



CAYMAN ISLANDS GOVERNMENT

JUDICIARY

JOB DESCRIPTION

Title:	Magistrate	Reports to:	Chief Magistrate and Chief Justice
Cost Centre:	0201	Remuneration:	As provided under the Judges Allowances and Emoluments Law

1. Job Purpose

To sit as a magistrate in cases in the courts of summary jurisdiction in the Cayman Islands.

2. Dimensions

As Magistrate, the postholder will preside in and be responsible for the conduct of proceedings in their Court. In 2024, the types and number of cases filed within the courts of summary jurisdiction were as shown in this table:

Cases filed in the summary jurisdiction	
SUMMARY COURT	
Criminal	1250
Treatment and Diversion Courts	60
Traffic	8500
Civil	220
Domestic Violence Proceedings	30
Private and Public Law Proceedings	90
YOUTH JUSTICE COURT	30
CORONER'S COURT	90

The Summary Court is established by the **Summary Jurisdiction Act** and exercises such jurisdiction as is conferred by that and other Laws.

3. Principal Accountabilities

- a. **The postholder will preside as a magistrate to hear cases coming within any of the categories listed above.**

All criminal cases begin in Summary Courts. Category A offences are sent to the Grand Court at first mention. Category B offences are triable either summarily or on indictment, at the election of the prosecution or the defence. If trial on indictment is elected, the magistrate holds a preliminary inquiry. Otherwise, the case is tried in the Summary Court. Category C offences are heard only in Summary Court.

The magistrates have very wide sentencing powers. There is general statutory jurisdiction to impose a sentence of imprisonment for up to 4 years for a single offence and up to a maximum of 8 when imposing consecutive sentences. In cases involving the illegal trafficking in hard drugs, magistrates may impose sentences up to 20 years on a first conviction and up to 30 on a second in exercise of their special statutory jurisdiction under the **Misuse of Drugs Act**. In cases involving the importation and possession of firearms, the magistrates sentencing jurisdiction is up to 15 years.

The postholder will also hear cases involving regulatory offences (e.g., immigration, pension, labour, etc.), cash seizure and related proceedings pursuant to the Proceeds of Crime Law. Extradition cases are also heard in the Summary Court.

In the civil jurisdiction, magistrates try disputes of a value of up to 20,000 Cayman Islands dollars.

The post-holder may be assigned to preside in one of the specialist treatment courts – Drug Rehabilitation, Mental Health and Domestic Violence.

In family matters, the post-holder hears public law proceedings (care proceedings) as well as private law cases (residence, contact, financial provision, relocation etc.).

The post-holder may be assigned to preside over inquests as coroner pursuant to the Coroners Law.

The post-holder will be assigned, on a rotational basis with other magistrates, as duty magistrate on weekends and public holidays to ensure that persons who have been detained by the police but not yet charged are able to have a hearing regarding their status.

The post-holder will also be assigned to sit in the Summary Court held monthly in Cayman Brac.
Cayman Brac.

b. Sitting as the chair or member of a statutory board or tribunal.

Some statutory boards or tribunals require the participation of a magistrate as a member or chairperson e.g. The Assessment Committee established under the Roads Law for the assessment of compensation for land taken compulsorily under that Law and The Planning Appeals Tribunal. The post-holder may be assigned to such boards or tribunals by the Chief Magistrate after consultation with the Chief Justice.

c. Other Duties

With the consent of the post-holder, such other duties as may be suitable to the position as magistrate, as may be assigned by the Chief Magistrate in consultation with the Chief Justice including the training of staff and Justices of the Peace, delivering lectures at the Truman Bodden law School, or speaking at public fora on matters to do with the administration of justice in the Summary Court).

4. Background Information

The Chief Justice is the Head of Judiciary.

In keeping with the Constitution, the Governor appoints the Chief Justice, the President and Justices of Appeal, the Grand Court Judges and the Magistrates on the advice of the Judicial and Legal Services Commission, a body formed by the 2009 Constitution.

Justice in the Cayman Islands is administered at three levels, in the courts of summary jurisdiction which include the Summary Court, the Coroners Court, the Youth Court and the Treatment Courts, the Grand Court and the Court of Appeal.

The Summary Courts exercise civil and criminal jurisdictions. Magistrates normally exercise jurisdiction sitting alone. Coroners' inquests are held in the Summary Court, where a Magistrate sits with a jury, as Coroner. Appeals from the Summary Court lie to the Grand Court.

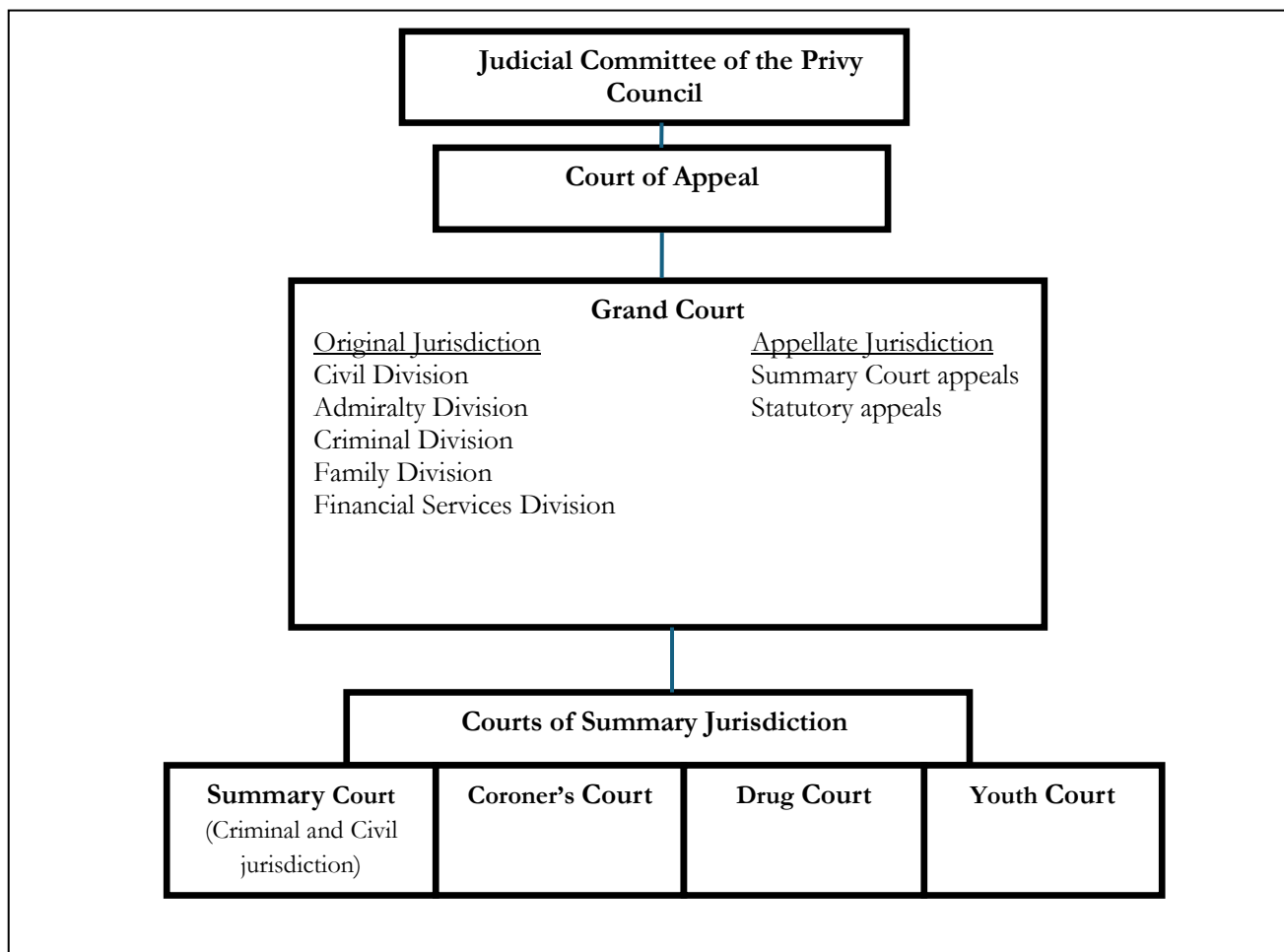
The Grand Court is a superior court of record exercising unlimited jurisdiction established by the Constitution and the Grand Court Law. It administers the common law and the law of equity, as well as locally enacted laws and applied laws all in keeping with the 2009 Constitution of the Cayman Islands including the Bill of Rights, Freedoms and Responsibilities contained in Part I. Dedicated Divisions of the Grand Court for Financial Services, Family, Criminal, Civil and Admiralty cases were established in November 2009.

Appeals from the Grand Court lie to the Cayman Islands Court of Appeal, comprising the President and not fewer than two Justices of Appeal. The Cayman Islands has a Court of Appeal (comprising the President and eight other Justices of Appeal), a Grand Court (comprising five resident Grand Court Judges, including the Chief Justice, and three non-resident Grand Court Judges, and a Summary Court (comprising a Chief Magistrate and three Magistrates).

A final appeal lies with leave in criminal cases and as of right in civil cases over a certain value, to the Judicial Committee of the Privy Council in London.

Further information can be found at www.judicial.ky.

5. Court Structure



6. Knowledge, Experience and Skills

The statutory minimum requirement under to the Summary Jurisdiction Law is a minimum of 5 years post-qualification experience in the practice of law in a Commonwealth jurisdiction.

The post-holder must be able to command the respect of the legal profession and the community and possess absolute integrity. He/she must be impartial and independent of all outside influences and must conduct himself/herself at all times in a way that is consistent with the dignity of judicial office and in keeping with the Judicial Code of Conduct.

The post-holder must be able to demonstrate procedural fairness in all Court cases and deal tactfully and courteously with all participants in such cases as well as with the public. Propriety and appearance of propriety are essential to the performance of all the activities of a magistrate.

The post-holder will be a person of maturity and sound judgment who possesses strong skills in the areas of communication and listening; conflict/crisis management; time management; case management and interpersonal skills.

There are pilot Court projects underway in the Summary Court towards a more restorative approach to the treatment of domestic violence offenders; D.U.I offenders and offenders with mental health

challenges who find themselves in conflict with the law. These projects may lead to the promulgation of legislation for the establishment of specialist courts, in the mode of the Drug Rehabilitation Court, for dealing with such cases.

The Judicial and Legal Education Institute has responsibility for the training of Judicial Officers

7. Assignment and Planning of work

The Chief Magistrate, in consultation with the Chief Justice, is responsible for the management of the work of the Summary Court.

The post-holder will be assigned by the Chief Magistrate on different aspects of the work of the Summary Court. The post-holder will be responsible for and have independent conduct of the trial of all cases to which he/she is assigned.

The standard of strives to deliver accurate and comprehensively reasoned judgments where necessary either immediately or within a maximum period of two months, save in exceptional circumstances.

The management of the work of the Summary Court is aimed at allowing for time for the writing of judgments.

8. Supervision of others

The post-holder has supervisory responsibility for their personal assistant and for the court staff attending Summary Court proceedings.

9. Other work relationships

In addition to working closely with the Chief Magistrate and the other magistrates, the post-holder will interact frequently with various other members of the Judiciary and administrative staff. *Esprit de corps* among a small team of judicial colleagues is essential.

10. Decision making authority and controls

The post-holder reports through the Chief Magistrate to the Chief Justice as the Head of the Judiciary but is constitutionally independent when exercising his/her judicial function.

11. Problem Features

While many cases require full reasoned decisions, not all do. The need to prioritize the delivery of judgments is a requirement of the position. The ability to work under pressure to produce judgments will be required.

The essential requirements of confidentiality regarding case information, impartiality and the appearance of political neutrality are of especial importance but often a challenge to maintain, in a relatively small community like the Cayman Islands.

12. Working Conditions

Normal office hours apply but a magistrate must be prepared from time to time to work outside normal office hours to meet the demands of the administration of justice as they may arise in a particular case.

Leave is taken at times convenient to the post-holder and in keeping with the needs of the Summary Court, with the approval of the Chief Magistrate and the Chief Justice.

AGREED BY:

Postholder: _____ **Date:** _____

Honourable Chief Justice: _____ **Date:** _____

His Excellency the Governor: _____ **Date:** _____