

## CHAPTER 18

### PRIMARY COURTS' PROCEDURE

AN ACT TO REGULATE THE PROCEDURE IN PRIMARY COURTS AND TO MAKE PROVISION FOR CONNECTED MATTERS.

[2nd July, 1979.]

**1.** This Act may be cited as the Primary Courts\* Procedure Act.

#### PART I GENERAL

**2.** The civil and criminal jurisdiction of Primary Courts shall, subject to the provisions of this and any other written law, be exclusive.

**3.** Where in any case, whether civil or criminal instituted before a District Court or a Magistrate's Court, it appears to such court at any stage of the proceedings that the case is one within the exclusive jurisdiction of a Primary Court, the court may stop the further progress of the case and refer the parties to such Primary Court, and where such case is a civil case, may also make such order as to costs as may seem just.

**4.** (1) Where a criminal prosecution or proceeding for an offence within the exclusive jurisdiction of a Primary Court is pending in such court it shall be lawful, where it is deemed to be appropriate in the circumstances, for the Court of Appeal on an application by any party interested or for the Attorney-General, to direct the transfer of such prosecution or proceeding to a Magistrate's Court specified in such direction.

(2) Where a direction made under subsection (1) is communicated to the Judge of the Primary Court in whose court such case is pending, he shall stop the further progress of the case and transmit the case record and all connected papers to the Magistrate's Court specified in such direction.

(3) The Magistrate's Court referred to in subsection (2) shall proceed to hear, try and determine such case transferred to it as if it were a prosecution or proceeding instituted in that Magistrate's Court and shall have and be vested with full power and jurisdiction so todo.

**5.** Where it is made to appear to the Court of Appeal on an application by one of the parties or otherwise that any civil action or proceeding instituted in a Primary Court may owing to the circumstances or questions involved be more appropriately tried before the District Court having local jurisdiction, it shall be lawful for the Court of Appeal to call for and inspect the record or journal of such action or proceeding and to stay the proceedings in the Primary Court and to make order transferring such case to such District Court for hearing and determination. Upon such order being communicated to the Judge of the Primary Court in whose court the action or proceeding is pending he shall stop the further progress of the action or proceeding and transmit the record of that action or proceeding and all connected papers to the District Court specified in the order. Thereupon such District Court shall proceed to hear, try and determine such action or proceeding as if it were an action or proceeding instituted in that District Court and shall have and be vested with full power and jurisdiction so to do.

**6.** Where it is made to appear to any Primary Court-

(a) in regard to any prosecution for any offence pending before it that in the circumstances of the case the offence cannot adequately be punished by any penalty which the Primary Court is authorized by law to impose; or

(b) in regard to any civil action or proceeding pending before it that the action or proceeding may more appropriately be tried before a District Court,

it shall be the duty of the Judge of such Primary Court to suspend the further hearing of the prosecution or civil action or proceeding, as the case may be, and to report it to the Court of Appeal with a view to obtaining an order under section 4 or section 5.

Power of Court of Appeal to transfer case to District Court.

Judge of the Primary Court to report cue more appropriately triable elsewhere to Court of Appeal for order.