

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER C155

CRIMINAL PROCEDURE (COMMITTAL FOR SENTENCE) ACT

Showing the Law as at 15 December 2000

Published by Authority

Printed in
The Attorney General's Chambers
ANGUILLA

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CRIMINAL PROCEDURE (COMMITTAL FOR SENTENCE) ACT

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CRIMINAL PROCEDURE (COMMITTAL FOR SENTENCE) ACT

Procedure where accused confesses guilt at preliminary enquiry

1. (1) Except when the charge is one of treason or murder, if an accused person in any statement referred to in section 59 of the Magistrate's Code of Procedure Act says or admits that he is guilty of the charge, then the Magistrate shall further say to him the words following, or words to the like effect—

> "Do you wish the witnesses again to appear to give evidence against you at your trial? If you do not, you will now be committed for sentence instead of being committed for trial."

If the accused, in answer to such question, states that he does not wish the witnesses again to appear to give evidence against him, his statement shall be taken down in writing and read to him and shall be signed by the Magistrate and by the accused, if he will, and shall be kept with the depositions of the witnesses.

(2) The Magistrate may thereupon bind over the witnesses to attend the trial conditionally upon reasonable notice being given to them by the Registrar that they are required so to attend in pursuance of their recognizances.

(3) In any such case as is mentioned in this section, the Magistrate shall, instead of committing the accused for trial, order him to be committed for sentence before the High Court and in the meantime, the Magistrate shall, by his warrant, commit him to prison to be there safely kept until the sittings of that Court, or until he is admitted to bail or delivered by due course of law.

(4) The statement of the accused made under this section shall be received in evidence upon its mere production without further proof thereof by the Court before which he is brought for sentence.

Transmission of record of proceedings

2. (1) The Magistrate shall, as soon after such committal as is practicable, transmit the complaint or information, depositions, and any statement or confession of the accused, taken on the hearing of such charge, to the Registrar, together with a copy of all such documents for the use of the Attorney General, and the Registrar shall, as soon as practicable after receiving them, deliver them to the Judge and the Attorney General.

(2) The Attorney General shall, as soon as practicable after receiving a copy of such record of proceedings at the preliminary enquiry, prefer and file an indictment against the accused person committed for sentence.

Accused to be brought before Judge to be dealt with

3. (1) As soon as conveniently may be after the filing of an indictment against an accused person committed for sentence, the Registrar of the High Court shall issue a summons to the accused person to appear and, if he is in custody, an order to the gaoler to bring the prisoner before a Judge of the High Court at a time to be fixed by the Judge, and the Registrar shall notify the Attorney General accordingly.

(2) The accused person shall be called upon to plead to the indictment in the same manner as if he had been committed for trial, and he may plead, either that he is guilty of the offence charged in the indictment, or with the consent of the prosecutor, of any other offence of which he might be convicted on the indictment.

(3) If the accused person pleads in the High Court that he is not guilty, or if, although he pleads that he is guilty, it appears to the Court upon the examination of the depositions of the witnesses that he has not in fact committed the offence charged in the indictment, or any other offence, of which he might be convicted on the indictment, the plea of not guilty shall be entered and the trial is to proceed as in other cases when that plea is entered, and the Judge shall postpone the case for trial by a jury at the regular criminal sessions of the High Court, and may remand the accused to prison or admit him to bail in the meantime.

(4) A person who has been committed for sentence may plead *autrefois acquit, autrefois convict*, pardon, or such special plea as he would be permitted to plead according to the law of England for the time being in force, and in such case unless the accused and the prosecutor and the Judge consent to the issue being tried by the Judge without a jury, the Judge shall postpone the case for a trial by a jury as provided in subsection (3).

Withdrawal by accused of consent to his committal for sentence

4. (1) A person may at any time before he is brought up for sentence give notice in writing to the Registrar that he desires to withdraw his consent to be committed for sentence, and in such case the prisoner shall not be taken before the High Court for sentence but shall be brought up for trial at the regular criminal sessions of the Court.

(2) The notice shall he filed of record in the Registrar's office, and the Registrar shall notify the Attorney General of the withdrawal of the consent to committal for sentence, and such notice may be put in evidence at the trial or mention may be made at the trial of the fact that such notice was given.

Powers of Court and Judge when dealing with committals for sentence

5. (1) A Judge of the High Court when sitting to deal with persons committed for sentence shall, subject to these provisions, possess all the powers, authorities and jurisdiction vested in the High Court with respect to the trial of criminal cases in the exercise of the ordinary criminal jurisdiction of the Court.

(2) The Registrar or other proper officer shall attend before a Judge in any proceedings respecting persons committed for sentence, and keep a record thereof in like manner as in other proceedings in the Court.

Notice by person committed for trial of intention to plead guilty

6. (1) A person committed for trial, whether he is in custody or not, may, if he wishes to plead guilty and be sentenced prior to the regular criminal sessions of the Court, file with the Registrar a notice in writing to that effect; the notice shall be filed of record in the Registrar's Office.

(2) In such case the Registrar shall notify the Judge and the Attorney General, or other prosecutor, of such notice and the subsequent proceedings shall be as in the case of a person committed for sentence and sections 3, 4 and 5 shall *mutatis mutandis* apply.

Citation

7. This Act may be cited as the Criminal Procedure (Committal for Sentence) Act, Revised Statutes of Anguilla, Chapter C155.

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