

M O N T S E R R A T
MAGISTRATE'S COURT (AMENDMENT) ACT

No. 11 of 2012

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MAGISTRATE’S COURT (AMENDMENT) ACT, 2012
NO. 11 OF 2012

I ASSENT

Adrian Davis
Governor

DATE: 18.7.12

M O N T S E R R A T

No. 11 of 2012

AN ACT TO AMEND THE MAGISTRATE’S COURT ACT (CAP. 02.02).

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat, and by the Authority of the same as follows:—

1. Short title

This Act may be cited as the Magistrate’s Court (Amendment) Act, 2012.

2. Interpretation

In this Act, “**principal Act**” means the Magistrate’s Court Act (Cap. 02.02).

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3. Section 2 amended

Section 2 of the principal Act is amended by deleting the definition of “Magistrate” and substituting the following:

“**Magistrate**” means a person appointed as such under section 4 or a person appointed to act as such under section 6 or a Justice of the Peace exercising powers under section 8;”.

4. Section 4 amended

The principal Act is amended by deleting section 4 and substituting the following:

Appointment of Magistrate

4. (1) There shall be a Chief Magistrate, a Senior Magistrate and a number of other Magistrates as may be required for the purposes of this Act.

(2) The Governor, acting after consultation with the Chief Justice, may appoint a Magistrate, upon terms and for a period as he thinks fit, to exercise the jurisdiction and powers of the Magistrate’s Court.

(3) No person shall be appointed as Magistrate unless he possesses qualifications as are required under section 70 of the Supreme Court Act, for admission as a barrister or a solicitor, and has been so qualified for not less than five years.”.

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5. Insertion of section 60A

The principal Act is amended by inserting the following as section 60A—

“Garnishment of wages

60A. (1) Where, under sections 48(4)(c), 48(4)(d), 48(7)(ii), 51 and 53 a person is ordered by the Court to make a payment to another party or on that party’s behalf, the Court may instruct the person’s employer to garnish the wages of the person against whom the order is made.

(2) The Court may instruct the employer to pay the amount deducted into the Office of the Court or to the person to whom payment is ordered.”.

Teresina Bodkin
SPEAKER

Passed the Legislative Assembly this 26th day of June, 2012.

Judith Baker
CLERK OF THE LEGISLATIVE ASSEMBLY