

No. of 2001

Criminal Justice Bill, 2001

Saint Christopher  
and Nevis

**SAINT CHRISTOPHER AND NEVIS**

**No. of 2001**

**ARRANGEMENT OF SECTIONS**

*Section*

1. Short Title
2. Amendment of section 27
3. Amendment of section 65
4. Insertion of section 72 A
5. Substitution of section 76
6. Amendment of section 95
7. Amendment of section 150

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**AN ACT** to amend the Magistrate's Code of Procedure Act, Chapter 46 to expand the jurisdiction of Magistrates and related matters.

( )

**BE IT ENACTED** by the Queen's Most Excellent Majesty by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:

Short title

1. This Act may be cited as the Criminal Justice Act, 2001.

Amendment of section 27.

2. The Magistrate's Code of Procedure Act, Chapter 46 (in this Act referred to as "the principal Act") is amended in section 27:

- (a) by deleting from paragraph (f) (i) the words "ten thousand dollars" and substituting the words "twenty five thousand dollars"; and

- (b) by deleting from paragraph (f) (ii) the words "five thousand dollars" and substituting the words "fifteen thousand dollars".

Amendment of  
section 65.

3. Section 65 of the principal Act is amended by deleting subsections (3) and (4) and substituting the following subsections:

"(3) Notwithstanding subsections (1) and (2), a person shall not be admitted to bail if:

- (a) he is charged with treason, misprison of treason, treason felony, murder;
- (b) while he is on bail, he is arrested and charged for another offence; or
- (c) he is charged with any of the offences specified in the Fourth Schedule.

(4) Notwithstanding subsection (3)(c), a person charged for an offence under paragraph 1, 2 or 3 of the Fourth Schedule, may be admitted to bail on completion of the preparation of the case by the prosecution, if he will not reside in the same household as the complainant.

(5) Once a bail application is heard, whether by a Magistrate or a judge, no Magistrate or judge shall entertain another bail application unless there is a change in circumstances.

(6) An inordinate delay in bringing a case to trial may be deemed to be a change in circumstances.

(7) What constitutes an inordinate delay under subsection (6) shall be a question of fact to be decided by a Magistrate or a judge."

Insertion of  
section 72A.

4. The principal Act is amended in Part III by inserting the following section immediately after section 72:

"Power of Director  
of Public  
Prosecutions in  
serious cases.

72A. (1) Notwithstanding anything contained in this Part, where the Director of Public Prosecutions is of the opinion that a case is of such a nature that it is appropriate that the management of the case be taken over by the High Court, the case shall be transferred to the High Court without the need for a preliminary inquiry.

(2) Where the Director of Public Prosecutions decides to transfer a case pursuant to subsection (1):

- (a) he shall notify the District Magistrate and the accused in writing, of his decision;
- (b) he shall submit copies of the statements and all other relevant documents to the District Magistrate; and
- (c) the accused shall be served with a copy of all statements recorded from potential witnesses.

(3) Upon receipt of the information referred to in subsection (2)(a) and (b), the District Magistrate shall summon the accused to court and inform him of the decision of the Director of Public Prosecutions and transfer the case to the High Court for trial and the statements referred to in subsection (2) shall then be forwarded to the Registrar's office in the same manner as if they were depositions.

(4) Where a person whose case is transferred under subsection (3) is in custody and the offence is not an offence mentioned in the Fourth Schedule, the Magistrate may grant the accused bail to appear at the assizes to which he has been committed."

Substitution of section 76

5. The principal Act is amended by repealing section 76 and substituting the following section:

"Power of prosecution to elect. 76. Notwithstanding anything contained in this Act, where a person is charged with an offence triable summarily or on indictment under this Act, that offence shall be triable summarily or on indictment at the election of the prosecution."

Amendment of section 95.

6. Section 95 of the principal Act is amended by deleting the words "one thousand dollars" and substituting the words "twenty-five thousand dollars".

Amendment of section 150.

7. Section 150 of the principal Act is amended by deleting the words "one thousand dollars" and substituting the words "ten thousand dollars".

## **FOURTH SCHEDULE**

1. Sexual intercourse with a girl under fourteen years of age contrary to section 3 (1) of the Criminal Law Amendment Act, Chapter 19;
2. Unlawful sexual intercourse with a woman who is an idiot or imbecile, contrary to section 4(b) of the Criminal Law Amendment Act, Chapter 19;
3. Incest contrary to section 74 of the Offences Against the Person Act, Chapter 56;
4. Non consensual buggery, contrary to section 56 of the Offences Against the Person Act, Chapter 56;
5. Wounding with intent contrary to section 17 of the Offences Against the Person Act, Chapter 56;
6. Attempted robbery contrary to section 31. (3) where it is alleged that the defendant assaulted the victim with intent to rob;
7. Robbery contrary to section 31(1) (a) or (b) of the Larceny Act, Chapter 41, where it is alleged that a firearm, imitation firearm or explosive, as defined in section 2 of the Firearm Act 1967, No. 23 or any weapon was present or used during the course of the robbery;
8. Possession or use of firearm or ammunition contrary to section 20 (1) (a) or 20 (1) (b) of the Firearms Act 1967, No. 23;
9. Possession with intent to supply drugs, where the Director of Public Prosecutions elects that it is tried on indictment or transfers the case to the High Court;
10. Kidnapping, contrary to section 62 of the Offences Against the Person Act, Chapter 56.

