

**ANTIGUA AND BARBUDA**



**MAGISTRATE'S CODE OF PROCEDURE (AMENDMENT) BILL, 2025**

**No.        of 2025**



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**MAGISTRATE'S CODE OF PROCEDURE (AMENDMENT) BILL 2025**

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**CLAUSES**

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**No of 2025**

**An ACT** to amend the Magistrate's Code of Procedure, Cap 255.

**ENACTED** by the Parliament of Antigua and Barbuda as follows-

**1. Short Title**

This Act may be cited as the Magistrate's Code of Procedure (Amendment) Act, 2025.

**2. Interpretation**

In this Act –

“principal Act” means the Magistrate's Code of Procedure, Cap 255.

**3. Amendment of principal Act – Insertion of section 239A - Remand may be conducted by virtual proceedings**

The principal Act is amended by inserting after section 239 the following—

**“239A. Remand may be conducted by virtual proceedings**

(1) Notwithstanding any provision of this Act or any other written law, in any circumstance where a Magistrate is required to remand an accused person, such remand may be conducted by means of a virtual hearing on any virtual platform or electronic communication facility available to the court.

(2) The accused person, the accused person’s legal representative, and the prison superintendent shall be informed of the date and time of the virtual remand hearing in a manner that ensures timely and effective participation.”

No. of 2025

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*Magistrate's Code of Procedure (Amendment) Bill 2025*

Passed the House of Representatives on  
the day of , 2025.

Passed the Senate on the day of  
, 2025.

.....  
*Speaker.*

.....  
*President.*

.....  
*Clerk to the House of Representatives.*

.....  
*Clerk to the Senate.*

## EXPLANATORY MEMORANDUM

This Bill seeks to amend the Magistrate's Code of Procedure, Cap 255, by introducing a new section 239A to provide a clear legislative framework for conducting remand proceedings by virtual means. The Bill modernizes remand procedures by allowing Magistrates to conduct remand hearings on a virtual platform or through electronic communication facilities when necessary or desirable. The amendment supports the accused's right to due process and the requirement for proper notice to the accused and their counsel helps maintain fairness and transparency. The Bill also enhances the efficiency of court operations, minimizes logistical challenges associated with transporting accused persons to and from court, and promotes timely access to justice. This legislative development reflects the growing use of technology in judicial processes, aligning with global trends toward modern, flexible court systems.

### CLAUSE ANALYSIS

**Subsection (1)** permits a Magistrate to direct that any remand be conducted by a virtual hearing, notwithstanding any other provision in the Act or any other written law. This ensures that remote proceedings are explicitly recognized as a valid and lawful alternative to traditional in-person appearances. Virtual remand hearings reduce the strain on court resources and lower the logistical costs of transporting accused persons.

**Subsection (2)** requires the court to inform the accused person, the accused person's legal representative, and the prison superintendent of the date and time of the virtual remand hearing. This provision safeguards the rights of the accused by ensuring that all relevant parties have sufficient notice to participate effectively.

.....  
**Hon. Sir Steadroy C.O. Benjamin KGCN**  
Attorney General and  
Minister with responsibility for Justice, Legal Affairs,  
Labour and National Security