



Imperial Parliament of Adammia

Act 60

Judicial Reform Act 2020

In accordance with the Supreme Directive of the Empire of Adammia, on the authority of His Imperial Majesty the Emperor, the Ruling Council and the House of Citizens, in Parliament assembled, this following Act of Parliament is hereby enacted, with the purpose of reforming the application of Adammic law, both acting upon the recommendations of the Helliker Report, and drawing upon the good work of Anthony Clark in the Union of Mercia and Lurk, whom we credit.

Section 1: General amendments to prior judicial law

- a) Section 1 Subsection a) Part i) of the Courts, Judiciaries and Juries Act 2018 shall be amended to: "The Civil Courts shall be responsible for presiding over all breaches of the Imperial Law that are not specifically designated as criminal offences and do not constitute violations of the Supreme Directive."
- b) Section 1 Subsection f) of the Courts, Judiciaries and Juries Act 2018, as inserted by the Court Procedures Act 2018, shall be amended to: "A legal person is: any individual human being; any registered company, political party, sports association or other such organisation appropriately registered with the Imperial Government; any institution of the Monarchy, Imperial Parliament or Imperial Government of Adammia; or any local provincial council or colonial government."
- c) Section 5 Subsection b) of the Courts, Judiciaries and Juries Act 2018 shall be amended to: "The appointment of judges shall be made by agreement of the Monarch and both chambers of Parliament. The removal of a person as a judge may be done by the same measure."
- d) Noting that Section 2 Subsection a) of the Court Procedures Act 2018 cannot be properly interpreted, it is declared that the subsection being inserted into the Courts, Judiciaries and Juries Act 2018 Section 5 shall be known as subsection j), and subsection i) of the Courts, Judiciaries and Juries Act 2018 shall continue to be known as it was originally.
- e) In Section 5 Subsection i) Part i) of the Courts, Judiciaries and Juries Act 2018, replace "Criminal and Civil" with "all".
- f) In Section 5 Subsection i) Part v) of the Courts, Judiciaries and Juries Act 2018, replace "Civil" with "all".
- g) For the purposes of Section 5 of the Courts, Judiciaries and Juries Act 2018, the Grand Court shall be considered a criminal court when it is hearing criminal cases, and a civil court when it is hearing civil cases.
- h) In Section 10 of the Courts, Judiciaries and Juries Act 2018, as inserted by the Court Procedures Act 2018, Subsection f) shall be: "Constitutional Law contains all violations of the Supreme Directive", and Subsection g) of the same shall be null and void.

Section 2: General provisions

- a) The Imperial Parliament shall not pass any ex post facto law which retroactively creates violations of law in the past, though it may pass ex post facto laws of amnesty.
- b) The Imperial Parliament shall not pass any law which cannot be repealed by the Imperial Parliament in the future.
- c) Any action specified in legislation as an “offence” shall be considered a criminal offence, unless otherwise specified.
- d) Imperial Decrees and Acts of Parliament, unless otherwise specified, shall be considered to apply to all full citizens of the Empire, living in provinces, colonies, territories or abroad, except:
 - i. Where the law in question has an obvious geographic component; or
 - ii. Where all the parties involved live in a colony where the law in question does not apply.
- e) Amending Section 14 of the Court Procedures Act 2018, the term Respondent shall be considered synonymous with Defendant for all types of cases, and for the purposes of this Act, and the same shall be the case for the term Claimant with respect to the term Plaintiff.
- f) A person may not be prosecuted for a crime for which they were previously found not guilty, except if:
 - i. The verdict or some other aspect of the original case was unlawful;
 - ii. New compelling evidence comes to light that could reasonably change the verdict, such as a credible admission of guilt;
 - iii. The legal action is an appeal to the original case, rather than a separate new case.
- g) A person may not be prosecuted for a crime for which they were previously found guilty under any circumstances.
- h) In all judicial cases, the burden of proof is on the party initiating the case.
- i) In criminal cases, the standard of proof is beyond a reasonable doubt.
- j) In civil cases, the standard of proof is on the balance of probabilities.
- k) All parties involved in a case have the right to access all evidence involved in the case by discovery, which must be facilitated by the court.
- l) Cases shall be named according to the formula [Plaintiff] versus [Defendant], abbreviated as [Plaintiff] v. [Defendant].
 - i. Where the plaintiff is the Monarch or the Attorney General, the plaintiff shall be known as Imperator, abbreviated as I, and spoken as “the Crown”.
- m) In addition to the behaviour defined by Section 9 of the Courts, Judiciaries and Juries Act 2018, the following behaviour is also defined to constitute the offence of Contempt of Court:
 - i. Refusing to attend the court when summoned;
 - 1. Except where the person has a legitimate reason not to attend the court, such as macronational privilege.
 - 2. Whether a reason is legitimate is to be decided by the court.
 - ii. Making any statement that, in relation to an active case, creates a real risk of prejudicing the court's impartiality;
 - 1. Except if, at the time of publication, having taken all reasonable care, they do not know and have no reason to suspect that the relevant case is active.
 - iii. Violating any lawful order of the court, or obstructing the execution of a court order.

Section 3: Juries

- a) This section amends and replaces in full Section 7 of the Courts, Judiciaries and Juries Act 2018.
- b) Where a jury trial is required, the relevant Court shall randomly select a number of full

- citizens to serve as jurors.
- c) Citizens may not be compelled to serve as jurors, but should make good effort to attend the trial to which they have been summoned.
 - d) The Court shall randomly select another citizen to replace a juror who:
 - i. Cannot perform jury duty;
 - ii. Declines to perform jury duty; or
 - iii. Poses a risk of prejudicing a trial due to having a personal interest in the outcome of the trial.

Section 4: Judicial Review

- a) Any executive action of His Majesty's Imperial Government may be reviewed by an appropriate court, and subject to injunction and/or voidance if it is found to be unlawful.
- b) Any local law or executive action of a provincial local council may be reviewed by an appropriate court, and subject to injunction and/or voidance if it is found to be unlawful; voidance in this case may repeal all or part of local law where it is found to contravene an Imperial Decree, Act of Parliament or the Supreme Directive.
- c) A law or executive action of a colonial government may be reviewed by an appropriate court, and subject to injunction and/or voidance if it found to have violated an Imperial Decree or Act of Parliament that specifically applies to that colony, or the Supreme Directive.
- d) Judicial review of lower courts by superior courts shall be handled by the appeals system.
- e) The Office of State, when sitting as the constitutional court, shall be known as the Court of Chancery.
- f) An Action of the Monarchy may be reviewed only by the Court of Chancery, and subject to injunction and/or voidance if it is found to have violated the Supreme Directive.
- g) An Imperial Decree or Act of Parliament may be reviewed only by the Court of Chancery, and subject to voidance if it is found to contravene the Supreme Directive; voidance in this case shall overturn all or part of the Imperial Decree or Act of Parliament in question.
- h) For the purposes of subsections a), f) and g), the relevant bodies shall be represented by the Attorney General.
- i) Judicial review shall take the form of criminal or civil action initiated in the standard way.
 - i. Section 10 of the Court Procedures Act 2018 is hereby repealed.

Section 6: Overriding objectives

- a) The overriding objectives of all courts shall be:
 - i. Establishing the truth;
 - ii. Issuing remedies that consider:
 - 1. The circumstances and severity of the conduct in question;
 - 2. The circumstances of the parties; and
 - 3. The severity of the consequences for the defendant and others affected;
 - iii. Dealing with all parties fairly;
 - iv. Recognising the rights of the defendant;
 - v. In criminal cases, recognising the rights of victims and witnesses, which includes:
 - 1. Reasonable protection from the accused;
 - 2. Reasonable, accurate and timely notice of any court proceeding involving the crime;
 - 3. Not being excluded from any such court proceeding involving the crime, unless the court determines that testimony by the victim or witness would be materially altered if they heard another testimony at that proceeding;
 - 4. Being treated with fairness and with respect for the victim's dignity and privacy; and
 - vi. Dealing with proceedings efficiently and expeditiously.

- b) In the absence of existing legislation and precedents on a particular issue, courts should undertake proceedings and issue orders, verdicts and remedies in accordance with these overriding objectives.
- c) Any order, verdict or remedy issued by a court is unlawful if it contravenes these overriding objectives.

Section 7: General procedure

- a) Sections 5, 6 and 7 of the Court Procedures Act 2018 are hereby repealed.
- b) Proceedings in all courts shall be initiated by the filing of a petition with the Monarch by the prosecutor or plaintiff, which shall identify:
 - i. The prosecutor or plaintiff;
 - ii. The defendant;
 - iii. The nature of the petition, which for a criminal case shall be a petition for indictment, and for a civil case shall be a petition for relief; and
 - iv. Other particulars specified in the procedures for criminal or civil cases;
- c) Upon receipt of such a petition, the Monarch shall either:
 - i. Assign the case to the appropriate first instance court, or an appeal court if the petition is for an appeal, and assign a judge to hear the case;
 - ii. Assign the case to the Grand Court, where the Monarch may elect to hear the case themselves, or assign it to another judge;
 - iii. Reject the petition, if and only if it does not comply with the above subsection b).
- d) Petitions for appeals may also be made by the defendant, and shall also include statements of:
 - 1. The verdict or order being appealed; and
 - 2. The grounds for the appeal under Section 6 of the Courts, Judiciaries and Juries Act 2018.
- e) The Monarch should not assign a case to a judge who has a personal interest in the outcome of the case, including themselves in the Grand Court.
- f) At any time, a court may order a retrial, under a different Judge, if it determines that a substantive right of a party to the case was significantly prejudiced. Under such circumstances, the Monarch shall assign a different Judge to the case.

Section 8: Service

- a) All documents filed in a case must be served unless otherwise ordered by the court.
- b) A document is properly served if:
 - i. It is served to all parties involved in the case (unless otherwise specified by the court);
 - ii. It is served either:
 - 1. By means communicated by a party to the court as preferable to them; or
 - 2. By any other means suitable by which it is likely the party will receive it;
 - iii. It is stated that the party must acknowledge service of the document; and
 - iv. No other document, statement or material is provided with the document that might prejudice a substantive or procedural right of the party.
- c) On receipt of any document by proper service, a party must notify the court that they have received the document.
- d) A party's failure to notify the court in accordance with subsection c) does not prejudice proper service.

Section 9: Orders and verdicts

- a) For the purposes of court procedure, an order is an instruction issued by the court to implement a procedural power prescribed to it in law, except for:
 - i. The verdict; and
 - ii. Any remedies or sentences.

- b) An order does not impose any obligation on an individual party if that party was not served or otherwise notified of the order.
- c) A court may definitely or indefinitely stay any case or the execution of any order:
 - i. On the motion of a party to the case; or
 - ii. Of its own accord.
- d) A superior court may stay any case or the execution of any order of a lower-level court in response to an appeal; this constitutes judicial review.
- e) For the purposes of court procedure, a motion is a request by a party involved in a case for the court to issue a particular order.
- f) A court may dismiss a case without handing down a judgement if, and only if:
 - i. Both parties agree to dismiss the case; or
 - ii. The court determines that the case is frivolous, or cannot be resolved to an acceptable legal standard, due to contempt of court arising on either side, or otherwise.
- g) A court may hand down a default verdict against a party if, and only if:
 - i. The party has failed to plead or defend; or
 - ii. The party consistently fails to comply with the court procedures as set out in law.
- h) The above subsection o) notwithstanding, a court must not hand down a default verdict if:
 - i. The charge or claim is frivolous; or
 - ii. It would otherwise be in the interest of upholding the overriding objectives not to hand down a default verdict.
- i) A party may move to set aside a default verdict within seven days of the verdict being handed down.
- j) It is lawful for a court to hear a case ex parte, provided that, as soon as possible, the excluded party:
 - i. Receives access to all details relating to the case; and
 - ii. Has the opportunity to appeal any order made as part of the case.

Section 10: Criminal procedure

- a) A petition for indictment shall, besides the requirements set out in Section 7, include a list of counts, each of which refers to a separate commission of a criminal offence by the defendant. For each count, there shall be:
 - i. A description of the conduct constituting the commission of the offence; and
 - ii. An identification of the legislation that creates the offence.
- b) Once a petition for indictment has been assigned to an appropriate court, the court must issue an indictment to the defendant which summons them to a trial as set out under Section 8 of the Court Procedures Act 2018, unless it determines that the case is frivolous.
- c) Though any person may bring a criminal case, the Attorney General may at any time during the case move to assume the position of the prosecution.
 - i. If a private prosecutor moves to dismiss a case, whilst the Attorney General moves to assume the prosecution, the court must not dismiss the case and must allow the Attorney General to take up the prosecution.
 - ii. If the defendant in a criminal case is the Attorney General or a body of government represented by the Attorney General, such a motion must not be granted by the court.
- d) Amending Section 8 of the Court Procedures Act 2018, after subsection b), the Judge shall prompt the defendant to plead on each count.
 - i. For the counts on which the defendant pleads guilty, the court shall:
 - 1. Verify that there is a factual basis for the plea of guilty;
 - 2. Having done so, the Judge shall hand down a verdict of guilty, and the rest of the said subsection b) shall be disregarded.
 - 3. The Judge may still hand down a verdict of not guilty in response to a guilty plea if, and only if, there is no factual basis for the plea, for example, if it appears that the defendant was coerced into pleading guilty.

- ii. For the counts on which the defendant pleads not guilty, the case shall proceed in accordance with the rest of subsection b).
- iii. For counts where the defendant refuses to plead, the court shall assume that they plead not guilty.
- iv. In the interest of clarity, the previous clause takes precedence over Section 9 Subsection g), and invokes Subsection h) of the said Section, only where there is a need to establish a matter of truth as part of the overriding objectives under Section 6.

Section 11: Civil procedure

- a) A petition for relief shall, besides the requirements set out in Section 7, include:
 - i. A statement of the claim, showing that the plaintiff is entitled to relief; and
 - ii. A demand for the relief sought, which may include relief in the alternative, or different types of relief, but which must in all cases take the form of remedies available to civil courts according to law.
- b) The plaintiff is entitled to have the merits of a petition for relief considered by the court if:
 - i. Concrete and particularised injury has been or will imminently be suffered by:
 - 1. The plaintiff; or
 - 2. The general public;
 - ii. The injury arose from the actions, or lack thereof, of the defendant; and
 - iii. The granting of the relief will redress the injury.
- c) The court may dismiss any case where the petition for relief does not comply with subsection b).
- d) Where the court accepts that a petition for relief complies with subsection b), the defendant shall be summoned to answer to the claim.
- e) A defendant's answer to a claim must state which of the allegations contained in the petition for relief the defendant:
 - i. Admits;
 - ii. Denies;
 - iii. Is unable to admit or deny, but needs the plaintiff to prove.
- f) The court may immediately hand down a verdict of liable on any allegation the defendant admits if the court determines the claim is meritorious.
- g) A defendant who fails to address an allegation shall be taken to admit that allegation.
- h) Once the defendant's answer has been received by the court, the case shall proceed in accordance with Section 9 of the Court Procedures Act 2018 for all allegations which the defendant does not deny.

Section 12: Legal representation

- a) A party to a case must submit notice to the court of who they intend to appoint as their legal representative, or whether they wish to represent themselves.
- b) A party must have a legal representative who is not themselves if they are a corporate body (i.e. not an individual).
- c) A party may at any time change their appointed representative by similar notice.
- d) Any communication between a legal representative and a client, made for the purpose of securing legal advice, is privileged and is not admissible evidence in a court, unless:
 - i. The communications between the client and the representative are made in the presence of a third party;
 - ii. The client expresses to their representative an intent to commit a crime in the future;
 - iii. The client seeks the advice of the representative so as to aid the committal of a crime; or
 - iv. The client waives this subsection.

Section 13: Adammic Police Force

- a) The responsibilities of the Adammic Police Force shall be:
 - i. To investigate crime on behalf of the Attorney General;
 - ii. To take reasonable measures to prevent crime from taking place; and
 - iii. To enforce the decisions of the courts.
- b) In the course of investigating crime, the Adammic Police Force may request access to documents or material held by a person, but only with a warrant issued by the High Court or the Grand Court upon application by the Adammic Police Force for such a warrant.
- c) A warrant under subsection b) shall not be granted by the court if the search:
 - i. Would violate macronational privilege;
 - ii. Would violate the General Data Protection Regulation Compliance Act 2018;
 - iii. Does not appear to the court to be likely to provide evidence useful for investigating crime; or
 - iv. Is otherwise unlawful.
- d) An officer of the Adammic Police Force who seizes documents or material as evidence without a lawful warrant under subsection b) commits a criminal offence of Theft.
- e) An officer of the Adammic Police Force who searches private property for evidence without a lawful warrant under subsection b) commits a criminal offence of Trespassing.
- f) Officers of the Adammic Police Force are empowered to use minimal force to prevent crimes from being committed.
- g) It is a criminal offence of Excessive Force for an officer of the Adammic Police Force to use force under subsection f) if:
 - i. The people subject to force did not intend to commit a crime, and the officer should reasonably have known this; or
 - ii. The force used was disproportionate to what would reasonably be needed to prevent the crime from taking place.
- h) If an officer of the Adammic Police Force believes that a crime under macronational law has recently been committed, is being committed, or is about to be committed, the officer should alert the relevant macronational emergency services, particularly if the crime is violent;
 - i. Except if it has been otherwise specified that the particular crime under macronational law should not be reported.
- i) An officer of the Adammic Police Force may use minimal force to restrain an individual who is putting themselves or others at risk of physical harm, or who is at risk of causing damage to property.
- j) It is a criminal offence of Excessive Force for an officer of the Adammic Police Force to use force under subsection i) if:
 - i. The people subject to force were clearly not at risk of causing harm or damage, and the officer should reasonably have known this; or
 - ii. The force used was disproportionate to what would reasonably needed to prevent harm or damage from taking place.
- k) Officers of the Adammic Police Force are expected to use reasonable judgement as to whether to invoke subsection h) or subsection i), or both, depending on the level of risk to themselves, the subject, and any nearby third parties.

Section 14: Inchoate crime

- a) A person who assists in the commission of a criminal offence commits an offence of Accessory to the criminal offence.
- b) A person who attempts to commit a criminal offence commits an offence of Attempting the criminal offence.
- c) A person who coerces another person into committing a criminal offence commits an

offence of Coercion.

- d) A person who conspires to commit a criminal offence commits an offence of Conspiracy to commit the criminal offence.
- e) A person who encourages another person to commit a criminal offence commits an offence of Incitement to commit the criminal offence.
- f) A person who solicits another person to commit a criminal offence commits an offence of Solicitation to commit the criminal offence.

Section 15: Contempt of Parliament

- a) A person commits a criminal offence of Contempt of Parliament if they:
 - i. Deliberately impede the proceedings of either chamber of the Imperial Parliament;
 - ii. Deliberately lie before a chamber of the Imperial Parliament, with the intent of misleading Parliament; or
 - iii. Refuse to comply with a lawful executive order approved by all three constituent parts of the Imperial Parliament.

Passed by the House of Citizens

6 in favour, 5 opposed, 1 abstention, 1 not present

Passed by the Ruling Council

5 in favour, 4 not present

Signed,

Adamus Primus Imperator

13th August 2020

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VIII.ADAMVS I