

ANTIGUA AND BARBUDA



**OFFENCES AGAINST THE PERSON (AMENDMENT) ACT, 2013**

**No. 13 of 2013**

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offender's response to those measures; and

- (d) any other matter required by the court, after hearing arguments from the prosecutor and the offender or his counsel, to be included in the report.

**3D. Prosecutor and offender to address the Court on sentence**

Before determining the sentence, the court shall give the prosecutor and the convicted person an opportunity to make submissions with respect to any matters relevant to the sentence to be imposed.”

Passed the House of Representatives  
on the 30th August, 2013.

Passed the Senate on the 12th September,  
2013.

**D. Gisele Isaac-Arrindell,**  
*Speaker.*

**Hazlyn M. Francis,**  
*President.*

**Romona Small,**  
*Clerk to the House of Representatives.*

**Romona Small,**  
*Clerk to the Senate.*

social welfare officer shall, if required to do so by the court, prepare and file with the court a report in writing relating to the convicted person for the purpose of assisting the court in imposing an appropriate sentence or determining when he should be discharged and on what conditions, if any.”

#### **6. Insertion of Section 3B**

The principal Act is amended by inserting after section 3A the following-

##### **“3B. Review of sentence for life or lesser term of imprisonment**

(1) Where a person is convicted of any offence under Part I and Part II of this Act, and sentenced to life imprisonment or to a lesser period of imprisonment, the court may order that the sentence imposed on the convicted person be reviewed by a court of competent jurisdiction after the person has served not less than a period of —

- (a) thirty years, where the sentence is for life imprisonment, and thereafter at intervals of five years; and
- (b) twenty years, in the case of a lesser term of imprisonment, and thereafter at intervals of three years,

and there consider whether it is any longer necessary for the purposes of deterrence, retribution, rehabilitation and in the public interest that the convicted person should be further detained.

(2) A review under subsection (1) shall take into account a report submitted by the Visiting Committee appointed under rule 3 of the Prison Rules.

(3) An application for review may be made by counsel on behalf of the prisoner or by the prisoner on his own behalf or initiated by the Director of Public Prosecutions or the Superintendent of Prison.”

#### **7. Insertion of section 3C**

The principal Act is amended by inserting after section 3B the following-

##### **“3C. Content of the report**

Unless otherwise required by the court, the report shall wherever possible, contain the following information —

- (a) the offender’s age, maturity, character, the behaviour, attitude and willingness to make amends;
- (b) the history of previous convictions and sentences;
- (c) the history of any alternative measures used to deal with the offender, and the

## **ANTIGUA AND BARBUDA**

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#### **SECTIONS**

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2. Interpretation
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4. Amendment of section 3 – Sentenced for murder
5. Insertion of section 3A – Proceedings for sentencing
6. Insertion of section 3B – Review of sentence
7. Insertion of section 3C – Content of report

[L.S.]



I Assent,

**Louise Lake-Tack,**  
*Governor-General.*

28th October, 2013.

**ANTIGUA AND BARBUDA**  
**OFFENCES AGAINST THE PERSON (AMENDMENT) ACT, 2013**  
**No. 13 of 2013**

**AN ACT** to amend the Offences Against the Person Act, Cap. 300.

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

**1. Short title**

This Act may be cited as the Offences Against the Person (Amendment) Act, 2013.

**2. Interpretation**

In this Act —

“the principal Act” means the Offences Against the Person Act, Cap. 300.

**3. Amendment of Section 2-Murder**

Section 2 of the principal Act is repealed and the following substituted —

“2. Whosoever is convicted of murder shall be sentenced to death or to imprisonment for life or for such lesser term as the court considers appropriate.”

**4. Amendment of section 3-Sentence for murder**

Section 3 of the principal Act is repealed and substituted by the following:

“(1) Where upon a conviction for murder, the court exercises its power under section 2 and sentences the person to death, the court shall pronounce the sentence of death, which shall be carried into execution.

(2) All other proceedings in relation to and in respect of the sentence of death shall take place before the court and the court shall have and exercise the same powers in all respects after a conviction for any other felony for which the person may be sentenced to death as a felon.

(3) Notwithstanding subsection (1) of section 3, the sentence of death shall not be pronounced or recorded against a person convicted of an offence if it appears to the court that at the time when the offence was committed, the person convicted was under the age of eighteen years.

(4) Where a person under the age of eighteen years is convicted of murder, the court shall sentence him to be detained during the Court’s pleasure, and under such conditions (including periodic reviews by a court of competent jurisdiction) as the court may direct to meet the requirements of retribution, deterrence and rehabilitation and upon such terms as to periodic review of his detention as the court deems appropriate.

(5) A person who is sentenced to be detained under subsection (4) shall be confined in a safe place within Her Majesty’s Prison and while so detained he shall be deemed to be in legal custody.

(6) Where a court pronounces a sentence of death pursuant to subsection (1), the Court shall direct the time, place and manner of the execution of the sentence of death of the person convicted of murder.

(7) After the execution of sentence of death in the manner directed by the Court, and the person has been pronounced dead by a medical officer appointed by the Court, the Provost Marshall shall handover the remains of the person executed to his family for burial or if no family members come forward to claim the remains, the body shall be buried at the place directed by the Court.”

**5. Insertion of section 3A**

The principal Act is amended by inserting after section 3 the following—

**“3A. Proceedings for sentencing**

(1) A court shall, as soon as practicable after a person has been found guilty of an offence under Part I or Part II of this Act, conduct proceedings to determine the appropriate sentence to be imposed.

(2) Where an accused pleads guilty to or is found guilty of an offence, a probation officer or a