



**BERMUDA
1965 : 174**

PROVOST MARSHAL GENERAL ACT 1965

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FIRST SCHEDULE
FORM OF OATH

SECOND SCHEDULE
[*omitted*]

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THIRD SCHEDULE

[repealed]

[7 August 1965]

[preamble and words of enactment omitted]

Appointment of Provost Marshal General

1 (1) The Governor may from time to time appoint a fit and proper person to be Provost Marshal General who shall hold office during the Governor's pleasure.

(2) Where the Provost Marshal General is absent the Governor may, if he thinks it expedient, appoint a fit and proper person to perform the duties of the Provost Marshal General during the period of his absence; and any person so appointed shall during such period be deemed for all purposes and in all respect to be the Provost Marshal General.

Powers and duties

2 The Provost Marshal General shall have the powers and perform the duties conferred or imposed upon the Provost Marshal General by or under any Act, and shall in addition perform such duties as a Crown Officer, being duties of a ceremonial or formal nature, as the Governor may from time to time direct.

Appointment of Deputy Provost Marshal General and bailiffs

3 The Governor may appoint a Deputy Provost Marshal General and such number of bailiffs, on such terms and conditions of service, as the Governor may think fit for the purpose of the proper exercise or discharge of the functions of the Provost Marshal General.

Powers of Deputy and bailiffs

4 Any duty of the Provost Marshal General in the service and execution of the process of any court and any other duty of the Provost Marshal General under any provision of law may be performed by the Deputy Provost Marshal General or any bailiff directed to perform such duty by the Provost Marshal General or the Deputy Provost Marshal General.

Liability of Provost Marshal General

5 All actions arising out of the acts or defaults of the Provost Marshal General the Deputy Provost Marshal General and the bailiffs in the discharge of or failure to discharge the duties of the Provost Marshal General shall be brought against the Provost Marshal General who shall be liable for the acts and defaults of the Deputy Provost Marshal General

and the bailiffs in like manner as is the Sheriff of an English County for the acts or defaults of his under-Sheriff and bailiffs.

Oath to be administered

6 The Deputy Provost Marshal General and each bailiff shall on his appointment and before being capable of performing any duties take an oath before the Chief Justice or an Assistant Justice which shall be in the form provided in the First Schedule.

Misconduct

7 If the Deputy Provost Marshal General or any bailiff shall wilfully do anything contrary to his oath as aforesaid or shall be guilty of any neglect, misconduct or breach of duty, whether he be in or out of office at the time of the complaint made, he shall be liable to be brought by summons or warrant before the Chief Justice or an Assistant Justice to answer for such misbehaviour, and if the charge against him shall be proved to the satisfaction of the Chief Justice or Assistant Justice he shall, without prejudice to any proceedings for an offence against any provision of law, forfeit for such offence, for the use of the party complaining or aggrieved, such sum, not exceeding one hundred and twenty dollars as the Chief Justice or Assistant Justice shall think fit to award; and shall be liable to be committed by order of the Chief Justice or Assistant Justice to prison for a term not exceeding six weeks or until such sooner time as he shall pay his said forfeiture.

Police to assist

8 Every police officer, at the request of the Provost Marshal General, the Deputy Provost Marshal General or a bailiff, shall render such assistance as may be necessary for the due execution of any writ or warrant.

Service of civil process of Magistrates' Courts

9 (1) Wherever it is provided by or under any Act, that a court of summary jurisdiction, magistrate, or justice of the peace may issue a summons or a warrant in respect of any cause, action, matter or other proceeding of a civil nature (including a warrant for the arrest of a person for failure to pay a sum or sums of money other than a fine), then, notwithstanding any provision of law, such summonses or warrants shall be addressed for service or execution to the Provost Marshal General and he, or the Deputy Provost Marshal General, or any bailiff directed by one of them so to do, shall be empowered and required to serve or execute the same and such fees as may be prescribed under the Court Fees and Expenses Act 1971 [*title 8 item 7*] shall be paid by the person applying for such process to the Provost Marshal General before he serves or executes the same.

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(2) In respect of any writ or other process issued out of the Supreme Court, which the Provost Marshal General, the Deputy Provost Marshal General, or any bailiff is empowered and required to serve or execute, such fees as may be prescribed under the Court Fees and Expenses Act 1971 [*title 8 item 7*] shall be paid by the person applying for such process to the Provost Marshal General before he serves or executes the same.

Proof of service

10 (1) Where any summons or other process issued by a court of summary jurisdiction, magistrate or justice of the peace is served by the Provost Marshal General, Deputy Provost Marshal General or a bailiff the service may be proved by endorsement on a copy of the summons or process under the hand of the person who has served the same showing the fact and mode of service.

(2) A Court may take judicial notice of the signature of the Provost Marshal General, Deputy Provost Marshal General and a bailiff or may require proof thereof.

(3) Any person who wilfully endorses any false statement on a copy of a summons or other process commits an offence against this Act:

Punishment on summary conviction: imprisonment for 6 months.

Misconduct; removal from office

11 Any Deputy Provost Marshal General or any bailiff who is convicted of an offence against this Act shall be removed from his office.

12 [*repealed by 1975:25*]

Process to be addressed to Registrar where Provost Marshal General is a party or a witness

13 (1) In any suit, action or other proceeding in any court to which the Provost Marshal General is a party, all writs and other process therein shall be addressed for service or execution to the Registrar of the Supreme Court.

(2) In any suit, action or other proceeding in any court, where any writ or other process is issued requiring or compelling the appearance of the Provost Marshal General as a witness, such writ or process shall be addressed for service or execution to the Registrar of the Supreme Court.

(3) Where any writ or process is addressed for service or execution to the Registrar of the Supreme Court, the provisions of this Act shall apply as if the Registrar of the Supreme Court were the Provost Marshal General and the said Registrar may direct a bailiff to serve or execute the same.

Transitional

14 [omitted]

Repeal

15 [omitted]

Repeal

16 [omitted]

Amendment

17 [omitted]

Commencement

18 [omitted]

[this Act was brought into operation on 1 March 1966 by SR&O 4/1966]

PROVOST MARSHAL GENERAL ACT 1965

FIRST SCHEDULE

FORM OF OATH OF DEPUTY PROVOST MARSHAL GENERAL OR
BAILIFF

"I [*blank*] of [*blank*] Parish do swear that I will carefully keep and duly and speedily execute all process whatsoever which shall be to me delivered; and I will make no returns of any process, but of such as have been duly served; and that I will not receive or take, by any colour, means or device whatsoever, or consent to the taking of any fee, reward, gratuity, or other consideration whatsoever, either immediate, future, conditional or contingent, or any promise or assurance of an manner of fee, reward, gratuity or other consideration whatsoever, for forbearing or delaying to serve any process to me delivered or for forbearing to summon any inquest or jury returned or to be returned; but I will perform and execute all the duties of my office faithfully, honestly, diligently and impartially, without favour, affection or wilful delay, according to the best of my knowledge, discretion and abilities."

SECOND SCHEDULE

[omitted]

THIRD SCHEDULE

[repealed by 1971:111]

[Amended by:

1967 : 2
1969 : 182
1971 : 80
1971 : 111
1975 : 25]