



**BERMUDA  
1955 : 36**

**SUPREME COURT (RECORDS) ACT 1955**

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FIRST SCHEDULE  
*[deleted by 1971:111]*

SECOND SCHEDULE  
*[omitted]*

[3 May 1955]

*[preamble and words of enactment omitted]*

**Interpretation**

- 1 In this Act "records of the Supreme Court" means —
  - (i) any documents retained by the Registrar in his official custody; and

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- (ii) any registers or indices maintained by the Registrar in pursuance of this Act.

### **Retention and disposal of records**

2 (1) Subject to any other statutory provision, and to any direction which may from time to time be given by the Chief Justice in that behalf, it shall be the duty of the Registrar to retain in his official custody all judgments, orders, documents, relating to process, proceedings, pleadings, depositions, affidavits, wills, letters of administration, inventories, transcripts of evidence, and all other documents of whatever nature deposited, transmitted, filed, served, lodged, issued or exhibited in connection with the exercise of any jurisdiction or power conferred by or under any provision of law upon the Supreme Court, or upon any judge, or upon any officer of the Supreme Court.

(2) Notwithstanding anything in the foregoing provisions of this section, and subject to any express provision of law, the Chief Justice may from time to time give directions for the disposal of any of the records of the Supreme Court in any case where he is satisfied, after consultation with such public authorities as he may think appropriate in the circumstances, —

- (a) that such records need no longer be retained for the purposes of the administration of justice; and
- (b) that the retention of such records is not required for the purpose of properly maintaining the archives of Bermuda or for any other historical purpose,

and where any such direction as aforesaid is given by the Chief Justice it shall be the duty of the Registrar, as soon as may be, to give effect thereto.

### **Inspection; copying; certified copies**

3 (1) Subject to any Rules of Court made under this Act, the Registrar, upon the application of any person and upon the payment of the appropriate fee prescribed under the Court Fees and Expenses Act 1971 [*title 8 item 7*]—

- (a) shall allow that person to inspect and examine any of the records of the Supreme Court; and
- (b) shall allow that person to copy or make extracts from any of the records of the Supreme Court; and
- (c) shall cause to be prepared and furnished to that person a certified copy of any of the records of the Supreme Court.

(2) Nothing in the foregoing provisions of this section shall be construed so as to require or authorize the Registrar, on the application of any person not entitled by any provision of law, and not duly authorized in that behalf, to allow the inspection or examination, or to prepare and furnish copies, of any of the following documents, that it to say, —

- (a) any pleadings or other documents relating to any civil proceedings then pending in the Supreme Court; or
- (b) any depositions or other documents relating to any part of any proceedings taken under the Indictable Offences Act 1929 [*title 8 item 32*], from which the public has, in pursuance of that Act, been excluded; or
- (c) any discretion statement or report of a medical examiner in a matrimonial cause; or
- (d) any notes of evidence taken by a judge in any proceedings; or
- (e) any documents relating to any part of a trial from which all or any portion of the public has, in pursuance of section 9(4) of the Act of the Parliament of the United Kingdom entitled the Official Secrets Act 1920, been excluded.

(3) Without prejudice to any other remedy which may be available to him, any person aggrieved by a refusal of the Registrar to allow him to inspect or examine any of the records of the Supreme Court, or to prepare and furnish copies of any such records, may appeal against such decision of the Registrar to a Judge.

**Rules of Court**

4 (1) The Supreme Court may make Rules for carrying the foregoing provisions of this Act into effect; and, without prejudice to the generality of the foregoing provision, Rules of Court made as aforesaid may provide —

- (a) for requiring the maintenance by the Registrar of registers and indices of documents retained by him in pursuance of this Act;
- (b) for prescribing the safeguards to be observed in connection with the custody of the records of the Supreme Court;
- (c) for specifying the conditions under which any of the records of the Supreme Court may be inspected, examined or copied;

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- (d) for prescribing or authorizing methods (including photography and other photographic or mechanical processes) by which copies of any of the records of the Supreme Court may be prepared for the purposes of section 3(1)(c);
  - (e) for specifying the public officers by whom copies of any of the records of the Supreme Court may be certified as true copies, and with respect to sealing of such certified copies; and
  - (f) with respect to regulating the procedure in connection with appeals to a Judge from a decision of the Registrar in pursuance of section 3(3).
- (2) Rules made as aforesaid shall not prescribe fees otherwise than as specified in this Act.
- (3) Nothing in the foregoing provisions of this section shall be construed so as to derogate from or abridge any express provision of any other statutory provision —
- (a) relating to the maintenance of any register by the Registrar; or
  - (b) relating to the furnishing by the Registrar of a certified copy of any document.
- (4) Section 6 of the Statutory Instruments Act 1977 [*title 1 item 3*] shall not apply to any rules made under this section.

### **Fees**

5 There shall be payable to the Registrar such fees as may be prescribed under the Court Fees and Expenses Act 1971 [*title 8 item 7*].

### **Study or research purposes**

6 Without prejudice to anything in the foregoing provisions of this Act the Registrar may, in his discretion, and upon payment of such fee as may be prescribed under the Court Fees and Expenses Act 1971 [*title 8 item 7*], issue to any person who satisfies him that he wishes to read, or take extracts from, any of the records of the Supreme Court for the purposes of study or research, and otherwise than for business purposes or professional practice, a ticket in a form approved by the Registrar and renewable annually, allowing access during ordinary office hours to any such record.

### **Commencement**

7 [*omitted*]

[*this Act was brought into operation on 23 May 1955*]

**Variation of effect of statutory provisions**

8 [omitted]

**Consequential repeal**

9 [omitted]

**Act applies to records held before 23 May 1955**

10 [omitted]

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**FIRST SCHEDULE**

*[deleted by 1971:111]*

**SECOND SCHEDULE**

VARIATION OF EFFECT ON STATUTORY PROVISIONS

*[omitted]*

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*[Amended by*

1967 : 187

1971 : 111

1977 : 35.]