

ANTIGUA AND BARBUDA



MAGISTRATE'S CODE OF PROCEDURE (AMENDMENT) (NO. 2) BILL, 2025

NO. OF 2025

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ANTIGUA AND BARBUDA
MAGISTRATE'S CODE OF PROCEDURE (AMENDMENT) (NO.2) BILL, 2025
NO. OF 2025

AN ACT to amend the Magistrate's Code of Procedure Act, Cap. 255 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) (No. 2) Act, 2025.

2. Interpretation

In this Act,

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

3. Amendment of section 38 – Search Warrant

Section 38 of the principal Act is repealed and replaced as follows—

“38. Search Warrant

- (1) A Magistrate may, if satisfied by information given on oath, grant a search warrant to search any place or places where there is reasonable cause to believe that an offence of any kind is being or has been committed, or that evidence in relation to any such offence is to be found in that place or places.
- (2) A search warrant may be issued and executed at any time and may be issued and executed on a Sunday.
- (3) Where evidence of any offence or of an offence identified in a search warrant is found in the place or places upon which the warrant was executed, the evidence shall be brought before the Magistrate granting the warrant or some other Magistrate of Antigua and Barbuda.”

No. of 2025

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Magistrate's Code of Procedure (Amendment) (No.2) Bill,
2025

Passed the House of Representatives on
the day of , 2025

Passed the Senate on the day of
, 2025.

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Speaker.

.....
President.

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Clerk to the House of Representatives.

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Clerk to the Senate.

EXPLANATORY MEMORANDUM

This is a Bill to amend section 38 the Magistrate's Code of Procedure Act, Cap. 255 in relation to the issuing of search warrants. The amendment seeks to clarify the language used in section 38.

The Bill contains three (3) clauses –

Clause 1 and 2: Short title and Interpretation respectively. These are standard clauses.

Clause 3 – Amendment of section 38. This clause was amended to simplify the rationale for the granting of a search warrant. The search warrant is granted only if the Magistrate is satisfied by sworn evidence that any offence is being committed OR has been committed or that evidence of an offence may be found in the place or places upon which the warrant is to be executed.

ORIGINAL/CURRENT WORDING:

SECTION 38 provides –

“38. Search Warrant

(1) Where a Magistrate is satisfied on evidence upon oath that there is reasonable cause to believe that any property whatsoever on or with respect to which any larceny or other felony has been committed is in any place or places he may grant a warrant to search such place or places for such property. And if the same or any part thereof be there found to bring the same before the Magistrate granting the warrant or some other Magistrate of Antigua and Barbuda.

(2) Any search warrant may be issued and executed at any time, and may be issued and executed on a Sunday.”