



ST. HELENA

## **MAGISTRATES' COURT ORDINANCE**

### **Non-authoritative Consolidated Text**

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email [pa.lawofficers@legalandlands.gov.sh](mailto:pa.lawofficers@legalandlands.gov.sh)]<sup>1</sup>

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

<b>MAGISTRATES' COURT ORDINANCE</b>	Page
Ordinance 17 of 2011 .. in force on 1 January 2012	<b>2</b>

---

<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

# MAGISTRATES' COURT ORDINANCE

(Ordinance 17 of 2011)

AN ORDINANCE TO PROVIDE FOR THE CONSTITUTION IN ST. HELENA OF A MAGISTRATES' COURT, AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

## Commencement

[1 January 2012]

## PART I PRELIMINARY

### Citation and commencement

1. This Ordinance may be cited as the Magistrates' Court Ordinance, 2011, and shall come into force on 1<sup>st</sup> January, 2012.

### Interpretation

2. In this Ordinance, unless the context otherwise requires—

“**action**” means a civil proceeding commenced in such manner as may be prescribed by rules of court, and includes a suit;

“**cause**” means—

(a) any action, suit or other original civil proceeding between a plaintiff and a defendant; and

(b) any criminal proceeding;

“**Chief Justice**” means the Chief Justice appointed under section 90 of the Constitution;

“**civil**”, in relation to matters of jurisdiction, comprehends all such matters as are regulated by or under the provisions of any written law relating to civil procedure;

“**the Clerk**” means the Clerk of the Peace appointed under section 12;

“**the Court**” means the Court established by this Ordinance, including (for the avoidance of doubt) the St. Helena Juvenile Court;

“**criminal**” includes quasicriminal, and in relation to matters of jurisdiction, comprehends all such matters as are regulated by or under the provisions of any written law relating to criminal procedure;

“**judgment**” and “**decree**” shall be deemed synonymous terms;

“**Justice**” means a Justice of the Peace appointed under the provisions of section 8 of this Ordinance and includes an *ex officio* Justice of the Peace;

“**the Magistrate**” means the person appointed to be the Chief Magistrate in accordance with section 7;

“**matter**” includes every proceeding in a court not in a cause;

“**police force**” means the St. Helena Police Force established by the Police Force Ordinance, Cap 132 and “**police officer**” means any member of the police force;

“**rules of court**” means rules of court made under the provisions of section 89 of the Constitution or under any similar power conferred by any other written law;

“**Sheriff**” means the Sheriff of St. Helena appointed under section 3 of the Sheriff of St. Helena Ordinance, Cap 15;

“**Supreme Court**” means the St. Helena Supreme Court constituted by section 82(1) of the Constitution.

PART II  
CONSTITUTION OF THE COURT

**Magistrates' Court**

**3. (1)** There shall continue to be, in St. Helena, a court of summary jurisdiction subordinate to the Supreme Court—

(a) which shall be styled the St. Helena Magistrates' Court; and

(b) which shall be constituted in the manner provided by this section,

and such court shall exercise such jurisdiction as is conferred upon it by the provisions of this or any other Ordinance or under any other law for the time being in force in St. Helena.

**(2)** The Court shall be deemed to be duly constituted when it is held before—

(a) the Magistrate, either sitting alone or with one or more Justices; or

(b) two or more Justices:

Provided that where, by virtue of any law for the time being in force in St. Helena, a trial or hearing may take place before a single Justice, the Court shall for the purpose of that trial or hearing be deemed to be duly constituted when composed of one Justice.

**(3)** At any sitting of the Court, if all Justices present and constituting the Court so agree, they may select from amongst themselves, the Justice to preside as chairman.

**(4)** If it proves impossible to select a Justice to preside as chairman under subsection (3), the senior Justice of those present and constituting the Court, having regard to their respective dates of appointment, shall preside as chairman.

**(5)** If the Court is composed of an equal number of members, the most senior Justice shall have a second or casting vote on any issue upon which the opinion is equally divided.

**(6)** Subsections (3), (4) and (5) do not apply when the Court is held before the Magistrate; and, when the Court is so held, the Magistrate shall (unless he directs otherwise) preside as Chairman and he shall have a casting vote on any issue as to which opinion is equally divided.

**Territorial limits of jurisdiction**

**4.** The Court shall exercise jurisdiction throughout St. Helena.

**Seal**

**5.** The Court shall have and use a seal of such nature and pattern as the Governor may approve.

**Contempt of Court**

**6. (1)** The powers of the Supreme Court to deal with any contempt of its authority shall extend to upholding the authority of the Court; and if any contempt be committed in the face of the Court, the Court may commit the person guilty thereof forthwith to prison pending an Order of the Supreme Court thereon.

**(2)** Upon committing a person to prison in accordance with subsection (1), the Court shall cause a copy of the warrant of commitment (together with a written statement by the Magistrate or Chairman concerning the circumstances thereof) to be forwarded to the Registrar of the Supreme Court within 24 hours.

(3) It shall be lawful for the Court to revoke an order made under subsection (1) if (at any time within 12 hours of the making thereof) it appears that the contempt has been purged; and thereupon the person committed shall be forthwith released, but without prejudice to subsection (2).

PART III  
MAGISTRATES AND OFFICERS OF THE COURT

**Appointment of Chief Magistrate**

7. (1) The Governor may, subject to the provisions of section 90(4) of the Constitution, appoint a suitably qualified and experienced person to be the Chief Magistrate.

(2) For the avoidance of doubt, it shall be lawful for the Magistrate to be appointed to hold other offices of a judicial or quasi-judicial nature:

Provided that the Judicial Service Commission shall be consulted before any such appointment is made.

(3) A person who is appointed as Chief Magistrate may be appointed until he or she reaches an age that exceeds the age at which he or she was appointed by five years. Thereafter, the person may be reappointed as Chief Magistrate until he or she reaches an age that exceeds the age at which he or she was first appointed as Chief Magistrate by 10 years. On attaining this age, a person may again be reappointed as Chief Magistrate until he or she reaches the age of 60 if he or she has not already attained that age.

**Appointment of Justices of the Peace**

8. (1) The Governor may, subject to the provisions of section 90(4) of the Constitution, appoint any person to be a Justice of the Peace in and for St. Helena.

(2) The Chief Justice and the Magistrate shall be *ex officio* Justices of the Peace.

(3) It shall be lawful for the Governor to appoint an officer of the public service to be a Justice of the Peace if, but only if:

- (a) the Judicial Service Commission has certified that it is satisfied that such appointment would be consistent with the independence of the judiciary; and
- (b) the Governor is satisfied that such appointment would be consistent with the efficiency of the public service;

But a person so appointed shall (unless the Governor, on the advice of the Judicial Service Commission, orders otherwise) be deemed to have resigned as a Justice of the Peace if he is appointed to a public office different from that which he held at the time of his appointment.

**The Roll**

9. (1) The Clerk shall maintain a Roll, in a form approved by the Chief Justice, in which shall be recorded the names (together with such other particulars as may be prescribed by Rules of Court) of all persons appointed to hold the office of Chief Magistrate or Justice of the Peace.

(2) The Roll shall be separated into three parts, namely:

- (a) the Roll of Chief Magistrates;
- (b) the Roll of Justices of the Peace; and
- (c) the Supplemental Roll of Justices of the Peace.

(3) Upon a Justice attaining the age of 70 years, unless the Governor (acting on the advice of the Judicial Service Commission) for special reason orders otherwise,—

- (a) the name of that Justice shall be placed upon the Supplemental Roll referred to in subsection (2)(c); and
- (b) the entry relating to that Justice in the Roll referred to in subsection (2)(b) shall be marked with a note to the effect that his name has been placed on the Supplemental Roll.

### **Powers of Justices**

**10. (1)** Subject to the provisions of this or any other Ordinance, every Justice shall, subject to any exceptions which may be contained in his appointment, have—

- (a) all the rights, powers and duties of a magistrate under the provisions of this or any other Ordinance or under any other law for the time being in force in St. Helena, to issue—
  - (i) summonses and warrants for the purpose of compelling the attendance of any accused persons or witnesses before any court; and
  - (ii) search warrants; and
- (b) such other powers and rights and shall perform such other duties as may be conferred or imposed on him by the provisions of this or any other Ordinance or any other law for the time being in force in St. Helena or by rules of court.

**(2)** A Justice whose name is on the Supplemental Roll maintained in accordance with section 9(2)(c) may exercise such judicial and quasi-judicial functions as may be prescribed in the Code of Conduct approved in accordance with section 11(4).

### **Annual Meeting of Justices, and Code of Conduct**

**11. (1)** In the month of July each year (or as soon thereafter as is practicable), the Clerk shall convene a meeting of all the Justices, which meeting shall be known as the Annual Justices' Meeting.

**(2)** At the Annual Justices' Meeting, the Justices shall elect one of their number to serve as Chairman of the Bench from the date of his election until the election of his successor.

**(3)** Additional Justices' Meetings may be convened as often as the Chairman of the Bench considers necessary or convenient for the purpose of discussing matters of common interest to members of the Bench.

**(4)** A Justices' Meeting may approve (and from time to time amend) a Code of Conduct for the guidance of Justices of the Peace as to the standards of conduct, both when acting judicially and in their private lives, which are to be expected of Justices of the Peace;

Provided that a Code of Conduct (or an amendment thereof) cannot take effect unless it has been approved by the Chief Justice.

### **Clerk of the Peace and other officers**

**12. (1)** The Governor shall appoint a public officer to be the Clerk of the Peace, whose duties shall be—

- (a) to attend at such sessions of the Court as the Justices may direct;
- (b) to prepare or cause to be prepared for signature all summonses, warrants, orders, convictions, recognizances, writs of execution and other documents;
- (c) to issue civil processes in accordance with the rules of court for the time being in force;
- (d) to make or cause to be made copies of proceedings when required so to do, and to record the judgments, convictions and orders of the Court;

- (e) to receive or cause to be received all fees, fines, penalties and all other moneys paid or deposited in respect of proceedings in the Court, and to keep or cause to be kept accounts of the same; and
  - (f) generally to perform or cause to be performed such other duties as may be imposed upon him by rules of court or assigned to him by the Court.
- (2) The Governor may from time to time appoint such other officers as may be necessary for the proper exercise of the jurisdiction of the Court.

PART IV  
SITTINGS OF THE COURT

**Place and time for sittings of Magistrates' Court**

13. (1) The Court shall ordinarily be held at such place as the Chief Justice may direct, but should necessity arise it may be held at any other place within the limits of its jurisdiction.

(2) Subject to the directions, if any, of the Chief Justice, the Court shall be held at such time as the Justices exercising the jurisdiction of such Court deem most expedient for the despatch of the business thereof.

**Nature of business at any sitting**

14. At any sitting of the Court both civil and criminal causes and matters may be heard and determined.

PART V  
JURISDICTION OF THE MAGISTRATES' COURT

**Powers of the Court**

15. (1) The Court shall have and exercise such jurisdiction in civil and criminal matters as is in this Ordinance provided, or as may be provided under the provisions of any other law for the time being in force in St. Helena.

(2) Without prejudice to the generality of the provisions of subsection (1), the Court shall have and exercise such jurisdiction as may be conferred by the provisions of any law for the time being in force in St. Helena upon a juvenile court.

(3) When exercising the jurisdiction conferred by subsection (2), the Magistrates' Court shall be styled the St. Helena Juvenile Court and shall be held *in camera*.

(4) All proceedings in the Magistrates' Court wherein any person under the age of 17 years (in this section called "a juvenile") is charged with or otherwise accused of any criminal offence shall be heard by the St. Helena Juvenile Court:

Provided that this subsection shall not apply to any proceedings wherein such a person is so charged or accused jointly with a person who is not under the age of seventeen years.

**Law to be applied**

16. (1) Subject to the provisions of this Ordinance or of any other law for the time being in force in St. Helena, the jurisdiction of the Court shall be exercised in conformity with the laws with which the Supreme Court is required to conform in the exercise of its own jurisdiction:

Provided that the Court shall not exercise any jurisdiction which is by the provisions of any law for the time being in force in St. Helena conferred exclusively on the Supreme Court or on a court of record.

(2) For the purposes of this Ordinance, any reference in the laws applied by this section to—

- (a) a county court; or
- (b) a court of summary jurisdiction,

shall be construed as a reference to the Court.

### **Civil jurisdiction**

17. (1) In civil causes and matters, the Court, in addition to any other jurisdiction conferred on it by the provisions of any other Ordinance or law for the time being in force in St. Helena, shall have jurisdiction—

- (a) in all personal suits, whether arising from tort or contract or both, where the value of the property, the debt or the damage claimed, whether as the balance of an account or otherwise, does not exceed £5,000;
- (b) in all suits between landlord and tenant for possession of any premises claimed under an agreement or refused to be delivered up, where the annual value or the rent of such premises does not exceed £5,000;
- (c) to grant in any suit instituted in the Court injunctions or orders to stay waste or alienation or for the detention and preservation of any property the subject of such suit, or to restrain any wrongful act or breach of contract;
- (d) in all claims for relief by way of interpleader in respect of land or other property attached in execution of a decree of the Court:

Provided that the jurisdiction conferred by this paragraph shall not be exercised, unless the parties consent, in respect of land or other property exceeding £5,000 in value;

- (e) to enforce by attachment any order made by the Court;
- (f) to commit to prison for a term not exceeding three months, or until payment of the sum due, any person who makes default in payment of any debt or instalment or any debt due by him in pursuance of any judgment or order of the Supreme Court or of the Court:

Provided that no such person shall be committed to prison unless it is established to the satisfaction of the Court that such person making default—

(i) has, or since the date of the judgment or order has had, the means, after providing for the support of his dependants, to pay the sum in respect of which he has made default; and

(ii) refuses or neglects, or has refused or neglected, to pay the same.

(2) For the purpose of subsection (1)(f), the Court may order—

- (a) that any debt due by any person in pursuance of any judgment or order of the Supreme Court or of the Court may be paid by instalments; or
- (b) that any warrant of commitment of such person to prison under the provisions of that paragraph shall be suspended on payment by such person of such instalments as may be specified in the order,

and may from time to time vary or rescind any such order.

(3) Notwithstanding the provisions of subsection (1), the Court shall have no jurisdiction in—

- (a) suits wherein the title to any office is in issue;

- (b) suits wherein the validity of any will or other testamentary writing or of any bequest or limitation under any will or settlement is in issue;
- (c) suits wherein the legitimacy of any person is in issue;
- (d) suits wherein the validity or dissolution of any marriage is in issue; or
- (e) any action for malicious prosecution, defamation, seduction or breach of promise of marriage.

(4) Where in any suit the debt or demand consists of a balance not exceeding £5,000 after an admitted set off of any debt or demand claimed or recoverable by the defendant from the plaintiff, the Court shall have jurisdiction and power to hear and determine such suit within the limits of its jurisdiction and power.

(5) If the Chief Justice considers that a civil case brought in the Supreme Court is suitable to be heard in the Magistrates' Court, then notwithstanding that the value of the claim exceeds the maximum amounts prescribed in this section, the Chief Justice may remit the case to the Magistrates' Court for hearing and determination, and may include in the order remitting the case such directions to the Court (if any) as he thinks fit.

(6) When the Court is constituted as provided in section 3(2)(a), the foregoing provisions of this section have effect with the following amendments:

- (a) for the amount of "£5,000", wherever it appears, there is substituted "£20,000"; and
- (b) subsection (3) has effect subject to such modifications (if any) as may be made to it by rules of court.

## **Law and equity**

18. (1) In every civil cause or matter which is instituted in the Court, law and equity shall be administered concurrently.

(2) In the exercise of the jurisdiction conferred upon the Court, the Court shall have power in every cause or matter to grant and shall grant, either absolutely or on such reasonable terms and conditions as may seem just, all such remedies and reliefs, interlocutory or final, as any of the parties thereto may appear to be entitled to in respect of every legal and equitable claim or defence properly brought forward by them respectively or which shall appear in such cause or matter; so that, so far as is possible, all matters in controversy between the parties may be fully and finally determined and multiplicity of proceedings concerning such matters may be avoided.

(3) Where in any cause or matter there is a conflict between the rules of equity and the rules of the common law with reference to the same subject, the rules of equity shall prevail.

## **Criminal jurisdiction**

19. (1) Subject to the provisions of any other law for the time being in force in St. Helena, the Court shall have jurisdiction to try summarily any criminal offence except for any offence punishable with imprisonment for a term exceeding 14 years:

Provided that the Court may not impose a sentence of imprisonment for a term exceeding 18 months or a fine exceeding £5,000, or both such fine and imprisonment; unless a written law expressly provides that an offender is liable on summary conviction to a longer term or a higher fine or both.

(2) Where, on the conviction of an offender for an offence for which the maximum penalty prescribed by law exceeds the maximum penalty which the Court can impose, it appears to the Court, after obtaining information regarding the character and antecedents of the offender, that a sentence should be imposed which is in excess of that which it may lawfully impose, the Court may commit such offender to the Supreme Court for sentence, and thereupon

the Supreme Court may pass such sentence or make such order upon or in respect of such offender as if he had been tried and convicted by that Court.

(3) Where an offender is convicted of more offences than one, such offences having been lawfully joined in one charge, and it appears to the Court that consecutive sentences should be imposed, it shall not be necessary for the Court to commit such offender to the Supreme Court for sentence by reason only that the aggregate punishment for the several offences in respect of which such sentences are imposed is in excess of the punishment which it is competent to impose on conviction for a single offence:

Provided that the Magistrates' Court shall in no case impose consecutive sentences of imprisonment which in aggregate exceed a period of three years.

(4) All offenders shall commence serving their sentences on the date sentence is passed, except where the Court directs otherwise.

(5) When the Court is constituted as provided in section 3(2)(a), the foregoing provisions of this section have effect with the following amendments:

(a) for the amount of "£5,000", there is substituted "£20,000"; and

(b) for the numbers and words "18 months" there are substituted the words "five years"; and

(c) for the words "three years" there are substituted the words "five years";

Provided that the court may not impose the higher sentences authorised by this subsection unless the Magistrate approves the sentence.

### **General powers of Justices**

20. Every Justice shall have power to make such orders, to issue such processes and to exercise such judicial and administrative powers in relation to the administration of justice as and in such manner as shall from time to time be prescribed by this or any other Ordinance, or by rules of court, or subject thereto, by any special order of the Chief Justice.

### **Administration of oaths**

21. (1) Every Justice is hereby authorised to administer all oaths, affirmations and declarations which may require to be taken before him in exercise of the jurisdiction and powers conferred upon Justices (or upon the Court) by the provisions of this Ordinance or any other law for the time being in force.

(2) Any such oath or affirmation may also be administered by any clerk or other officer of the Court under the direction and in the presence of a Justice.

### **Jurisdiction of Supreme Court concurrent with that of Magistrates' Court**

22. No jurisdiction conferred upon the Court or any Justice shall in any way restrict or affect the jurisdiction of the Supreme Court, but the Supreme Court shall have in all causes and matters, civil and criminal, an original jurisdiction concurrent with the jurisdiction of the Court.

### **Judgment may be entered in Supreme Court on a judgment of Magistrates' Court**

23. (1) If the Chief Justice is satisfied that a person, whether resident in St. Helena or not, against whom judgment for an amount exceeding £2,000 has been pronounced (whether by way of claim or counterclaim or for costs or otherwise) in the Court, has no goods or chattels within St. Helena which can be seized conveniently to satisfy the judgment, he may, if

he thinks fit, and upon such terms as to costs as he may direct, by order under his hand and the seal of the Supreme Court, remove the judgment into the Supreme Court.

(2) Upon the removal of a judgment into the Supreme Court in pursuance of this section no further proceedings shall be had or taken thereon in the Magistrates' Court and the judgment shall be entered in the Supreme Court for the amount due and payable under the judgment of the Magistrates' Court together with the costs as aforesaid, and a judgment so entered shall have the same force and effect and the same proceedings may be had thereon as if it were a judgment originally obtained in the Supreme Court.

(3) This section applies to orders obtained in the Court as it applies to judgments there obtained.

## PART VI PRACTICE AND PROCEDURE OF THE COURT

### **Practice and procedure**

24. Subject to the provisions of any other law for the time being in force, the jurisdiction vested in the Court shall be exercised (so far as regards practice and procedure) in the manner provided by this Ordinance or by any other Ordinance for the time being in force relating to criminal or civil procedure, or by rules of court; and in the absence of any such provision, in substantial conformity with the law and practice for the time being observed in England in county courts and courts of summary jurisdiction.

### **Process issued by Justice ceasing to act**

25. Where a Justice has issued any summons or warrant, whether civil or criminal, under any authority howsoever conferred, and subsequently ceases to act as a Justice, it shall be lawful for the person in whose hands such summons or warrant may be to execute or serve the same in the same manner as if the Justice who issued the summons or warrant had not ceased to act.

### **Issue of process**

26. All summonses, warrants, orders, convictions and recognizances, and all other processes, whether civil or criminal, of the Court shall be issued or made under the hand of a Justice:

Provided that, where expressly authorised by the provisions of any law for the time being in force in St. Helena or by rules of court, writs of summons and other civil process may be issued under the hand of the Clerk of the Peace.

### **Duty of Police Force to obey Justices**

27. All members of the Police Force are hereby authorised and required to obey the warrants, orders and directions of a Justice in the exercise of his criminal jurisdiction, and, in so far as such obedience may be authorised and required by the provisions of any law for the time being in force in St. Helena in that behalf, of his civil jurisdiction.

## PART VII MISCELLANEOUS

## **Protection of Justices of the Peace and other officers**

**28.** No Justice or other person acting judicially shall be liable to be sued in any civil court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction, provided that he, at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of; and no officer of any court or other person bound to execute the lawful warrants or order of any such Justice or other person acting judicially shall be liable to be sued in any civil court for the execution of any warrant or order which he would be bound to execute if within the jurisdiction of the person issuing the same.

## **Representation of Crown, public officers in their official capacity and Directorates of the Government**

- 29.** In any suit or matter—
- (a) in which the Crown, a Council Committee, any Directorate of the Government or any public officer in his official capacity is a party; or
  - (b) affecting the revenues of St. Helena, the Crown, that Committee, that Directorate or that officer, as the case may be, may be represented by a legal practitioner or other person duly authorised in writing in that behalf by the Attorney General.

## **Employment of legal practitioners**

**30.** The employment of legal practitioners shall, save as may be otherwise specifically provided, be allowed in all causes and matters, whether civil or criminal, before the Court.

## **Fees and costs**

**31. (1)** The fees and costs set forth in any Ordinance for the time being in force or in rules of court may be demanded and received by the Clerk of the Peace or other person appointed to receive such fees and costs for and in respect of the several matters therein mentioned.

**(2)** All such fees and costs shall in the first instance be paid by the party applying for the summons, warrant, or other process or document in respect whereof the same are payable:

Provided that—

- (a) no fees shall be payable—
  - (i) by any public officer in any cause or matter instituted or defended by him in his official capacity; or
  - (ii) in any case in which a Justice endorses on the complaint that it is a fit one for remission of fees on account of the poverty of the party or for any other sufficient cause; and
- (b) such fees and costs shall, in the discretion of the Court, be recoverable from the other party, if the decision be given against him.

## **Repeal, transitional provisions and amendment of legislation**

- 32. (1)** The Magistrates' Court Ordinance, Cap. 10, is repealed.

(2) Notwithstanding the repeal of the Magistrates’ Court Ordinance, Cap. 10, by subsection (1)—

- (a) any proceedings pending in the Magistrates’ Court immediately before the date of such repeal may be continued on and after that date in such court; and
- (b) any judgment or order of the Magistrates’ Court given or made before the date of such appeal, in so far as it has not been fully executed or enforced, may be executed or enforced on and after that date.

(3) The legislation listed in Column 1 of the Schedule is amended to the extent set out in Column 2 thereof.

## SCHEDULE

(Section 32(3))

### Amendment of Legislation

Legislation amended	Extent of amendment
Lay Advocates Ordinance, Cap. 13	<p>(a) The heading of Part IV of the Ordinance is repealed and the following is substituted therefor:</p> <p style="text-align: center;">“PART IV MANAGEMENT AND SUPERVISION OF THE FUND”.</p> <p>(b) Section 15 is repealed.</p> <p>(c) Section 16 is repealed and the following is substituted therefor:</p> <p style="text-align: center;"><b>“Business of Annual Justices’ Meeting</b></p> <p style="text-align: center;"><b>16.</b> The Annual Justices’ Meeting shall be held in accordance with section 11 of Magistrates’ Court Ordinance, 2011, to—</p> <ul style="list-style-type: none"> <li>(a) determine, within the limits of section 8(2), the number of Justice Trustees to be appointed;</li> <li>(b) nominate or elect the number of Justice Trustees so determined;</li> <li>(c) approve an auditor for the Fund;</li> <li>(d) receive the audited accounts of the Fund for the previous financial year;</li> <li>(e) nominate, if thought appropriate, persons for appointment as Lay Advocates.”</li> </ul> <p>(d) Section 17 is amended by adding the following subsection:</p> <p>“(4) The person appointed as Chief Magistrate in accordance with section 7 of the Magistrates’ Court shall be <i>ex officio</i> Justice Trustee.”.</p>
Criminal Procedure Ordinance, Cap. 23	<p>Section 221 is amended by inserting the following subsection after subsection (2):</p> <p style="text-align: center;"><b>“(2A)</b> Where a court sentences an offender to imprisonment for a term in respect of any offence and the offender has been remanded in custody in connection with such offence, or any other related offence the charge for which</p>

	was founded on the same facts or evidence, the number of days for which the offender was so remanded in custody in connection with such offence or related offence shall count as time served by him as part of the sentence.”.
--	---

---