

ANTIGUA AND BARBUDA



CRIMINAL PROCEEDINGS (TRIAL BY JUDGE ALONE) (AMENDMENT) BILL 2024

NO. OF 2024

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CRIMINAL PROCEEDINGS (TRIAL BY JUDGE ALONE) (AMENDMENT) BILL 2024

NO. OF 2024

AN ACT to amend the Criminal Proceedings (Trial by Judge Alone) Act 2021, No. 8 of 2021 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 Criminal Proceedings (Trial by Judge Alone) (Amendment) Act 2024.

2. Interpretation

In this Act –

“principal Act” means the Criminal Proceedings (Trial by Judge Alone) Act 2021, No. 8 of 2021

3. Amendment of section 1 of the principal Act

Section 1 of the principal Act is amended in subsection (2) thereof, by deleting the words “and shall remain in force for a period of three years from the date so appointed.”

4. Amendment of section 4 – Trial without a jury in certain cases

Section 4 of the principal Act is amended by inserting a new paragraph after the paragraph marked “(aa)” as follows –

“(ab) All indictable inchoate offences charged as a result of preparations to commit any of the offences listed in subsection 2 of section 4.”

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*Criminal Proceedings (Trial by Judge Alone) (Amendment) Bill
2024*

Passed the House of Representatives on
the day of , 2024.

Passed the Senate on the day of
, 2024.

.....
Speaker

.....
President

.....
Clerk to the House of Representatives

.....
Clerk to the Senate

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Criminal Proceedings (Trial by Judge Alone) Act, No. 8 of 2021.

The Act was introduced in 2021 to provide a means for the continuation of criminal proceedings in the midst of the COVID-19 pandemic. The Bill was originally introduced for 2 years, then it was further amended to add another year. This amendment seeks to remove the “sunset” restriction contained in the legislation, thereby making criminal trials, without a jury, a permanent feature of the criminal justice system for the offences specified in section 4(2) of the Act.

The Bill contains four (4) clauses as follows –

Clause 1- Short title – This is a Bill for an Act to be cited as the Criminal Proceedings (Trial by Judge Alone) (Amendment) Act 2024

Clause 2 – Interpretation – The principal Act being amended is the Criminal Proceedings (Trial by Judge Alone) Act 2021, No. 8 of 2021.

Clause 3 – Amendment of section 1 of the principal Act – This amendment removes the sunset provision which currently provides for the expiration of the legislation three years after it was first introduced, that is, by June 7, 2024.

Clause 4 – Trial without a jury in certain cases – This amendment makes any attempt to commit any of the offences listed in section 4(2) as an offence triable by a Judge alone.

Hon. Sir Steadroy C. O. Benjamin, KGCN
Attorney General and
Minister of Justice and Legal Affairs