

ANTIGUA AND BARBUDA



No. of 2020

MAGISTRATE'S CODE OF PROCEDURE (AMENDMENT) BILL, 2020

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AN ACT to amend the Magistrate's Code of Procedure Act, Cap. 255 to increase the jurisdiction of the Magistrate Court in civil matters and for other connected purposes.

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, 2020.

2. Interpretation

In this Act –

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

3. Amendment to section 22 (1)

The principal Act is amended in section 22(1) as follows –

- (a) in paragraph (e) by repealing paragraph (e) and replacing it with the following new paragraph (e) –

“(e) to arbitrate in disputes relating to salvage and the title to wreck where the amount in dispute does not exceed twenty-five thousand dollars”;

- (b) in paragraphs (f) (i) and (ii) by repealing paragraphs (f) (i) and (ii) and replacing them with the following new paragraphs (f) (i) and (ii) –

“(f) (i) to try any civil action founded on contract when the debt, demand or value of the thing claimed, or rent in arrear is not more than twenty-five thousand dollars;

(ii) to try any action founded in tort where the demand or damage claimed is not more than twenty-five thousand dollars:

Provided that the Magistrate shall not have any jurisdiction over any suits for malicious prosecution, false imprisonment, libel, slander, seduction or breach of promise of marriage;"

- (c) in paragraph (m) by repealing paragraph (m) and replacing it with the following new paragraph (m) –

“(m) to exercise jurisdiction over all disputes and differences between party and party touching any breach of covenant or contract or promise, injury to the person or other matter, except that the damage or the sum claimed does not exceed twenty-five thousand dollars;”

- (d) in paragraph (n) by repealing paragraph (n) and replacing it with the following new paragraph (n) –

“(n) to adjudicate actions of trespass to land, wherein the damages or property claimed does not exceed twenty-five thousand dollars.”

4. Amendment to section 151

The principal Act is amended in section 151 by repealing section 151 and replacing it with the following new section 151 –

“151. Claims may not be split

No cause of action arising out of a simple contract which shall exist at any one time amounting in the whole to a sum exceeding twenty-five thousand dollars shall be spilt so as to be made the ground of two or more different summonses, in order to bring such cases within the jurisdiction of the Magistrate and if the Magistrate shall find that the plaintiff in any case has split his cause of action as aforesaid he shall dismiss such summons or summonses but without prejudice to the plaintiff's right to sue on the cause of action in such other manner as he shall think fit:

Provided that if the plaintiff is concerned to recover a sum not exceeding twenty-five thousand dollars the Magistrate shall entertain the summons and in case any judgement shall be given in favour of the plaintiff the same shall be a full discharge and satisfaction of the whole cause of action and it shall be so expressed in the body of the judgement.”

5. Amendment to section 152

The principal Act is amended in section 152 by repealing section 152 and replacing it with the following new section 152 –

“152. Set-off or counter-claim

In an action arising out of a simple contract or where an order is claimed for the payment of money as a civil debt, the defendant may plead and prove a set-off or may counter-claim against the plaintiff provided such counter-claim is based upon the same contract on which the plaintiff is suing and that the amount claimed whether by way of set-off or counter-claim or the balance thereof does not exceed twenty-five thousand dollars.”

6. Amendment to section 154

The principal Act is amended in section 154 by repealing section 154 and replacing it with the following new section 154 –

“154. Costs

Costs in civil proceedings shall be calculated as follows –

Value of Claim	Costs
\$20,001.00 - \$25,000.00	\$3,500.00
\$15,001.00 - \$20,000.00	\$3,000.00
\$12,001.00 - \$15,000.00	\$2,500.00
\$ 8,001.00 - \$12,000.00	\$2,000.00
\$ 5,001.00 - \$8,000.00	\$1,500.00
\$ 1,501.00 - \$5,000.00	\$1,000.00
\$ 1,500.00 or less	\$ 500.00

7. Consequential amendment – Small Tenements Act Cap. 406

The Small Tenements Act, Cap. 406 is amended as follows –

- (a) in section 6 by deleting subsection (3) and replacing it with the following new subsection (3) –

“(3) Where a chattel or moveable house of a value of not less than twenty-five thousand dollars, which is not the property of the landlord, (hereinafter in this section referred to as “the premises”) has been placed by a tenant or his predecessor in title on the land in respect of which possession is sought by the landlord and such premises is used by the tenant as his dwelling, no judgment or order shall be given or made under subsection (1) unless the Magistrate is satisfied that –

- (i) it is reasonable to give such judgment or make such order having regard to all the circumstances of the case; and
- (ii) suitable alternative accommodation is available for the tenant or will be available for him when the judgment or order takes effect.”

EXPLANATORY MEMORANDUM

The primary objective of this Bill is to increase the value of claims a magistrate has jurisdiction to oversee. The Act was amended in 1994 increasing the value of claims from five hundred dollars to seven thousand five hundred dollars in effort to reduce the number of small claims going to the High Court.

Although this amendment assisted with number of small claims being heard at the High Court, there are still many cases in backlog.

Clauses 3, 4 and 5 amends sections 22(1), 151 and 152. These amendments now allow for a magistrate to preside over claims not exceeding twenty-five thousand dollars.

Clause 6 amends section 154 which covers the costs related to claims. By increasing the value of claims, the table covering the costs associated with said claims also had to be adjusted to reflect the change.

With the amendments made to the Magistrate's Code of Procedure Act it is necessary also to make amendments to the Small Tenements Act, Cap. 406 and Registered Land Act, Cap. 374. Clauses 7 and 8 amends both legislations respectively by increasing the jurisdiction of the Magistrate to hear claims, in relation to landlord and tenant matters to twenty-five thousand dollars.

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**Honourable Steadroy Benjamin
Minister of Justice, Legal Affairs, National Security and
Labour**