



Ruling Council of the Empire of Adammia

Act 48

Courts, Judiciaries and Juries Act 2018

In accordance with the Supreme Directive of the Empire of Adammia, on the authority of the Ruling Council and His Imperial Majesty the Emperor, this following Act of Council is hereby enacted, with the purpose of reforming the Empire's judicial system so as to be able to address the future needs of the Empire.

Section 1: The Empire's court system shall be divided into two streams;

- a) Criminal Courts
 - i. The Criminal Courts shall be responsible for presiding over all breaches of Imperial Law that constitute Criminal Offences.
- b) Civil Courts
 - i. The Civil Courts shall be responsible for presiding over all breaches of the Imperial Law that constitute Civil Offences.

Section 2: The Grand Court shall be founded as the highest order of Court, with the following characteristics:

- a) The Grand Court is presided over by the Monarch themselves, or any substitute judge(s) that they see fit (See Section X for the appointment of judges).
- b) The Grand Court is the third and final tier of Court whose decision may not be appealed and whose precedent is binding over all other Courts.
- c) The Grand Court may adjudicate on both Criminal and Civil litigation.
- d) The Grand Court shall be abbreviated to GC in legal reference documents, with the prefix of Crl for Criminal cases, and Cvl for Civil cases.
- e) For the purposes of this Act, the Grand Court is a Court of Appeal.

Section 3: The Appellate Courts shall be founded as the second tier of Criminal and Civil Court with the following characteristics:

- a) Two Appellate Courts shall be created: A Criminal Appellate Court and a Civil Appellate Court (These may also be referred to as Courts of Appeal).
- b) These Courts may be presided over by any judge, so long as that judge did not preside over the case being appealed.
- c) The Criminal Appellate Court shall be responsible for adjudicating over appeals made in the High Court (i.e. Criminal Matters), and may make the following decisions:
 - i. Accept the appeal, deny the appeal, order a retrial by the same or a different judge or refer to the Grand Court.
- d) The Civil Appellate Court shall be responsible for adjudicating over appeals made in the

Crown Court (i.e. Civil Matters), and may make the following decisions:

- i. Accept the appeal, deny the appeal, order a retrial by the same or a different judge or refer to the Grand Court.
- e) Both the Criminal and Civil Appellate Courts have precedent binding over the High Court and Crown Court.
- f) The Criminal Appellate Court shall be abbreviated as CrIAC, and the Civil Appellate Court shall be abbreviated as CvIAC in legal reference documents.

Section 4: This section creates the Courts of First Instance, known as the High Court and the Crown Court with the following characteristics:

- a) The High Court shall be responsible for adjudicating Criminal cases.
- b) The High Court shall be presided over by any judge.
- c) The High Court may find the accused guilty, innocent, or in extreme situations refer the matter to the Grand Court.
- d) The High Court must consult a jury as defined in Section 8 before it hands down its decision.
- e) The High Court shall be abbreviated as HC in legal reference documents.
- f) The Crown Court shall be responsible for adjudicating Criminal cases.
- g) The Crown Court shall be presided over by any judge.
- h) The Crown Court may find the accused guilty, innocent, or in extreme situations refer the matter to the Grand Court.
- i) The Crown Court shall be abbreviated as CC in legal reference documents.

Section 5: The creation of the role of judge and their appointment.

- a) Judges are figures who make the final decision in any Court, after hearing the arguments and evidence of both parties.
- b) The appointment of judges shall be conducted by the Monarch after citizens have expressed interest in such a role.
- c) The Monarch may make use of any appropriate (i.e. non-illegal discriminatory) criteria such as relative expertise and experience.
- d) Multiple judges may be assigned to a case if its character is deemed worthy of a larger panel.
- e) Judges in the Appellate Courts may not preside over a case which they have handed down a judgement in the Court of First Instance.
- f) Once given a case, the judge must be given or given instruction as to how to find the relevant legal information to the case. If such information has not been seen, then the Court may not sit until such information is known to the judge.
- g) The Monarch may reassign a judge from the case if they are not making reasonable effort to avail themselves of the relevant legal knowledge.
- h) If a judge has shown themselves to be incapable of performing their job correctly, then they may be removed from the position by the Monarch or by an order of the Court should they be found guilty of corruption.
- i) Judges are capable of handing down the following remedies and sentences:
 - i. Injunction – When an injunction is given, the act(s) in question must cease, effective at the time provided by the judge for a duration provided by the judge. This is capable of being handed down in Criminal and Civil Courts.
 - ii. Compensation – Where damage has been sustained, the offending party must provide monetary recompense of an amount deemed proportional to the harm suffered by the judge. This is capable of being handed down in Criminal and Civil Courts.
 - iii. Exile – Where the conduct is deemed to be sufficiently against the laws and values of the Empire, a citizen or honorary citizen may be exiled. This is

capable of being handed down in a Criminal Court. This banishment may be temporary, or it may be permanent. This punishment is an exception to Section 7 (d) and the party will remain a citizen or honorary citizen until the Appeal process has been resolved. This punishment is subject to additional review by the Monarch.

- iv. Demotion – Where the conduct has been of such a character as to demonstrate that the offending party is not capable of honestly performing their role, then that role may be stripped of them, along with the relevant titles. This may be handed down in Criminal and Civil Courts.
- v. Voidance – The effects of the government act in question are reversed and the parties restored to their previous states as best as possible. Voidance does not provide compensation. This may be handed down in Civil Courts.
- vi. Fine – Where there is no appropriate punishment, then a fine may be exacted from someone who has committed a wrong which is to be added to the Imperial Treasury at a rate deemed reasonable by the judge, proportional to the severity of the act. This may be handed down in a Criminal or Civil Court.

Section 6: Appeals shall operate thusly:

- a) Appeals may be permitted for both Civil and Criminal cases.
- b) Appeals must be founded on one of the following bases:
 - i. The judge has incorrectly applied Imperial Law, thus their decision must be reviewed by a Court of Appeal.
 - ii. The judge has not applied Imperial Law, thus their decision is not legitimately founded and must be reviewed by a Court of Appeal.
 - iii. The judge has not followed Court procedure properly, meaning that the integrity of the Court was compromised. The decision must be reviewed by a Court of Appeal to ensure that a fair trial was given.
 - iv. In the High Court, where a judge derogates from the recommendation of the jury. The Court of Appeal will decide whether such derogation is justifiable on the basis of Imperial law.
- c) Where an appeal is requested, it must be decided by the judge to preside over the case in the Appellate Court whether the appeal can be heard (i.e. that it is founded on one of the above bases). The judge must respond in a timely manner to the request for an appeal.
- d) If the request for an appeal is accepted, then the Court of First Instance's decision stands until such a time that it has been struck out by an Appellate Court.
- e) If the request for an appeal is denied, then the judge's decision shall be carried out as instructed by the judge.

Section 7: The appointment of juries:

- a) Citizens and Honorary citizens may be selected for jury duty by the Monarch or an appropriate Minister.
- b) Where a Citizen or Honorary citizen is chosen, they must work to the best of their ability with the judge of the High Court to find a date appropriate for the trial to be attended.
- c) Where the jury member is unable to find a reasonable time-frame to attend the trial, then they may be replaced by another who is able to attend.

Section 8: The Position of Attorney General

- a) The Attorney General is the personal legal counsel to the Office of State and the Monarch.
- b) The Attorney General shall represent the government as the prosecution in Criminal cases.
- c) The Attorney General shall represent the government as the defence in Constitutional cases.
- d) The Attorney General may not serve as a judge.

- e) The Attorney General may offer his opinion to governmental bodies as to the legality of their actions.

Section 9: This section hereby establishes the Court Offences of Perjury, Contempt of Court and amends the doctrine of corruption to include Corruption in Court.

- a) Perjury shall be defined as when one makes a deliberate lie or misrepresentation under oath during a judicial proceeding.
- b) This is applied to any witness or interpreter who so is consulted by the Court to provide information.
- c) Contempt of Court shall be defined as behaving in an improper or disrespectful manner during a judicial proceeding, or refusing to abide by the judgement of the Court.
- d) This is applied to any party other than the presiding judge(s) on the case, whether it be the defending or prosecuting party, their representatives, witnesses, interpreters or simple observers of the trial.
- e) During an e-trial, any act which disrupts the integrity of the trial may result in a charge of contempt of court. This includes the unsolicited posting of images, the communication of inflammatory or irrelevant matters, or any other such act that lies outside of Court procedure that the judge deems severe enough to demonstrate contempt.
- f) Corruption in Court shall be defined as where a judge has taken a bribe, or otherwise has acted dishonestly in their handing down of a judgement. The standard punishment for corruption applies.
- g) These are Criminal offences and thus are subject to the sentences and remedies available for criminal matters.

Written and tabled by Lord Sir Alexander Helliker: *Prime Minister of Adammia*

AYES: 7		NOES: 0
Adam I		
A. Helliker		
A. Bond		
C. Gurr		
E. Simpson		
S. Maude		
H. Peace		

Abstentions: O. Davies

PASSED

Signed,

Adamus Primus Imperator

6th June 2018 23:30
VI.VI.MMXVIII CLVII.VI.ADAMVS I