

IMPORTANT !

After serving the summons, the Plaintiff must take the Court 's copy to a Justice of the Peace to have it sworn then return the Court copy to the Court 's Office at least three (3) days before the *Return Day*.

When serving a summons please ensure that the following steps are also fulfilled:

1. That the name and address of the person who served the summons is disclosed in the affidavit of service.
2. That it is indicated in the Affidavit the date that the summons was served.
3. That the person who served the summons signs the document in the presence of the Justice of the Peace.
4. That the section of the Affidavit to be completed by the Justice of the Peace is correctly completed.
5. That the place of service and the name of the person upon whom the summons is served are both indicated.

Key Terms Explained:

Defendant: Any party who is required to answer the complaint of a plaintiff or pursuer in a civil lawsuit before a court, or any party who has been formally charged or accused of violating a criminal law.

Plaintiff: Also known as a claimant or complainant, is the term used for the party who initiates a lawsuit (also known as an action) before a court. By doing so, the plaintiff seeks a legal remedy, and if successful, the court will issue judgment in favour of the plaintiff and make the appropriate court order (e.g., an order for damages)

Return Day: The date given by the court for your next hearing or appearance.

OUR SERVICE CHARTER

What you can expect from us

When you visit a court, staff will:

- Be courteous, helpful, professional and respectful to your needs.
- Provide fair treatment for all parties whether they appear with legal representation or not.
- Deliver prompt and responsive service within reasonable time of your arrival to the court.
- Be respectful of your privacy (unless there are legal requirements to disclose information).
- Provide information that is clear and understandable in relation to administrative matters.
- Listen to your requests in relation to administrative matters and give directions accordingly.
- Listen to comments about our services and try our best to resolve those that can be resolved.
- Provide adequate information on court dates and cases.

When you call us our staff will:

- Answer telephone calls within four rings and ensure that enquires are dealt with courteously and efficiently.
- Tell you what is happening, if you have be put on " hold ", and if we transfer the call, you will be informed of the name of the person to whom you are being transferred .

When you write to us, we will:

- Provide a written reply to your letters and emails within a maximum of ten (10) working days. When this is not possible notification will be made by what ever means available.
- When responding to letters or email we will be clear, precise, concise and courteous.
- All respond will bear a signatory 's name, date full address and reference number where applicable.

What we cannot do :

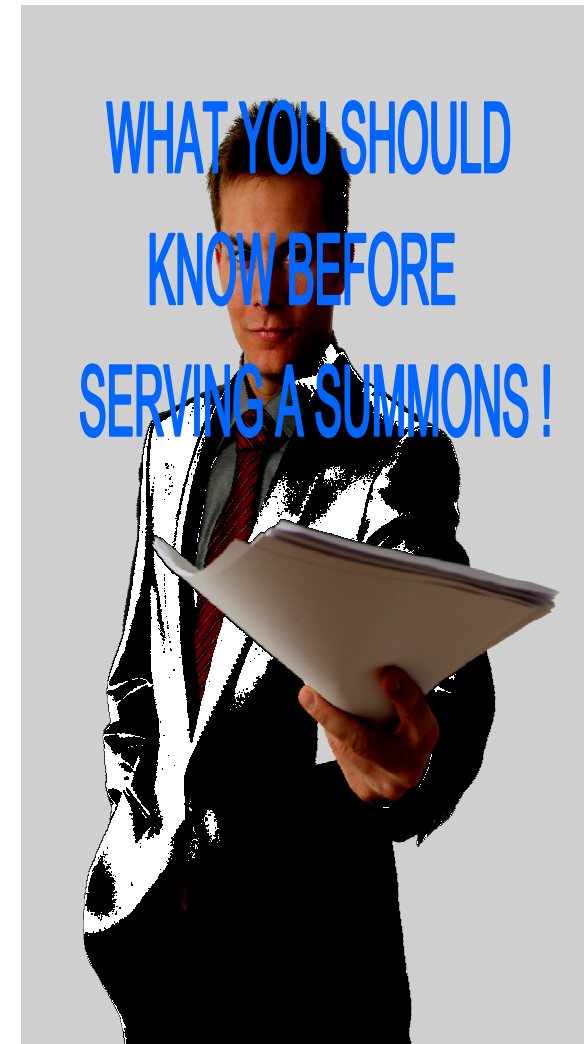
- Give legal advice.
- Recommend to you a certain lawyer.
- Tell you what the decision of the Court will be.
- Interpret or change orders made by a Judicial officer.
- Facilitate you communicating with a Judge or Resident Magistrate other than at the hearing of your court case .

Perform any activity which will be in breach of the Law, Policies of the Court Management Services, or the Government of Jamaica Staff Orders



CORPORATE AREA RESIDENT MAGISTRATE' S COURT (CIVIL DIVISION)

"Timely Delivery of a High Standard of Justice for All"



HOW A SUMMONS SHOULD BE SERVED

Service by the Court Bailiff

This is the preferred method of serving a summons.

PLEASE SPEAK WITH A MEMBER OF STAFF AT THE COURT 'S INFORMATION DESK FOR FUTHER DETAILS.

Personal Service

To effect personal service the *Plaintiff* must hand to the Defendant, the Defendant 's copy of the summons personally.

N.B If the Defendant refuses to accept the summons then it is acceptable to drop it at the Defendant 's feet. ***If this is done however it must be indicated in the Affidavit of Service.***

Inmate Service

This method of service is effected by leaving the summons at the Defendant' s dwelling place (home) with someone over the age of sixteen (16) years of age. The name of the individual that you leave the summons with, his approximate age and his relation to the Defendant must be ascertained since this information must be indicated in the Affidavit of Summons.

Service on a Company

Service may be effected by leaving the summons at the Company 's registered office with one of the following persons:

- Company 's secretary
- Director
- Manager

OR

- By sending the summons by way of registered post.

Please find out the name of the person that the summons is left with and his position in the company.

This information must be disclosed in the Affidavit of Service.

Service in Recovery of Land Cases

If the Defendant/Tenant cannot be served personally, service may be effected by affixing the summons on the entrance (door) of the dwelling house or property to be recovered or on any other conspicuous part of the premises.

N.B. The Affidavit of Service must indicate the number of attempts made to serve the Defendant personally and the fact that the summons was affixed to the entrance of the property.



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Where the Defendant Tries to Evade Service

Where a Defendant keeps his house or business closed with a view to prohibit service, it is acceptable in any action, to place a copy of the summons to the door of his/her premises.

THINGS YOU SHOULD KNOW BEFORE YOU SERVE A SUMMONS

- **Ordinary Summons or White Summons** must be served on the Defendant at least eight clear (8) days, before the Court date.
- **Judgment Summons** must be personally served on the Defendant at least ten (10) clear days before the court date.
- **Pink Summons** must be personally served on the Defendant at least twelve (12) clear days before the Court date.
- **Clear Days means that neither the date of service nor the date of Court is counted.**
- Summonses must **not** be served by a Police Officer, except for a District Constable.
- Summonses must not be served on a Sunday or Public Holiday.

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