

- Have good knowledge of customs, cultures and traditions
- Has time to serve the community ;
- Maintain independence and impartiality; and
- Have the ability to keep social distance from his/her immediate community.

A person would normally write to the Minister of Justice if they are interested in becoming a JP. The person making the request must meet the criteria noted above for selection. This means that a JP is required to fulfill social and moral obligations, in conjunction with the legal duties and responsibilities.

Who appoints JPs?

JPs in Fiji are appointed by the Minister for Justice in consultation with the Chief Justice under Section 11 of Magistrates' Courts Act (Cap.14). Before a JP can act, he or she must take an oath of Allegiance and the Judicial Oath. The duration of a JP's term is normally for 3 years which can be renewed. Any complaints against JPs are to be lodged with the Minister for Justice/ Chief Justice's Office. If these complaints have merit and can be proved, they should be considered when any re-appointment takes place.

The Difference Between JPs & Commissioner for Oaths

It should be noted that a JP does not have the general powers to administer oaths which is vested in the Commissioner for Oaths appointed under



the Legal Practitioners Decree 2009 – this is mainly reserved for lawyers who are admitted to practice in the High Court of Fiji.

In reality, there are two types of JPs:

An ordinary individual or person who has the duty and responsibility as a JP due to the reasoning that he or she is engaged in social or community work for the best interests and welfare of the common people; and

Individuals admitted to practice in Court of Fiji by virtue of being barristers and solicitors (lawyers) or simply regarded as court officers who are also given the title as the “Commissioner for Oaths”.

Conclusion

Some JPs are charging fees for their services. This is unlawful and morally wrong because they are placed in the community to serve the needs of the poor and disadvantaged. Consumers should report JPs who make a business out of this privilege and noble position to the Justice Ministry for appropriate and necessary disciplinary action.

Some individuals become JPs for prestige and to build their CV with no interest to serve the public. Members of the public have to wait long hours to be served by the JP or the JP turn them away because some JPs don't have time to serve them. Sometimes poor and disadvantaged members of our society incur cost (through bus or taxi fare) when JPs turn them away.

JPs are awarded a three-year certificate and can be deregistered by the Minister for Justice if found to be acting outside their powers or unfairly. Consumers can also approach the office of the Consumer Council of Fiji to lodge their complaints or to seek advice on JP services.



CONSUMER COUNCIL OF FIJI

Suva Head Office

4 Carnarvon Street
Private Mail Bag
Tel: 330 0792
Fax: 330 0115

Email: complaints@consumersfiji.org

Lautoka Office

Suit 4, Popular Building, Vidilo Street
P O Box 5396
Tel: 666 4987
Fax: 665 2846

Email: consumerltk@connect.com.fj

Labasa Office

19 Jaduram Street
P O Box 64
Tel: 881 2559
Fax: 881 2559

Email: colbs@connect.com.fj

Website: www.consumersfiji.org

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fees. In that respect, JPs are not supposed to charge fees nor do they have the legal right to collect fees or charges for their services under the Magistrates' Courts Act. They are bestowed with a privilege to act as JPs as they are already involved in helping people through community and social work. Their additional responsibility as JP allows these social or community workers to be readily available to serve members of the public without any fees. Note, *only certain documents can be signed by JPs. Currently, JPs are restricted from signing birth certificates and only Commissioner for Oaths are given the right to sign this document.*

What are the Duties and Responsibilities of JPs?

Because JPs interact with the community and people for mainly social work, they are entrusted to continue assisting and serving the needs of the poor and disadvantaged.

JPs have the following responsibilities:

Declaration of truth

A JP must take particular care and due diligence to see that any oath which he or she verifies is in the correct manner. He or she must ensure that the deponent (the person who makes a written statement for use in a law court) understands the nature of the oath and that it is binding in the form in which it is taken. Original documents must be seen before photocopies or other non-original copies are signed. Some times a JP may be asked to put his or her name to a document(s), the contents of which he or she may know to be false, including declarations about matters of which in fact he or she knows nothing. This must be avoided and if consumers' are not sure, they should contact the appointing authority for clarification.

Who is a Justice of Peace or JP?

A JP is a person who is appointed by the law to serve the needs of the community or individuals who cannot afford a lawyer. JPs provide services free of charge. JPs are not allowed to charge any fees by law for providing the service while lawyers or Commissioners of Oaths have the right to charge legal fees.

What Powers do JPs have?

JPs have statutory or legal powers pursuant to section 12 of Magistrates' Courts Act (Cap.14) to issue mainly summons and warrants. Before exercising such powers, it is the duty of a JP to ensure that he or she has the authority to do so or refer the case to the Chief Registrar of the High Court of Fiji.

Why JPs are important to our Society or Community?

JPs provide a service that is mostly accessed by those consumers who cannot afford lawyers and their related

Respect and comply with rule of law

By the nature of his or her appointment, a JP is expected to comply with every requirement of the law. A JP is chosen as a person in whom the Minister for Justice and the Chief Justice has put their trust in to exercise his or her powers, rights and duties without question. If he or she fails, then this person would be seen to have betrayed that trust.

Act within the powers bestowed upon them

A JP may be appointed for the whole of Fiji or some part of Fiji. If he or she is appointed only for a part of Fiji (local community area, etc), then he or she must exercise great care to ensure that he or she does not act outside their boundaries.

Readily available to the public

It is the duty of a JP to make himself or herself readily available at reasonable hours to the public for performance of any of his or her duties. If a JP ceases to reside in the area for which he or she was appointed, or, if a JP changes his or her address, or if a JP migrates overseas, he or she must inform the Permanent Secretary for Justice and the Chief Registrar of the High Court.

No fees or gift for JPs

A JP must honestly discharge his or her duties without seeking or taking any fees or gifts in kind for serving the public. Unlike a Commissioner for Oaths, a JP is a privileged position given to certain individuals to assist the community without charging any fees.

Consumers or the public who know that a JP in their community is charging fees or accepting gifts in kind must report the matter immediately to the Ministry of Justice or the Chief Registrar's Office.

Social and Moral obligation to help the Public

JPs are socially and morally obliged to assist the public with their needs and interests, especially when a particular issue is affecting the nation at large. For example, JPs should be proactive to report any constraints and grievances on the behalf of the communities they serve such as any potential increase in the prices of products and services or cases of corruption that undermines development. They should assist their respective communities to address consumer problems and NOT burden them by charging FEES for their own services.

Can a JPs appointment be revoked (terminated)?

The Minister may terminate JPs based on any of the following grounds:

- The JP has been declared by a competent medical authority or medical practitioner to be of unsound mind;
- is or was under a death sentence imposed on him or her by a court in the Fiji Islands or in another country;
- has been sentenced to imprisonment for a term more than 12 months; engages in conduct contrary to his or her allegiance, obedience or adherence to the State or;
- is an undischarged bankrupt either in the Fiji Islands or in another country.

How are JPs appointed?

Appointments of JPs are based on the following. He or She must:

- Have good character and ability;
- Be respected and have good standing in society;