

No. 7 of 2005.

*The Magistrate's Code of Procedure
(Amendment) Act, 2005.*

1 ANTIGUA
AND
BARBUDA



[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

12th September, 2005.

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

*[Published in the Official Gazette Vol. XXV
No. 57 dated 15th September, 2005]*

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. This Act may be cited as the Magistrate's Code of Procedure (Amendment) Act, 2005.

Short title.

2. Section 42A of the Magistrate's Code of Procedure Act (in this Act referred to as in the principal Act) is repealed and replaced by the following:

Amendment of section 42A,

“42A (1) All committal proceedings in respect of public prosecutions shall be instituted under the direction of the Director of Public Prosecutions.

(2) Committal proceedings shall be commenced by the filing of:

(a) one or more written statements of witnesses in support of the charge; and

- (b) a list of exhibits, if there are any exhibits which the prosecutor intends to produce in connection with the proceedings.
- (3) The prosecutor shall as soon as practicable cause the documents filed under subsection (2) to be served on the accused person.”

Amendment of
section 42B.

3. Section 42B of the principal Act is amended in subsection (2) by the deletion of the words “the Director of Public Prosecutions” and the substitution of the words “the prosecutor.”

Amendment of
section 42D

4. Section 42 of the principal Act is amended by the insertion immediately after section 42C of the following:

“42D The exhibits mentioned in the list produced by:

- (a) the prosecutor pursuant to section 42A(2); or
- (b) the accused pursuant to section 42B;

shall at the hearing of the committal proceedings be duly marked and delivered into the custody of the Clerk to the Magistrate, who shall retain them in safe custody under the direction of the Magistrate and to be delivered to the High Court at the trial of the accused.”

Amendment of
section 62.

5. Section 62 of the principal Act is amended as follows:

- (a) by the repeal of subsection (3) and the substitution of the following—

“(3) A Magistrate shall not admit to bail a person charged with any of the following offences:

- (a) high treason, misprision of treason and treasonable felony;
- (b) murder, or attempted murder;
- (c) robbery with violence or robbery with aggravation involving the use of a fire-arm;

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(d) unlawful possession of firearm or ammunition contrary to the provisions of the Firearms Act;

(e) unlawful importation of a firearms contrary to the provisions of the Firearms Act or any other law.”

(f) unlawful possession of explosives contrary to the firearms Act

(b) by the repeal of subsection (4) and the substitution of the following—

(4) For the purpose of subsection (3), ammunition does not include a blank cartridge and a discharged shell.

Passed the House of Representatives
this 14th day of July, 2005.

Passed the Senate this 10th day of
August, 2005.

D. Giselle Isaac-Arrindell,
Speaker.

Hazlyn M. Francis,
President.

Yvonne Henry,
*Acting Clerk to the House of
Representatives.*

Yvonne Henry,
Acting Clerk to the Senate.

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THE MAGISTRATE'S CODE OF PROCEDURE
(AMENDMENT) ACT, 2005

ARRANGEMENT OF SECTIONS

Sections

1. Short title
2. Amendment of section 42A.
3. Amendment of section 42B.
4. Amendment of section 42D.
5. Amendment of section 62