

**ANTIGUA AND BARBUDA**



**MAGISTRATE'S CODE OF PROCEDURE (AMENDMENT) ACT, 2018**

**No. 2 of 2018**

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**MAGISTRATE'S CODE OF PROCEDURE (AMENDMENT) ACT, 2018**

**ARRANGEMENT OF SECTIONS**

**SECTIONS**

1. Short title
2. Interpretation
3. Repeal and replacement of section 96
4. Amendment of section 116 of the principal Act

[L.S.]



I Assent,

**Rodney Williams,**  
*Governor-General.*

1st March, 2018.

**ANTIGUA AND BARBUDA**

**MAGISTRATE'S CODE OF PROCEDURE (AMENDMENT) ACT, 2018**

**No. 2 of 2018**

**AN ACT** to amend the Magistrate's Code of Procedure Act, Cap. 255.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**1. Short title**

This Act may be cited as the Magistrate's Code of Procedure (Amendment) Act, 2018.

**2. Interpretation**

In this Act –

“principal Act” refers to the Magistrate's Code of Procedure Act, Cap. 255

**3. Repeal and replacement of section 96**

Section 96 of the principal Act is hereby repealed in its entirety and replaced as follows –

“96. Powers – Re: imprisonment and fine

(1) In all cases where a Magistrate has jurisdiction to inflict imprisonment, the Magistrate may order the imprisonment to be without hard labour, and reduce the prescribed period of such imprisonment or do either of such acts.

(2) Where the Magistrate has jurisdiction to impose a fine, if it be in respect of a first offence, he may reduce the prescribed amount of such fine.

(3) Where the Magistrate is authorized to inflict imprisonment and has not the option of imposing a fine, the Magistrate may impose a fine not exceeding twenty thousand (\$20,000.00) dollars, provided that the amount of the fine imposed will not subject the offender in default of payment to any greater term of imprisonment than that to which he would have been otherwise liable.

(4) Where, in case either of fine or imprisonment, there is prescribed a requirement for the offender to enter into his recognizances and to find sureties for keeping the peace, observing some other condition, or to do any or all of such things, the Magistrate may dispense with any such requirement or any part thereof.

(5) Subsection (4) shall not apply to any proceedings taken under any Act relating to Her Majesty's regular or auxiliary forces; neither is the Magistrate authorized to reduce the amount of a fine where the Act prescribing such amount carries into effect a treaty, convention, or agreement with a foreign state and such treaty, convention, or agreement stipulates for a fine of a minimum amount.”

**4. Amendment of section 116 of the principal Act**

Section 116 of the principal Act is amended by repealing section 116 in its entirety and replacing it with the following –

“116. Scale of imprisonment in default of payment of fine or of sufficient distress

The period of imprisonment imposed by a Magistrate under this or any other Act in respect of the non-payment of any sum of money adjudged to be paid by a conviction or in respect of the default of a sufficient distress to satisfy any such sum or in respect of the default of payment of any instalment of such sum shall, notwithstanding any enactment to the contrary, be such period as in the opinion of the Magistrate will satisfy the justice of the case, but shall not in any case exceed the maximum fixed by the following scale –

Where the amount of the sum or sums of money adjudged to be paid –	The said period shall not exceed
Does not exceed \$500 .....	14 days.
Exceeds \$500 but does not exceed \$1,000	30 days.

Exceeds \$1,000 but does not exceed \$2,500	4 months.
Exceeds \$2,500 but does not exceed \$5,000	12 months.
Exceeds \$5,000 but does not exceed \$7,500	18 months.
Exceeds \$7,500	2 years

and may be either with or without hard labour in the discretion of the Magistrate.”

Passed by the House of Representatives on  
the 6th day of February, 2018.

Passed by the Senate on the 15th day of  
February, 2018.

**Gerald Watt Q.C.,**  
*Speaker.*

**Alicia Williams Grant,**  
*President.*

**Ramona Small,**  
*Clerk to the House of Representatives.*

**Ramona Small,**  
*Clerk to the Senate.*