

SCHEDULE

THE CONSTITUTION OF ST HELENA, ASCENSION AND TRISTAN DA CUNHA

CHAPTER 3

TRISTAN DA CUNHA

PART 6

THE ADMINISTRATION OF JUSTICE

Supreme Court

Jurisdiction of Supreme Court

220.—(1) Subject to this Constitution, the Supreme Court shall have and may exercise all such jurisdiction in and in relation to Tristan da Cunha as is necessary to administer the law of Tristan da Cunha.

(2) Without prejudice to the generality of subsection (1), the Supreme Court shall possess and may exercise in and in relation to Tristan da Cunha, subject to this Constitution and to any other law, all the jurisdiction which is vested in, or is capable of being exercised by, Her Majesty's High Court of Justice in and in relation to England.

Sittings of Supreme Court

221.—(1) Subject to subsection (2), the Supreme Court may sit in Tristan da Cunha or outside Tristan da Cunha.

(2) The Chief Justice and any other judge or acting judge of the Supreme Court may hold sittings of the Court when outside Tristan da Cunha, if satisfied that—

- (a) a matter arising in a proceeding before the Court needs to be dealt with promptly;
- (b) every party to the proceeding is able to participate, in person or through a legal representative, by teleconference or other means of electronic, oral or written communication;
- (c) no injustice will result; and
- (d) the course proposed is in the public interest.

(3) The Chief Justice when outside Tristan da Cunha may exercise such powers of revision, variation, confirmation or setting aside of any sentence or order made by a subordinate court as are conferred on him or her by any law.

Exercise of jurisdiction of Supreme Court

222.—(1) The Chief Justice or any other judge or acting judge of the Supreme Court may hold the Supreme Court.

(2) A judge holding the Supreme Court has, in exercise of the jurisdiction of that Court, all the powers and authority of the Court, and, if not the Chief Justice, has the jurisdiction, powers, authority, privileges and immunities conferred on the Chief Justice.

(3) If, at any time, there are two or more judges who may hold the Supreme Court, each of them may hold sittings of the Court simultaneously.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) In this section, “Chief Justice” means the person holding the office of Chief Justice.