

[L.S.]



I Assent,

Dame Louise Lake Tack,
Governor-General.

28th December, 2012

ANTIGUA AND BARBUDA

THE EASTERN CARIBBEAN MAGISTRATES AGREEMENT ACT, 2012

No. 9 of 2012

AN ACT to facilitate the effectiveness in which Magistrates carry out their functions in Antigua and Barbuda, to improve the facilities, conditions of employment and security of tenure on Magistrates and to give effect to the Eastern Caribbean Magistrates Agreement and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Eastern Caribbean Magistrates Agreement Act, 2012.

2. Interpretation

In this Act—

“prescribed proceedings” means any proceedings which are required to be conducted in connection with the removal or suspension of a Magistrate from office.

3. Terms and conditions of employment

(1) The Minister of Legal Affairs shall establish, after consultation with the Judicial and Legal Services Commission,—



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THE EASTERN CARIBBEAN MAGISTRATES AGREEMENT ACT, 2012

ARRANGEMENT

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- (a) continuing education for persons appointed as Magistrates in order to enhance the professional development and improvement of their performance of judicial tasks including training on specific legislative or policy developments; and
- (b) training programmes for clerical, administrative and other support staff in the court offices of Magistrates.

7. Reports to Chief Justice

A person appointed as a Magistrate shall, on a monthly basis, make and transmit through the Chief Magistrate to the Chief Justice or to a person designated in writing by the Chief Justice for that purpose, a return in the form specified by the Chief Justice, containing the particulars specified by the Chief Justice.

8. Transition and Assessment

The Chief Justice shall appoint a resident judge to make an assessment of a Magistrate employed on contract before the commencement of this Act, during the period of the contract and to hold discussions with the Magistrate as the Chief Justice considers necessary or desirable and to make recommendations as to whether that Magistrate should on the expiration of the contract be re-employed in accordance with this Act.

Passed by the House of Representatives on the 3rd October, 2012.

D. Gisele Isaac-Arrindel,
Speaker.

Ramona Small
Clerk to the House of Representatives.

Passed by the Senate on the 25th October, 2012.

Hazelyn M. Francis,
President.

Ramona Small
Clerk to the Senate.

- (a) the terms and conditions of employment appropriate to the office of Magistrate; and
- (b) the salary and allowances to be paid to a Magistrate.

(2) The power to give administrative direction or to exercise administrative control over a Magistrate shall be vested solely—

(a) in the Chief Justice; or

(b) to a person authorised in writing to do so by the Chief Justice.

(3) The Chief Justice may, where he considers it expedient or desirable to do so in any particular circumstances and where the Governor General and the Magistrate to be assigned agrees to such an assignment, assign a Magistrate appointed in Antigua and Barbuda to perform duties specified in writing by the Chief Justice in another Eastern Caribbean jurisdiction.

4. Tenure of office

A person appointed to hold the office of Magistrate other than a person appointed to hold the position of acting Magistrate shall, unless he is removed from office for cause, do so until that person reaches the age of retirement.

5. Retirement and Pension

(1) The office of a Magistrate shall be a pensionable office except in the case of a Magistrate employed on a fixed term contract for service.

(2) Where a person has served as a Magistrate in more than one Eastern Caribbean State and one of the states that the person has served in is the state of Antigua and Barbuda, then the responsibility for the payment of the pension of the person for the portion of time served as a Magistrate in Antigua and Barbuda shall be borne by the Government of Antigua and Barbuda.

(3) Subsection (2) shall not apply to a person in the position of acting Magistrate.

(4) Nothing in subsection (2) shall prejudice the entitlement of a Magistrate to a pension payable in accordance with any other law in Antigua and Barbuda relating to the payment of pensions to Magistrates.

6. Continuing education of Magistrates and training of staff

The Chief Justice may make arrangements that he considers necessary for—