



**THE MAGISTRATES' COURTS
(AMENDMENT) BILL 2014**

(NO. 1 OF 2014)



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A

BILL

Entitled

AN ACT TO AMEND THE MAGISTRATES' COURTS ACT (CAP. 20).

ENACTED by the National Parliament of Solomon Islands.

THE MAGISTRATES' COURTS (AMENDMENT) BILL 2014

Short title and commencement

1. This Act may be cited as the Magistrates' Courts (Amendment) Act 2014 and shall come into force on such date as the Minister may appoint by Notice published in the Gazette.

Repeal and Replacement of section 69 of Cap 20

2. The Magistrates' Courts Act (hereinafter referred to as the "principal Act") is hereby amended by repealing section 69 and substituting therefor the following new section 69 –

"Recording of oral evidence before a Magistrate's Court in writing

69. (1) Subject to section 69A and to the provisions of any other Act, in every case heard before a Magistrate's Court, and at every stage thereof, the Magistrate hearing such case shall, save as hereinafter provided, take down in writing the oral evidence given before the Court or so much thereof as he deems material:

Provided that, should such Magistrate, in any case, find himself temporarily incapacitated from taking down such evidence, he may direct that such evidence shall be taken down by the Clerk of the Court or other officer performing the duties of the Clerk of the Court.

(2) The Clerk of the Court or other officer referred to in the preceding subsection shall take down in writing the oral evidence in manner as aforesaid, under the supervision and control of the Magistrate presiding.

(3) The Magistrate may, at any time before appending his signature to such writing, amend anything therein which he may consider requires amendment and shall peruse and examine such writing, and satisfy himself that it is, in substance, an accurate and faithful record of the oral evidence given."

Insertion of new section 69A

3. The principal Act is hereby amended by inserting the following new section 69A -

"Electronic record of proceedings

69A. (1) The requirements for recording the evidence in every case heard before a Magistrate's Court may be satisfied by the Clerk of the Court or other officer performing the duties

of the Clerk of the Court, recording the evidence using a suitable recording device.

(2) As soon as practicable after the conclusion of a case, the Magistrate must cause the recording to be transcribed into writing and shall peruse and examine such writing, and certify that it is an accurate and faithful record of the oral evidence given.”.

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BILL 2014**

OBJECTS AND REASONS

The Object of this Bill is to enable proceedings conducted in a Magistrates' Court to be recorded using sound recording equipment.

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**HON. COMMINS ASHTON MEEWA
MINISTER FOR JUSTICE AND LEGAL AFFAIRS**

EXPLANATORY MEMORANDUM

Clause 1 provides for the short title and commencement of the Act.

Clause 2 seeks to repeal and replace section 69 making it subject to the operation of the proposed new clause 69A

Clause 3 seeks to add a new clause 69A which would provide that the requirements for recording the evidence before a Magistrate's Court may be satisfied by recording the evidence using a suitable recording device. Where suitable recording equipment is not available, the existing requirements for evidence to be taken down in writing will continue.

It further provides that the Magistrate must cause the recording to be transcribed into writing and shall certify that it is an accurate and faithful record of the oral evidence given.

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HON. COMMINS ASHTON MEEWA
MINISTER FOR JUSTICE AND LEGAL AFFAIRS

Honiara, Solomon Islands
Printed under the authority of the
Solomon Islands Government
Printed by Pacific Printers Limited.