

**ANTIGUA AND BARBUDA**



**MAGISTRATE'S CODE OF PROCEDURE (AMENDMENT) BILL 2017**



NO. OF 2017

*Magistrate's Code of Procedure (Amendment)  
Bill 2017*

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**ARRANGEMENT OF CLAUSES**

**CLAUSES**

1. Short title
2. Interpretation
3. Amendment of section 116 of the principal Act

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**NO. OF 2017**

**1. Short title**

This Act may be cited as the Magistrate’s Code of Procedure (Amendment) Act 2017.

**2. Interpretation**

In this Act –

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

**3. 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.

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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      day of                      2017.

Passed by the Senate on the  
day of                                      2017.

Speaker

President

Clerk to the House of Representative

Clerk to the Senate

## **EXPLANATORY MEMORANDUM**

The penalties under the Magistrate's Code of Procedure Act for imprisonment in default of payment of a fine or of sufficient distress have not been reviewed or amended over the years to take into consideration the jurisdiction now given to the Magistrates in respect of fines for particular offences. Under certain legislation, particularly those having to do with possession of illicit drugs with intent to sell, Magistrates can fine the Defendant \$100,000.00 or more. Yet, the Magistrate's Code of Procedure Act limits the power of the Magistrate to impose a period of imprisonment in default of the payment of the fine or of sufficient distress to only 6 months.

This amendment will allow the Magistrates to impose a sentence of imprisonment which is more in keeping with the justice of the case and the power of the Magistrates under newer legislations wherever there is a default in the payment of the fine or any instalment or where the return on goods sold to recover sums to pay a fine is insufficient.

**Hon. Steadroy C. O. Benjamin**

*Attorney General*

*Minister of Justice, Legal Affairs and Labour*