

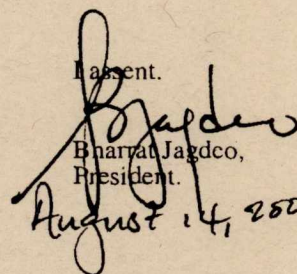
THE OFFICIAL GAZETTE 14TH AUGUST, 2009
LEGAL SUPPLEMENT — A



GUYANA

ACT No. 9 of 2009

TIME LIMIT FOR JUDICIAL DECISIONS ACT 2009

Consent.

Bharat Jagdeo,
President.
August 14, 2009

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Application of Act.
3. Cases to be tried expeditiously.
4. Time limit for decisions in civil cases.

5. Time limit for decisions in appeal cases.
6. Persistently failing to write or give decisions.
7. Failure to write or give decisions.
8. Extension of time in special cases.
9. Judge to inform Chancellor of non-compliance.
10. Judge's report.
11. Report of the Chancellor.
12. Regulations.
13. Transition.

AN ACT to specify a time limit in accordance with article 197 (3) of the Constitution within which a Judge shall give a decision in a civil case and any appeal case and for connected matters.

A.D. 2009

Enacted by the Parliament of Guyana:-

Short title.

1. This Act may be cited as the Time Limit for Judicial Decisions Act 2009.

Application of Act.

2. This Act applies to Judges of the Court of Appeal, the High Court and the Full Court.

Case to be tried expeditiously.

3. A case shall be tried as expeditiously as possible in an endeavour to conclude the case within such time as the complexity and the relevant evidence necessitate.

Time limit for decisions in civil cases.

4. (1) A Judge who presides at the trial of a civil case shall give a written or an oral decision and reasons for the decision at the conclusion of the hearing of the case or as soon as possible after the conclusion of the hearing but not later than one hundred and twenty days from the date of conclusion of the hearing.

(2) In this section a civil case includes an interlocutory proceeding and a decision includes an interlocutory decision.

Time limit for decisions in appeal cases.

5. Where the Court of Appeal or the Full Court hears an appeal, a Judge on behalf of the Court or each Judge of the Court shall give a written or an oral decision and reasons for the decision at the conclusion of the hearing of the appeal or as soon as possible after the conclusion of the hearing but not later than thirty days from the date of conclusion of the hearing.

Persistently failing to write or give decisions.

6. In accordance with article 197 (3) of the Constitution a Judge may be removed from office for, among other reasons, persistently failing to give written or oral decisions and reasons for the decisions within the time specified in this Act.

Failure to write or give decisions.

7. Where a Judge fails to write or give an oral decision and reasons for the decision within the time specified in section 4 or 5 or the extended time granted under section 8 the Chancellor shall cause the Registrar to notify the Judge that the Judge has failed to comply with the given time limit and that if the Judge persists in not writing or giving oral decisions as prescribed by this Act, action may be taken under article 197 of the Constitution with a view to removing the Judge from office.

Extension of
time in special
cases.

8. (1) If a Judge cannot comply with the time limit in section 4 or 5 then the Judge may apply to the Chancellor for an extension of time.

(2) A Judge shall apply for an extension of time —

- (a) in writing;
- (b) not less than twenty-one days before expiration of the specified time limit;
- (c) providing reasons and evidence of any supporting circumstances why the Judge cannot meet the time limit; and
- (d) proposing the duration of extension sought.

(3) The Chancellor may grant an extension of time where —

- (a) the case is shown to be a complex one;
- (b) the Judge claims to be ill and the illness is supported by a medical certificate;
- (c) the Judge cites as a reason, a claim of additional official assignments;
- (d) no injustice occurs from the grant; or
- (e) any other claim by the Judge is accepted as reasonable.

(4) Where the Chancellor is satisfied that a Judge is entitled to an extension of time to write or give a decision, the Chancellor shall, by notice in writing, grant an extension of time that is reasonable in the circumstances of the case.

(5) Where the Chancellor is not satisfied that the Judge ought to be granted an extension, the Chancellor shall direct the Judge to give the decision within thirty days beginning from the date of receipt of the intimation from the Chancellor or from the date of expiration of the specified time limit, whichever date is the later.

9. As soon as practicable, but not later than 31st March of the succeeding year, where a Judge has not, in the preceding year, complied with the time limit in section 4 or 5 or the extended time granted under section 8 the Judge shall, through the Registrar of the Supreme Court, inform the Chancellor of the case in which the provision was not complied with.

Judge to
inform
Chancellor of
non-
compliance.

Judge's report.

10. (1) The Chancellor may, by regulation, require a Judge to submit an annual report to the Chancellor with respect to the status of each case assigned to the Judge for each year.

(2) The time for and contents of the Judge's report may be prescribed.

Report of the
Chancellor.

11. (1) As soon as practicable, but not later than 31st March of the succeeding year, the Chancellor shall instruct the Registrar to submit to the Speaker of the National Assembly an annual report for the preceding year consisting of —

- (a) each case of non-compliance with the prescribed time limit under section 4 or 5 or the extended time under section 8; and
- (b) each notice given under section 7.

(2) The report of the Chancellor shall be laid before the National Assembly within thirty days of its submission to the Speaker if the Assembly is sitting, and if the Assembly is not sitting, at the first meeting on the resumption of the Assembly.

(3) Nothing in this section shall be construed as providing an opportunity to debate in the National Assembly on the conduct of a Judge.

Regulations.

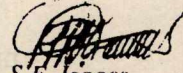
12. The Chancellor may make regulations for carrying the provisions of this Act into effect, and without limiting the generality of this provision, providing —

- (a) for a Judge to write a report to the Chancellor with respect to the status of each case assigned to the Judge for each year;
- (b) for the time within which the Judge shall write the report; and
- (c) the contents of the Judge's report.

Transition.

13. Where a Judge or Court has concluded the hearing of a civil case or an appeal but has not given the decision before the coming into operation of this Act the Judge or the Court shall be deemed to have concluded the hearing of the case or appeal on the date of the coming into operation of this Act and shall accordingly give the decision in compliance with this Act.

Passed by the National Assembly on 23rd April, 2009.


S.E. Isaacs,

Clerk of the National Assembly.

(Bill No. 8 /2009)