

ANTIGUA AND BARBUDA



CRIMINAL PROCEEDINGS (TRIAL BY JUDGE ALONE) BILL, 2021

No. of 2021

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2 Criminal Proceedings (Trial by
Judge Alone) Bill, 2021

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CLAUSES

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AN ACT to provide for criminal trials without a jury in certain circumstances and for other matters connected or incidental thereto.

ENACTED by the Parliament of Antigua and Barbuda as follows:

PART I
PRELIMINARY

1. Short title and Commencement

(1) This Act may be cited as the Criminal Procedure (Trial by Judge Alone) Act, 2021.

(2) This Act shall come into force on a date which the Minister may appoint and shall remain in force only for such period of time as the COVID pandemic shall persist.

2. Interpretation

In this Act—

“**court**” means the High Court of Justice of Antigua and Barbuda;

“**indictable offences**” includes either-way offences for which a determination has been made that the matter will be tried on indictment;

“**party to the trial**” or “**party**” includes the prosecution.

3. Application of this Act

(1) This Act shall apply to criminal proceedings pending on the commencement date of this Act and legal proceedings instituted on or after the commencement of this Act for the duration of the period identified in section 1 subsection (2).

(2) For the purposes of this section, criminal proceedings are deemed to be instituted once an indictment has been laid against an accused person and the accused person has been committed for trial in the High Court.

PART II

TRIAL WITHOUT A JURY

4. Trial without a jury in certain cases

(1) Notwithstanding anything contained in this Act, the Juries Act No. 6 of 2009, or any other law or rule of criminal practice to the contrary, every person who is committed for trial or indicted, either alone or jointly with others, for any one or more of the offences set out in subsection (2) of this section may be tried before a judge of the court sitting alone without a jury, including the preliminary issue (if raised) of fitness to plead or to stand trial for such offences.

(2) The offences referred to in subsection (1) are,

- (a) indictable offences under the Larceny Act (Cap. 241);
- (b) indictable offences under the Forgery Act, (Cap. 181);
- (c) indictable offences under the Prevention of Corruption Act 2004, No. 21 of 2004;
- (d) indictable offences under the Misuse of Drugs Act (Cap 283);
- (e) indictable offences under the Money Laundering Act 1996, No. 9 of 1996;
- (f) offences under the Proceeds of Crime Act 1993, No. 13 of 1993; and
- (g) indictable offences under the Electronic Crimes Act 2013, No. 14 of 2013

(3) An indictment charging an accused person with an offence specified in subsection (2) shall not include a count for any offence not referred to in that subsection

5. Consent of Accused required to be tried by Judge Alone

- (1) No trial for an indictable offence shall be done by a Judge sitting without a Jury, unless the accused, in writing and after receiving legal advice, confirmed his consent to be so tried by filing the confirmation certificates set out in Form 1 and Form 2 of the Schedule.
- (2) A Judge shall, at the first hearing of a matter after the filing of an indictment –
 - (a) inform the accused person that he may elect to be tried: