

ANTIGUA AND BARBUDA



MAGISTRATE'S CODE OF PROCEDURE (AMENDMENT) ACT 2022

No. 12 of 2022

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ANTIGUA AND BARBUDA

MAGISTRATE'S CODE OF PROCEDURE (AMENDMENT) ACT 2022

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[L.S.]



I Assent,

Clare Roberts,
Deputy Governor-General.

8th July, 2022.

ANTIGUA AND BARBUDA

MAGISTRATE'S CODE OF PROCEDURE (AMENDMENT) ACT 2022

No. 12 of 2022

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) Act 2022.

2. Interpretation

In this Act—

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

3. Amendment of section 250 – Power to make rules

Section 250 of the principal Act is repealed in its entirety and replaced with the following—

“250. Power to make rules

“(1) The Minister may, subject to subsection (3), make rules to govern the practice and procedure to be observed in Magistrate’s Court proceedings.

(2) Without limiting the generality of subsection (1), the rules made by the Minister may include rules regulating –

- (a) operating procedures in the Magistrate’s Court;
- (b) the Forms to be used under this Act
- (c) setting of fees;
- (d) the forms of security acceptable under this Act;
- (e) holding of fines, fees and other sums paid into Court;
- (f) provision of statements of accounts relating to fines, fees and other sums received or paid into Court;
- (g) the opening of accounts for monies paid into the Court in relation to any matter and the closing of any account; and
- (h) procedure on appeals by special case or otherwise under this Act.

(3) The Chief Justice and any two other Judges of the Eastern Caribbean Supreme Court selected by the Chief Justice may make rules regulating the practice and procedure to be observed in the Magistrate’s Court relation to proceedings under any family law enactment.

(4) The rules made pursuant to subsection (3) may make provision for –

- (a) the procedure to be followed in making any claim or application under any family law enactment;
- (b) service of a claim or application, answering and replying to a claim or application;
- (c) fees payable for filing of documents;
- (d) issuing of practice directions and guidelines; and
- (e) any matter under any family law enactment for which rules are required to be made.

(5) Rules made under this section are subject to a negative resolution of Parliament.

(6) In this section, “family law enactment” refers to –

- (a) Child Justice Act 2015;
- (b) Children (Care and Adoption) Act 2015;

- (c) Domestic Violence Act 2015;
- (d) Maintenance of and Access to Children Act;
- (e) Status of Children Act”

Passed the House of Representatives on
The 31st day of May, 2022.

Passed the Senate on the 13th day of
June, 2022.

Gerald Watt, Q.C.,
Speaker.

Alicia Williams-Grant,
President.

A. Peters,
Clerk to the House of Representatives.

A. Peters,
Clerk to the Senate.