

PITCAIRN, HENDERSON, DUCIE & OENO ISLANDS

JUDICATURE (COURT REGISTRY) RULES 2016

Made by the Governor upon the advice of the Chief Justice, in exercise of the powers conferred by sections 20 and 25(5) of the Judicature (Courts) Ordinance

RULES

PART I – PRELIMINARY

Citation and commencement

1. These rules may be cited as the Judicature (Court Registry) Rules 2016 and shall come into operation on the day after they are published.

Interpretation

2. In these rules:

“business day” in relation to a court registry, means any day that is not a court holiday;

“business hours”, in relation to a court registry, means the hours that the registry is required to be open under rule 3(3);

“court” means –

- (a) the Magistrate’s Court established under section 10 of the Judicature (Courts) Ordinance;
- (b) the Supreme Court constituted by section 45 of the Constitution of Pitcairn; or
- (c) the Court of Appeal constituted by section 49 of the Constitution of Pitcairn.

“court holiday” means the days listed in rule 3(2);

“public holiday” in a given place means a day that is recognised as a public holiday or bank holiday under the laws in force in that place;

“Registrar” and “Deputy Registrar” in relation to any court means the person appointed as Registrar or Deputy Registrar of that court in accordance with section 21 of the Judicature (Courts) Ordinance;

“registry” in relation to any court means the registry of that court appointed under s 25 of the Judicature (Courts) Ordinance;

Jonathan Smith
31/10/16



PART II – COURT REGISTRY BUSINESS HOURS

Business hours of court registries

3.–(1) The registry of each court will be open on every day of the year except for court holidays.

(2) The following are court holidays:

- (a) Saturdays and Sundays;
- (b) 25 December (Christmas Day);
- (c) 26 December (Boxing Day);
- (d) 1 January (New Year's Day);
- (e) 2 January;
- (f) Good Friday;
- (g) Easter Monday; and
- (h) any other day which is a public holiday in the place where a court registry is located.

(3) The registry of each court will be open from 10 am to 4 pm on every business day.

(4) In this rule, a reference to a specific time of day is a reference to the standard time adopted in the location in which the registry is located.

PART III – FILING OF DOCUMENTS

Methods of filing

4. A document may be filed with a court by –

- (a) handing it to the Registrar, Deputy Registrar, or a person authorised by the Registrar to receive it;
- (b) personal delivery or post to the registry;
- (c) sending it by facsimile to a number provided by the Registrar; or
- (d) sending it by electronic means to an address provided by the Registrar.

Date of filing

5. A document is filed–

- (a) in the case of a document filed under rule 4(a), on the day it is handed over;
- (b) in the case of a document filed by personal delivery to the registry,—
 - (i) on the day on which it is delivered, if it is delivered within the business hours of that registry;
 - (ii) otherwise, on the next business day after it is delivered;
- (c) in the case of a document sent by post, on the business day on which it is received at the registry;
- (d) in the case of a document sent by facsimile or electronic means,—
 - (i) on the day on which it is sent, if that day is a business day

- and if it is sent by no later than 2.30pm that day,
- (ii) otherwise, on the next business day after it was sent; and
- (e) in any case, on the day on which the Registrar or Deputy Registrar responds to it, if that is earlier.

Computation of
time

- 6.-(1) This rule applies to the calculation of any period of time for filing a document in a court.
- (2) Where a period of time is expressed as a number of days—
- (a) the period shall be computed as clear days;
 - (b) section 24(d) of the Interpretation and General Clauses Ordinance applies.
- (3) A period of time expressed as a month or number of months means a calendar month or number of months.
- (4) If the last day of the period is a court holiday, the period shall include the next business day.
- (5) In this rule ‘clear days’ means that in computing the number of days, the following days are not included –
- (a) the day on which the period begins; and
 - (b) if the end of the period is defined by reference to an event, the day on which that event occurs.