

and Nevis.



I assent,

SAMUEL WEYMOUTH TAPLEY SEATON

Governor-General

19th July, 2019.

SAINT CHRISTOPHER AND NEVIS

AN ACT to amend the Magistrate's Code of Procedure Act, Cap. 3.17.

[*Published 1st August 2019, Official Gazette No. 39 of 2019.*]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

1. Short title.

This Act may be cited as the Magistrate's Code of Procedure (Amendment) Act, 2019.

2. Interpretation.

In this Act,

“Act” means the Magistrate's Code of Procedure Act, Cap. 3.17.

3. Amendment of section 65.

The Act is amended in section 65 by replacing it as follows

.....**“65. Peace officer to convey accused person and deliver him or her to the Commissioner of Corrections**

The peace officer or other person to whom any warrant of commitment is directed shall convey the accused person therein named or described to the prison therein mentioned and there deliver him or her together with the warrant to the Commissioner of Corrections or keeper of such prison who shall thereupon give to such peace officer or other person as aforesaid a receipt for the prisoner setting forth the state and condition of the prisoner when delivered into his or her custody.”.

4. Amendment of section 69.

The Act is amended in section 69 by replacing it as follows

“69. In all cases where the Magistrate admits to bail any person charged with the

Magistrate's Code of Procedure (Amendment) Act, 2019 - 2.

offence for which he or she is so admitted to bail he or she shall cause to be lodged with the Commissioner of Corrections or the keeper of the prison in which such accused person is detained a warrant of deliverance under his or her hand and seal requiring the Commissioner or such keeper to discharge the person so admitted to bail if he or she be not detained for any other offence, and upon such warrant being lodged with the Commissioner or keeper as aforesaid he or she shall forthwith obey the same.”.

5. Amendment of section 109.

The Act is amended in section 109 by replacing it as follows

“109. If at the time and place appointed for the return of any warrant of distress the officer who has execution of the warrant returns that he or she could find no goods or chattels whereon to levy, the Magistrate may issue a warrant of commitment directed to the same or any other peace officer reciting shortly the conviction, the issuing of the distress warrant and the return thereto, and requiring the officer to convey the defendant to prison and there to deliver the defendant to the Commissioner of Corrections or the keeper thereof requiring the Commissioner or keeper to receive the prisoner into such prison and there to imprison him or her or to imprison him or her and keep him or her to hard labour (as the case may be) in the manner and for the time prescribed by section 115, unless and until the sum or sums adjudged to be paid and all costs and charges of the distress and also all costs and charges of the commitment if the Magistrate thinks fit so to order (the amount thereof being ascertained and stated in such commitment) be paid.”.

6. Amendment of section 110.

The Act is amended in section 110 by replacing it as follows

“110. In all cases in which any person is imprisoned for non-payment of any fine he or she may pay or cause to be paid to the Commissioner of Corrections or the keeper of the prison in which he or she is confined the sum or sums in the warrant of commitment mentioned together with the amount of the costs, charges, and expenses therein mentioned and the Commissioner or the keeper shall receive the same and shall thereupon discharge the prisoner if he or she be in his or her custody for no other matter.”.

7. Amendment of section 197.

The Act is amended in section 197 subsection (2) by replacing it as follows

“197. (2) If the accused is in prison, any Magistrate shall by an order in writing direct the Commissioner of Corrections or the person having the custody of the accused to convey him or her, or cause him or her to be conveyed to the place where the deposition is to be taken, for the purpose of being present when the same is taken, and to take him or her back to prison when it has been taken, but no accused person shall be taken to any such place (other than the Magistrate’s Court House) for such a purpose without his or her consent.”.

Magistrate's Code of Procedure (Amendment) Act, 2019 - 2.

8. Amendment of section 216.

The Act is amended in section 216 by replacing the expression “the keeper of the prison” with the expression “the Commissioner of Corrections or keeper of the prison”.

ANTHONY MICHAEL PERKINS

.....
Speaker

Passed by the National Assembly this 9th day of May, 2019.

THOMPSON

SONIA BODDIE-

Clerk of the National Assembly