



ST. CHRISTOPHER AND NEVIS

CHAPTER 4.27

PROBATION OF OFFENDERS ACT

Revised Edition

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PROBATION OF OFFENDERS ACT

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CHAPTER 4.27

PROBATION OF OFFENDERS ACT

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CHAPTER 4.27**PROBATION OF OFFENDERS ACT**

AN ACT TO MAKE PROVISION FOR THE RELEASE OF CERTAIN OFFENDERS ON PROBATION;
AND TO MAKE PROVISION FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Probation of Offenders Act.

Power of Court to permit conditional release of offenders.

2. (1) Where any person is charged before an inferior Court of summary jurisdiction with an offence punishable by such Court, and the Court thinks that the charge is proved, but is of the opinion that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, or that it is expedient to release the offender on probation, the Court may, either with or without proceeding to conviction, make an order either—

- (a) dismissing the information or charge; or
- (b) discharging the offender conditionally on his or her entering into a recognisance, with or without sureties, to be of good behaviour and to appear for conviction and sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(Amended by Act 7 of 1976)

(2) Where any person has been convicted on indictment of any offence punishable with imprisonment, and the Court is of opinion that, having regard to the character, antecedents, age, health or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, or that it is expedient to release the offender on probation, the Court may, in *lieu* of imposing a sentence of imprisonment, make an order discharging the offender conditionally on his or her entering into a recognisance, with or without sureties, to be of good behaviour and to appear for sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(3) The High Court may, when making an order under subsection (2), order the offender to pay such damages or compensation and costs as it thinks reasonable.

(Substituted by Act 7 of 1976)

(4) A Magistrate's Court may, when making an order under subsection (1), order the offender to pay damages or compensation not exceeding one hundred dollars and costs.

(Substituted by Act 7 of 1976)

(5) An order for the payment of damages or compensation as aforesaid may be enforced in like manner as an order for the payment of costs by the offender; and where the Court, in addition to making such an order for the payment of damages or compensation to any person, orders the offender to pay to that person any costs, the orders for the payment of damages or compensation and for the payment of costs may be enforced as if they constituted a single order for the payment of costs.

(6) Where an order under this section is made by an inferior Court of summary jurisdiction, the order shall, for the purpose of revesting or restoring stolen property, and of enabling the Court to make orders as to the restitution or delivery of property to the owner and as to the payment of money upon or in connection with such restitution or delivery, have the like effect as a conviction.

Probation orders and conditions of recognisances.

3. (1) A recognisance ordered to be entered into under this Act shall, if the Court so orders, contain a condition that the offender be under the supervision of such person as may be named in the order (in this Act referred to as the supervisor) during the period specified in the order and such other conditions for securing such supervision as may be specified in the order, and an order requiring the insertion of such conditions as aforesaid in the recognisance is in this Act referred to as a probation order.

(2) A recognisance under this Act may contain such additional conditions with respect to residence, abstention from intoxicating liquor, and any other matters, as the Court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or the commission of other offences.

(3) The Court by which a probation order is made shall furnish to the offender a notice in writing stating in simple terms the conditions he or she is required to observe.

Change of supervisor.

4. The person named in a probation order as supervisor may at any time be relieved of his or her duties, and, in any such case, or in case of the death of the person so named, another person may be substituted by the Court before which the offender is bound by his or her recognisance to appear for conviction or sentence.

Duties of supervisor.

5. It shall be the duty of a supervisor, subject to the directions of the Court—
- (a) to visit or receive reports from the person under supervision at such reasonable intervals as may be specified in the probation order or, subject thereto, as the supervisor may think fit;
 - (b) to see that he or she observes the conditions of his or her recognisance;
 - (c) to report to the Court as to his or her behaviour;
 - (d) to advise, assist and befriend him or her, and, when necessary, to endeavour to find him or her suitable employment.

Variation of terms and conditions of probation.

6. The Court before which any person is bound by a recognisance under this Act to appear for conviction and sentence or for sentence—

- (a) may, at any time, if it appears to it, upon the application of the supervisor, that it is expedient that the terms or conditions of the recognisance should be varied, summon the person bound by the recognisance to appear before it, and, if he or she fails to show cause why such variation should not be made, vary the terms of the recognisance by extending or diminishing the duration thereof (so,

however, that it shall not exceed three years from the date of the original order) or by altering the conditions thereof or by inserting additional conditions; or

- (b) may, on application being made by the supervisor, and on being satisfied that the conduct of the person bound by the recognisance has been such as to make it unnecessary that he or she any longer be under supervision, discharge the recognisance.

Provision in case of offender failing to observe conditions of release.

7. (1) If the Court before which an offender is bound by his or her recognisance under this Act to appear for conviction or sentence, or any inferior Court of summary jurisdiction is satisfied by information on oath that the offender has failed to observe any of the conditions of his or her recognisance, it may issue a warrant for his or her apprehension, or may, if it thinks fit, instead of issuing a warrant in the first instance, issue a summons to the offender and his or her sureties, (if any) requiring him or her or them to attend at such Court and at such time as may be specified in the summons.

(2) The offender, when apprehended, shall, if not brought forthwith before the Court before which he or she is bound by his or her recognisance to appear for conviction or sentence, be brought before an inferior court of summary jurisdiction.

(3) The Court before which an offender on apprehension is brought, or before which he or she appears in pursuance of such summons as aforesaid, may, if it is not the Court before which he or she is bound by his or her recognisance to appear for conviction or sentence, remand him or her to prison or grant bail until he or she can be brought before the last-mentioned Court.

(4) A Court before which a person is bound by his or her recognisance to appear for conviction and sentence, on being satisfied that he or she has failed to observe any condition of his or her recognisance, may forthwith, without further proof of his or her guilt, convict and sentence him or her for the original offence.
