



BERMUDA GOVERNMENT
MINISTRY OF LEGAL AFFAIRS
PATI Information Statement

Name of Public Authority: Judiciary

Introduction

The Public Access to Information Act 2010 (“PATI”) was developed to give the public the right to obtain access to information held by public authorities; to increase transparency with regard to these authorities; to increase the accountability of public authorities; and to update and inform the public on the activities and decision-making of these authorities in a sustained and consistent manner.

Every person who is a Bermudian, or resident of Bermuda, has a right to obtain access to information held by public authorities, However, certain classes of information are protected by exemptions.

To aid in the provision of information to the public, PATI requires that each public authority produce an Information Statement. What follows is the Judiciary’s Information Statement.

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

Structure

The Judicial System of Bermuda consists of the Magistrates’ Court, the Supreme Court, the Court of Appeal and the Judicial Committee of the Privy Council in London. The structure of the Judiciary 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. Each Court is governed by its own legislation.

The Supreme Court Registry is responsible for the administration of the Court of Appeal and the Supreme Court. It is established by the Supreme Court Act 1905 and the Rules of Supreme Court 1985. The Registrar is the administrative head of the Judiciary, and its accounting officer.

Organization

(see Organizational Chart below)

The Court of Appeal is an intermediate Court of Appeal and its principle function is to adjudicate appeals from the Supreme Court of Bermuda in both civil and criminal cases (sometimes these cases having commenced in the Magistrates Court). The Supreme Court is comprised of five Supreme Court Justices who hear matters within the following divisions: Criminal, Civil, Commercial, Divorce & Family and Probate Jurisdictions. The Magistrates' Court has specialized Civil, Criminal, Traffic and Family Courts to ensure a dedicated response to these issues. There are also the Mental Health, Drug Treatment and pilot Driving Under the Influence (DUI) Courts, which continue to seek to reduce recidivism by addressing the drug, alcohol and mental health challenges of offenders.

The Mandate of the Administration Section of the Judiciary is to provide the services and support necessary to enable the Judiciary to achieve its mandate and to embody and reflect the spirit of the judicial oath when interacting with members of the public who come into contact with the Courts.

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]

The Court of Appeal is responsible for civil and criminal appeals from the Supreme Court.

The Supreme Court is responsible for:

- Civil (general) matters, where the amount in dispute exceeds \$25,000;
- Commercial matters, such as matter related to disputes concerning the activities of local and international companies and applications related to the restructuring and winding up of companies;
- Trust and Probate matters, concerning the administration of trust or estate assets;
- Mental Health applications appointing receivers to administer the assets of persons suffering from mental disability;
- Criminal matters involving serious matters or indictable offences including trials and various pre-trial applications;
- Appeals from Magistrates' Court and other statutory tribunals;
- Judicial Review applications related to administrative decisions of Ministers and other public bodies;
- Divorce Petitions and ancillary applications under the Matrimonial Causes Act as well as applications under the Minors Act and Children's' Act; and
- Call to the Bar applications.
- Granting Probate and Letters of Administration for deceased estates;
- Bankruptcy applications;
- Proceeds of Crime Act applications;
- Granting Notarial Certificates and Registered Associates certificates;
- Issuance of Subpoenas and Writs of Possession; and
- Processing Foreign Service documents.

The Magistrates Court is responsible for:

- Civil disputes, where the amount in dispute does not exceed \$25,000;
- Preliminary inquiries in indictable (criminal) cases and summary criminal trials;
- Landlord & Tenant disputes;
- Family matters falling within Section 13 of the Children Act 1998, which includes the adjudication of matters relating to care and protection of children, juvenile delinquency, access, maintenance, care & control;
- Emergency protective orders in cases involving domestic violence;
- Traffic violations
- Arrest and search warrants; and
- Managing all record requests relating to criminal & traffic offences.

The Registry staff are responsible for:

- Processing all court documents;
- Entering in the Cause book all new actions, and keep it open for inspection upon payment of the requisite fee;
- Updating the Criminal List, List of Divorces, Bankruptcy List and the Book of Wills, which can be similarly inspected;
- Receiving and processing applications for the grant of Probate or the Administration of intestate estates;
- Providing support to the Justices of Appeal, Supreme Court Judges and the Registrar;
- Maintaining the resources required for the effective functioning of the Courts;
- Listing cases for hearing;
- Recording all events which take place during the course of a case;
- Maintaining the secure custody and safety of all court records;
- Making relevant information available for court users; and
- Collecting and accounting for all fees and fines received by the Courts.

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

1) List and Registers –

We maintain the following lists and/or Registers:

- The Cause Book (Civil Matters);
- List of Divorces;
- Book of Wills filed for Probate; and
- Bankruptcy List.

Access may be obtained to the information included in the above lists and/or Registers upon payment of the requisite fees.

2) Court files relating to all matters adjudicated by the Courts –

Access may be obtained to court files in certain circumstances, and upon payment of the requisite fees. Otherwise these records may be considered exempt in accordance with Section 4 (1) or Section 23 of the PATI Act.

3) Employee personnel files –

These records may be considered exempt in accordance with Section 23 of the PATI Act.

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. These are issued following consultation with the Registrar and are posted on our website www.gov.bm/judicial.

The following information may also be found on our website:

- An overview of what we do;
- The Bermuda Judiciary Annual Reports from 2014 to date;
- Handbook for Civil Litigants in Person;
- Bermuda Small Claims Procedure at Magistrates' Court;
- Guidelines for Judicial conduct;
- Judicial Complaints Protocol;
- FAQ about making a Judicial complaint;
- Guidelines for Preparation of Appeals;
- Guidance Notes for Jurors;
- Weekly Court lists for the Magistrates' and Supreme Courts;
- Considered Judgments for the Court of Appeal from 2007 to date; and
- Considered Judgments from the Supreme Court from 2007 to date.

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

The Judiciary adjudicates all Court matters in accordance with the applicable laws of Bermuda.

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

Contact Information

Supreme Court Registry
Dame Lois Browne Evans Building
58 Court Street
Hamilton HM12
Tel: 292-1350
Fax: 292-2268

Information Officer (for PATI queries)

Cratonia Thompson
Assistant Registrar
cthompson@gov.bm
Tel: 292-1350 x 2253

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

Amended Practice Direction No. 23 of 2015 provides guidance for the benefit of persons seeking to access court files at the Registry of the Supreme Court. There are three ways for obtaining automatic access to court files if you are not a party to the proceedings:

- (1) When a case is no longer pending or active because it is finished, you can apply to the Registry for copies of documents;
- (2) When a case is pending, you can apply to the Registry for copies of any originating process (e.g. a writ, petition or originating summons) or orders made in the case;
- (3) When a reference is made in the course of a public hearing or in a public judgment to any documents on the court file, you have a common law right to apply for copies of the relevant document(s).

The current fees are: \$10.00 (Praecipe) + 50 cents per photocopied page.

Automatic access to documents in current or pending cases is only available in relation to cases filed on or after 1 December 2015. Automatic access is also not available in the following instances on privacy grounds:

- Any case where by Order of the Court, public access to such documents has been restricted by a file sealing order;
- Divorce proceedings and any other proceedings related to children;
- Applications in relation to arbitration proceedings;
- Applications for directions in relation to trusts;
- Cases relating to the administration of the estates of deceased's persons;
- Winding-up proceedings (to which the Companies (Winding Up Rules 1982 apply); and
- Any other category of case which may be identified from time to time by way of Circular by the Registrar.

It is possible to apply to the Registrar for permission to view and/or obtain copies of documents not automatically available. The Registrar will consult the parties to the case in question, and then exercise the Court's discretion. A decision by the Registrar in this regard can be appealed to a Judge of the Supreme Court. The Judge's decision is subject to a right of appeal to the Court of Appeal for Bermuda

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

The vast majority of documents held by the Judiciary fall within Section 4(1) of the PATI Act, which includes records relating to the exercise of judicial or quasi-judicial functions by any court, tribunal, or other body or person. PATI is not applicable to such records, and access may not be permitted, or may be permitted only in limited circumstances.

This exemption does not relate to records relating to the general administration of any of the Courts within the Judiciary, save for employee personnel files which are not accessible by members of the public in accordance with section 23 of the PATI Act. Additional exemptions that may relate to the Judiciary are detailed in Part 4 of the PATI Act.

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

Locations of Information Statement:

Principal office **YES**

The Bermuda National Library **YES**

The Bermuda Archives **YES**

Available electronically at:

PATI website: <https://www.gov.bm/public-access-information-pati> **YES**

Authority's website: <https://www.gov.bm/department/judiciary> **YES**

Information Commissioner **YES**

Have you published a notice in the Gazette indicating the places where the information statement is available for the public? **YES**

Date information statement was updated **18 December 2019**

Signed:



Name: **Cratonia Thompson**

Post: **Assistant Registrar** (Information Officer for the Judiciary)