



ST. CHRISTOPHER AND NEVIS

CHAPTER 3.21

ADMISSIBILITY INTO EVIDENCE OF PHOTOGRAPHS ACT

Revised Edition

showing the law as at 31 December 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

ADMISSIBILITY INTO EVIDENCE OF PHOTOGRAPHS ACT

Act 11 of 2003 ... in force 8th December 2003

Page
3

CHAPTER 3.21

ADMISSIBILITY INTO EVIDENCE OF PHOTOGRAPHS ACT

ARRANGEMENT OF SECTIONS

1. Short title
 2. Interpretation
 3. Release of items
 4. Admissibility into evidence of a photograph *in lieu* of an item
 5. Conflict of laws
 6. Regulations
-

CHAPTER 3.21

ADMISSIBILITY INTO EVIDENCE OF PHOTOGRAPHS ACT

AN ACT TO PROVIDE FOR THE ADMISSIBILITY INTO EVIDENCE, UNDER QUALIFIED CIRCUMSTANCES, OF PHOTOGRAPHS IN LIEU OF ITEMS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Admissibility into Evidence of Short title. Photographs Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

“Registrar” means the Registrar and Assistant Registrar of the High Court;

“Minister” means the Minister responsible for Justice.

Release of items.

3. (1) Subject to subsections (2) and (3), the Director of Public Prosecutions may, upon application by the victim of a crime or the owner of the property retained by police in connection with an investigation or trial, order the release of an item if the continued retention of the item would lead to major inconvenience or significant disadvantage to the victim of the crime or the owner of that property.

(2) Before the Director of Public Prosecutions orders the release of an item under subsection (1), he or she shall give the defendant or the defendant’s counsel an opportunity to examine the item and to take photographs of the item, if they so wish.

(3) The Officer or person to whom the order is given shall ensure that an item referred to in this section is properly photographed and, in addition, shall cause all significant features of the item that lead to its identity to be recorded before the item is released under subsection (1).

Admissibility into evidence of a photograph *in lieu* of an item.

4. (1) When an item is released by virtue of the provisions of section 3, then the photograph of that item shall be admitted in evidence and be treated as if the item was before the court, and the jury shall be entitled to give the same weight to the item in the photograph as if the item was before the court.

(2) Notwithstanding subsection (1), the photograph referred to in subsection (1) shall not be admissible in evidence unless it is accompanied by a document in which all the significant features of the item were recorded and verified by an affidavit sworn to by the Registrar or such other person as may be authorised by the Registrar for the purpose.

Conflict of law.

5. Where the provisions of any other enactment or law are in conflict with the provisions of this Act, the provisions of this Act shall prevail to the extent of the inconsistency.

Regulations.

6. The Minister may generally make regulations to give effect to the provisions of this Act.
