notice of appeal.

(3) The Court may give leave to amend the notice and grounds of appeal upon such terms as may be just.

5. (1) The notice of appeal shall be filed with the Registrar and a copy thereof shall be served on the Secretary of the Committee or Council as the case may be and on every party directly affected by the appeal within 28 days from the date of the pronouncement of the order findings or decision appealed against.

* (2) The Secretary shall within fourteen days from the date when the notice of appeal is served on him, file with the Registrar and serve on the appellant a statement of the reasons considered by the Committee or Council to justify its decision.

6. Service of all documents required to be served on the Committee or Council shall be served on the Secretary of the Committee or Council, as the case may be. Service on any other party shall be as prescribed by the Court of Appeal Rules, 1962.

7. The Court may enlarge or abridge the time prescribed by these Rules for the doing of anything to which these Rules apply, or may direct departure from these Rules in any other way where this is required in the interest of justice.

* 8. The Committee or Council shall within six weeks from the date when the appeal is brought or within such time as may be granted by the Court or a Judge thereof, file the record together with five copies for the use of the Court.

9. The Registrar upon receiving the record shall set down the appeal for hearing before the Court and shall thereupon give notice to the appellant and to the Committee or Council, as the case may be, and to all parties upon whom the notice of appeal was served.

10. All fees payable in the Court shall be collected and received by impressed stamps and shall be the same as those prescribed by the Court of Appeal Rules 1962, where applicable.

11. In so far as they do not conflict with these Rules, the Court of Appeal Rules, 1962 Title I—Preliminary and Title II—Civil Appeals from the Supreme Court shall apply to appeals under Ss. 16 or 18 of the Act as they apply to civil appeals from the Supreme Court.

Dated this 3rd day of June, 1972.

H. G. H. DUFFUS, KT.
Chief, Justice, Chairman, Rules Committee.

C. G. X HENRIQUES, KT.
President, Court of Appeal.

K. C. HENRY,
Judge of the Supreme Court.

LEACROFT ROBINSON,
Attorney General.

R. M. MILLINGEN,
Crown Solicitor.

L. G. BARNETT,
Attorney-at-Law.

H. D. CARBERRY,
Attorney-at-Law.

K. C. BURKE,
Attorney-at-Law.

Members of the Rules Committee.