

MAGISTRATES' COURT ORDINANCE, CAP A19.

(Amended by Ordinances A6 of 2002, A2 of 2004, A4 of 2006, 5 of 2011, 5 of 2012, 4 of 2016 and 6 of 2016)

Amended by LN 3 of 2009

AN ORDINANCE TO PROVIDE FOR THE CONSTITUTION IN ASCENSION OF A MAGISTRATES' COURT, AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

PART I - Preliminary

Citation

1. This Ordinance may be cited as the Magistrates' Court Ordinance, Cap A19.

Interpretation

2. In this Ordinance, unless the context otherwise requires—

“**action**” means a civil proceeding commenced in such manner as may be prescribed by rules of court, and includes a suit;

“**cause**” means—

- (a) any action, suit or other original civil proceeding between a plaintiff and a defendant; and
- (b) any criminal proceeding;

“**Chief Justice**” means the Chief Justice of the St. Helena Supreme Court and includes any person lawfully acting as or performing the functions of the Chief Justice;

“**civil**”, in relation to matters of jurisdiction, comprehends all such matters as are regulated by or under the provisions of any written law relating to civil procedure;

“**court**” means the Magistrates' Court established under the provisions of section 3 of this Ordinance;

“**criminal**” includes quasi-criminal, and in relation to matters of jurisdiction, comprehends all such matters as are regulated by or under the provisions of any written law relating to criminal procedure;

“**judgment**” and “**decree**” shall be deemed synonymous terms;

“**Justice**” means a Justice of the Peace appointed under the provisions of section 7 of this Ordinance and includes an ex officio Justice of the Peace;

“**matter**” includes every proceeding in a court not in a cause;

“**Police Force**” means the St. Helena Police Force and “**police officer**” means any member of the Police Force;

“**rules of court**” means rules of court made under the provisions of any Ordinance relating to civil procedure;

“**Supreme Court**” means the Supreme Court of St. Helena.

“**the Magistrate**”¹ means a person appointed to such office by the Governor in accordance with section 7 of this Ordinance.

¹ Definition inserted by Ord. A2 of 2004

PART II - Constitution of the Court

Establishment of Magistrates' Court

3. (1) There shall be and is hereby established in Ascension a court of summary jurisdiction subordinate to the Supreme Court—

- (a) which shall be styled the Magistrates' Court; and
- (b) which shall be constituted in the manner provided by this section,

and such court shall exercise such jurisdiction as is conferred upon it by the provisions of this or any other Ordinance or under any other law for the time being in force in Ascension.

(2)² The court shall be duly constituted when it is held before either —

- (a) the Magistrate (either sitting alone or accompanied by one or more Justices of the Peace if the Magistrate so desires); or
- (b) any two or more Justices of the Peace, lawfully appointed or deemed to be appointed in accordance with the provisions of this Ordinance.

(3)³ At any sitting of the court, if all justices present and constituting the court so agree, they may select from amongst themselves, the justice to preside as chairman.

(4)⁴ If it proves impossible to select a justice to preside as chairman under subsection (3), the senior justice of those present and constituting the court, having regard to their respective dates of appointment, shall preside as chairman.

(5)⁵ If the Court is composed of an equal number of members, the most senior justice shall have a second or casting vote on any issue upon which the opinion is equally divided.

(6)⁶ The provisions of subsections (3), (4) and (5) shall not apply when the court is held before the Magistrate.

Territorial limits of jurisdiction

4. ~~The court shall exercise jurisdiction throughout Ascension.~~ *Repealed by ord 4/2016*

The court shall exercise jurisdiction throughout Ascension, subject to any other laws extending the jurisdictional powers of the Court, territorial, personal or otherwise. Inserted by ord 4/2016 and amended by ord. 6/2016.

Seal

5. The court shall have and use a seal of such nature and pattern as the Governor may approve.

² As inserted by Ord. A2 of 2004

³ As inserted by Ord. A6 of 2002

⁴ As inserted by Ord. A6 of 2002

⁵ As note 1

⁶ Inserted by Ord. A2 of 2004

Contempt of Court

6. The powers of the Supreme Court to deal with any contempt of its authority shall extend to upholding the authority of the Magistrates' Court and if any contempt be committed in the face of the Court, the Court may commit the person guilty thereof forthwith to prison pending an Order of the Supreme Court thereon:

Provided that:

- (a)⁷ upon committing a person to prison in accordance with the provisions of this section, the Court shall cause a copy of the warrant of commitment (together with a written statement by the Chairman concerning the circumstances thereof) to be forwarded to the Registrar of the Supreme Court as soon as practicable;
- (b) It shall be lawful for the Magistrates' Court to revoke an order made under this section if (at any time within seven days of the making thereof) it appears that the contempt has been purged; and thereupon or on the expiry of the said period of seven days the person committed shall be forthwith released, but without prejudice to paragraph (a) of this proviso.

PART III - Magistrates and Offices of The Court

Appointment of Magistrate and Justices of the Peace

7.⁸ (1) The Governor may, for the purpose of this Ordinance, appoint a suitably qualified person to be the Magistrate.

(2) The Magistrate shall, in exercising his powers and duties under this Ordinance, have all the powers and duties of the Justice of the Peace and any reference to "Chairman" or "Justice of the Peace" shall include a reference to the Magistrate.

(3) Subject to the provisions of section 161 of the Constitution, and the provisions of this section, the Governor may appoint any person residing in Ascension to be a Justice of the Peace in and for Ascension, and may remove from office any person so appointed. *Amended by Ord 5/2011*

(3A) It shall be lawful for the Governor to appoint an officer of the Ascension Public Service to be a Justice of the Peace;

Provided that-

- (a) The judicial Service Commission has certified that it is satisfied that such appointment would be consistent with the independence of the judiciary;
- (b) The Governor is satisfied that such appointment would be consistent with the efficiency of the Public Service; and
- (c) A person so appointed shall (unless the Governor, on the advice of the Judicial Service Commission, orders otherwise) be deemed to have resigned if he is appointed to a public office different from that which he held at the time of his appointment as a Justice of the Peace.

(3B) The holders of the following public offices, namely-
Crown Counsel
Director of Resources
Director of Operations

⁷ As amended by Ord. A6 of 2002

⁸ As substituted by Ord. A2 of 2004.

Finance Team Leader
Human Resources Adviser/Corporate Services Team Leader
Police Officer (Ascension Detachment of the St. Helena Police Force)
Senior Medical Officer

shall not be eligible to be appointed to be Justices of the Peace, nor shall any Lay Advocate.

(3C) If a Justice of the Peace assumes any of the public offices mentioned in subsection (3B), or is appointed to be a Lay Advocate, he shall thereupon be deemed to have resigned as a Justice of the Peace. *Amended by Ord 5/2011*

(4) The Chief Justice shall be ex-officio a Justice of the Peace.

(5) *Repealed by LN 3 of 2009*

Powers of justices

8.⁹ Subject to the provisions of this or any other Ordinance, every Justice shall, subject to any exceptions which may be contained in his appointment, have—

- (a) all the rights, powers and duties of a magistrate under the provisions of this or any other Ordinance or under any other law for the time being in force in Ascension, to issue—
 - (i) summonses and warrants for the purpose of compelling the attendance of any accused persons or witnesses before any court;
 - (ii) search warrants; and
- (b) such other powers and rights and shall perform such other duties as may be conferred or imposed on him by the provisions of this or any other Ordinance or any other law for the time being in force in Ascension or by rules of court.

Clerk of the Court

9. The Administrator may appoint a clerk of the court and such other officers as may be necessary for the proper exercise of the jurisdiction of the court.

Clerk of the Court

10. The duties of the clerk of the court shall be—

- (a)¹⁰ to attend at such sessions of the court as the justices may direct;
- (b) to prepare or cause to be prepared for signature all summonses, warrants, orders, convictions, recognizances, writs of execution and other documents;
- (c) to issue civil processes in accordance with the rules of court for the time being in force;
- (d) to make or cause to be made copies of proceedings when required so to do, and to record the judgments, convictions and orders of the court;
- (e) to receive or cause to be received all fees, fines, penalties and all other moneys paid or deposited in respect of proceedings in the court, and to keep or cause to be kept accounts of the same; and
- (f) generally to perform or cause to be performed such other duties as may be imposed upon him by rules of court or assigned to him by the court.

⁹ As amended by Ord. A6 of 2002.

¹⁰ As amended by Ord. A6 of 2002

Duties of Chief Officer of Police

11. (1) The Chief Officer of Police shall be charged with the execution of all orders and processes of the court, and for that purpose shall have the same powers, authority and immunities as are from time to time by law conferred upon the Sheriff of St. Helena in respect of the orders and processes of the Supreme Court.

(2) Every duty of the Chief Officer of Police in the execution of any process of the court may be performed by a subordinate police officer and for all purposes of such execution such subordinate police officer shall be an officer of the court.

(3) In this section, Chief Officer of Police means the police officer for the time being having charge of the Police Detachment in Ascension.

PART IV - Jurisdiction of the Magistrates' Court

Powers of the court

12. (1) The court shall have and exercise such jurisdiction in civil and criminal matters as is in this Ordinance provided, or as may be provided under the provisions of any other law for the time being in force in Ascension.

(2) Without prejudice to the generality of the provisions of subsection (1), the court shall have and exercise such jurisdiction as may be conferred by the provisions of any law for the time being in force in Ascension upon a juvenile court.

(3) When exercising the jurisdiction conferred by subsection (2), the court shall be styled the Ascension Juvenile Court and shall be held in camera.

(4) All proceedings in the court wherein any person under the age of 17 years (in this section called "a juvenile") is charged with or otherwise accused of any criminal offence shall be heard by the Ascension Juvenile Court.

Provided that this paragraph shall not apply to any proceedings wherein such a person is so charged or accused jointly with a person who is not under the age of 17 years.

(5) Any person who causes to be printed, broadcast, or otherwise published, any particulars whereby the identity of any juvenile involved in proceedings held before the Ascension Juvenile Court (or which would have been so held except for the provisions of the proviso to subsection (4)) may be ascertained or made known shall be guilty of contempt of Court and liable to be proceeded against and dealt with accordingly.

Law to be applied

13. (1) Subject to the provisions of this Ordinance or of any other law for the time being in force in Ascension, the jurisdiction of the court shall be exercised in conformity with the laws with which the Supreme Court is required to conform in the exercise of its own jurisdiction:

Provided that the court shall not exercise any jurisdiction which is by the provisions of any law for the time being in force in St. Helena conferred exclusively on the Supreme Court or on a court of record.

(2) For the purposes of this Ordinance, any reference in the laws applied by this section to—

- (a) a county court;
- (b) a police court; or
- (c) a court of summary jurisdiction,

shall be construed as a reference to the court.

Civil jurisdiction

14.¹¹ (1) Subject to the provisions of subsection (5) of this section, in civil causes and matters, the court, in addition to any other jurisdiction conferred on it by the provisions of any other Ordinance or law for the time being in force in Ascension, shall have jurisdiction—

- (a) in all personal suits, whether arising from tort or contract or both, where the value of the property, the debt or the damage claimed, whether as the balance of an account or otherwise, does not exceed £2,500;
- (b) in all suits between landlord and tenant for possession of any premises claimed under an agreement or refused to be delivered up, where the annual value or the rent of such premises does not exceed £2,500;
- (c) to grant in any suit instituted in the court injunctions or orders to stay waste or alienation or for the detention and preservation of any property the subject of such suit, or to restrain any wrongful act or breach of contract;
- (d) in all claims for relief by way of interpleader in respect of land or other property attached in execution of a decree of the court:

Provided that the jurisdiction conferred by this paragraph shall not be exercised, unless the parties consent, in respect of land or other property exceeding £2,500 in value;

- (e) to enforce by attachment any order made by the court;
- (f) to commit to prison for a term not exceeding three months, or until payment of the sum due, any person who makes default in payment of any debt or instalment or any debt due by him in pursuance of any judgment or order of the Supreme Court or of the court:

Provided that no such person shall be committed to prison unless it is established to the satisfaction of the court that such person making default—

- (i) has, or since the date of the judgment or order has had, the means, after providing for the support of his dependants, to pay the sum in respect of which he has made default; and
- (ii) refuses or neglects, or has refused or neglected, to pay the same.

(2) For the purpose of paragraph (f) of subsection (1) of this section, the court may order—

- (a) that any debt due by any person in pursuance of any judgment or order of the Supreme Court or of the court may be paid by instalments; or
- (b) that any warrant of commitment of such person to prison under the provisions of that paragraph shall be suspended on payment by such person of such instalments as may be specified in the order,

and may from time to time vary or rescind any such order.

(3) Notwithstanding the provisions of subsection (1), the court shall have no jurisdiction in—

- (a) suits wherein the title to any office is in issue;

¹¹ Original sub-section (5) was repealed by Ord. A6 of 2002; original sub-s (6) now renumbered.

- (b) suits wherein the validity of any will or other testamentary writing or of any bequest or limitation under any will or settlement is in issue;
- (c) suits wherein the legitimacy of any person is in issue;
- (d) suits wherein the validity or dissolution of any marriage is in issue; or
- (e) any action for malicious prosecution, defamation, seduction or breach of promise of marriage.

(4) Where in any suit the debt or demand consists of a balance not exceeding £2,500 after an admitted set off of any debt or demand claimed or recoverable by the defendant from the plaintiff, the court shall have jurisdiction and power to hear and determine such suit within the limits of its jurisdiction and power.

(5)¹² If the Chief Justice considers that a civil case brought in the Supreme Court is suitable to be heard in the Magistrates' Court, then notwithstanding that the value of the claim exceeds the maximum amounts prescribed in this section, the Chief Justice may remit the case to the Magistrates' Court for hearing and determination.

Law and equity

15. (1) In every civil cause or matter which is instituted in the court, law and equity shall be administered concurrently.

(2) In the exercise of the jurisdiction conferred upon the court, the court shall have power in every cause or matter to grant and shall grant, either absolutely or on such reasonable terms and conditions as may seem just, all such remedies and reliefs, interlocutory or final, as any of the parties thereto may appear to be entitled to in respect of every legal and equitable claim or defence properly brought forward by them respectively or which shall appear in such cause or matter; so that, so far as is possible, all matters in controversy between the parties may be fully and finally determined and multiplicity of proceedings concerning such matters may be avoided.

(3) Where in any cause or matter there is a conflict between the rules of equity and the rules of the common law with reference to the same subject, the rules of equity shall prevail.

Extension of civil jurisdiction

16. It shall be lawful for the Governor, upon the recommendation of the Chief Justice, by order published in the Gazette to increase the jurisdiction exercised by the Court in such civil causes and matters as shall be specified in such order, and thereupon the provisions of section 14 of this Ordinance shall be deemed to be varied in accordance with such order.

Criminal jurisdiction

17.¹³(1) Subject to the provisions of any other law for the time being in force in Ascension, the Court shall have jurisdiction to try summarily any criminal offence except for any offence punishable with imprisonment for a term exceeding 14 years:

Provided that the court may not impose a sentence of imprisonment for a term exceeding 18 months or a fine exceeding £2,000, or both such fine and imprisonment unless an written law expressly provides that an offender is liable on summary conviction to a longer term or a higher fine or both.

¹² Re-numbered.

¹³ As substituted by Ord. A4 of 2006.

(2) Where, on the conviction of an offender for an offence for which the maximum penalty prescribed by law exceeds the maximum penalty which the court can impose, it appears to the court, after obtaining information regarding the character and antecedents of the offender, that a sentence should be imposed which is in excess of that which it may lawfully impose, the court may commit such offender to the Supreme Court for sentence, and thereupon the Supreme Court may pass such sentence or make such order upon or in respect of such offender as if he had been tried and convicted by that court.

(3) Where an offender is convicted of more offences than one, such offences having been lawfully joined in one charge, and it appears to the court that consecutive sentences should be imposed, it shall not be necessary for the court to commit such offender to the Supreme Court for sentence by reason only that the aggregate punishment for the several offences in respect of which such sentences are imposed is in excess of the punishment which it is competent to impose on conviction for a single offence.

(4) All offenders shall commence serving their sentences on the date sentence is passed, except where the court directs otherwise.

General powers of Justices

18.¹⁴ Every justice shall have power to make such orders, to issue such processes and to exercise such judicial and administrative powers in relation to the administration of justice as and in such manner as shall from time to time be prescribed by this or any other Ordinance, or by rules of court, or subject thereto, by any special order of the Chief Justice.

Administration of oaths

19.¹⁵ (1) Every justice is hereby authorised to administer all oaths, affirmations and declarations which may require to be taken before him in exercise of the jurisdiction and powers conferred upon justices by the provisions of this Ordinance or any other law for the time being in force.

(2) Any such oath or affirmation may also be administered by any clerk or other officer of the court under the direction and in the presence of a Justice.

Jurisdiction of Supreme Court concurrent with that of Magistrates' Court

20.¹⁶ No jurisdiction conferred upon the court, or any Justice shall in any way restrict or affect the jurisdiction of the Supreme Court, but the Supreme Court shall have in all causes and matters, civil and criminal, an original jurisdiction concurrent with the jurisdiction of the court.

Reconciliation

21. (1) In criminal cases, the court may promote reconciliation and encourage and facilitate the settlement in an amicable way of proceedings for common assault, or for any offence of a personal or private nature being an offence which the court would have jurisdiction to try and not aggravated in degree, on terms of payment of compensation or other terms approved by the court, and may thereupon order the proceedings to be stayed or terminated. (Amended by Ord. A1 of 1988)

(2) In civil causes and matters, the court and the officers thereof shall, as far as there is proper opportunity, promote reconciliation among persons subject to its jurisdiction and encourage and

¹⁴ As amended by Ord. A6 of 2002.

¹⁵ As amended by Ord. A6 of 2002.

¹⁶ As amended by Ord. A6 of 2002.

facilitate the settlement in an amicable way and without recourse to litigation of matters in difference between them.

(3) Where a civil suit or proceeding is pending, the court and the officers thereof may promote reconciliation among the parties thereto and encourage and facilitate the amicable settlement thereof.

Judgment may be entered in Supreme Court on a judgement of Magistrates' Court

22. (1) If the Chief Justice is satisfied that a person, whether resident in Ascension or not, against whom judgment for an amount exceeding £25 has been pronounced (whether by way of claim or counterclaim or for costs or otherwise) in the court, has no goods or chattels within Ascension which can be seized conveniently to satisfy the judgment, he may, if he thinks fit, and upon such terms as to costs as he may direct, by order under his hand and the seal of the Supreme Court, remove the judgment into the Supreme Court.

(2) Upon the removal of a judgment into the Supreme Court in pursuance of this section no further proceedings shall be had or taken thereon in the Magistrates' Court and the judgment shall be entered in the Supreme Court for the amount due and payable under the judgment of the Magistrates' Court together with the costs as aforesaid, and a judgment so entered shall have the same force and effect and the same proceedings may be had thereon as if it were a judgment originally obtained in the Supreme Court.

(3) This section applies to orders obtained in the court as it applies to judgments there obtained.

PART V - Sittings of the Court

Place and time for sittings of Magistrates' Court

23.¹⁷ (1) The court shall ordinarily be held at such place as the Chief Justice may direct, but should necessity arise it may be held at any other place within the limits of its jurisdiction.

(2) Subject to the directions, if any, of the Chief Justice, the court shall be held at such time as the justices exercising the jurisdiction of such court deem most expedient for the despatch of the business thereof.

(3) The Magistrate may hold sittings of the court when outside Ascension, if satisfied that—

- (a) a matter arising in a proceeding before the court needs to be dealt with promptly;
- (b) every party to the proceeding is able to participate, in person or through a legal representative, by teleconference or other means of electronic, oral or written communication;
- (c) no injustice will result; and
- (d) the course proposed is in the public interest.”. *amended by Ord 5/2012*

Nature of business at any sitting

24. At any sitting of the court both civil and criminal causes and matters may be heard and determined.

¹⁷ As substituted by Ord. A6 of 2002.

PART VI - Practice and Procedure of the Court

Practice and procedure

25. Subject to the provisions of any other law for the time being in force, the jurisdiction vested in the court shall be exercised (so far as regards practice and procedure) in the manner provided by this Ordinance or by any other Ordinance for the time being in force relating to criminal or civil procedure, or by rules of court, and in the absence of any such provision, in substantial conformity with the law and practice for the time being observed in England in county courts, police courts and courts of summary jurisdiction.

Process issued by Justice ceasing to act

26.¹⁸ Where a justice has issued any summons or warrant, whether civil or criminal, under any authority howsoever conferred, and subsequently ceases to act as a justice, it shall be lawful for the person in whose hands such summons or warrant may be to execute or serve the same manner as if the justice who issued the summons or warrant had not ceased to act.

Issue of process

27.¹⁹ All summonses, warrants, orders, convictions and recognizances, and all other processes, whether civil or criminal, of the court shall be issued or made under the hand of a Justice:

Provided that, where expressly authorised by the provisions of any law for the time being in force in Ascension or by rules of court, writs of summons and other civil process may be issued under the hand of the clerk of the court.

Duty of Police Force to obey Justices

28.²⁰ All members of the Police Force are hereby authorised and required to obey the warrants, orders and directions of a Justice in the exercise of his criminal jurisdiction, and, in so far as such obedience may be authorised and required by the provisions of any law for the time being in force in Ascension in that behalf, of his civil jurisdiction.

PART VII - Miscellaneous

Protection of Justices of the Peace and other officers

29.²¹ A justice or other person acting judicially shall not be liable to be sued in any civil court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction, provided that he, at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of; and no officer of any court or other person bound to execute the lawful warrants or order of any such Justice or other person acting judicially

¹⁸ As substituted by Ord. A6 of 2002.

¹⁹ As amended by Ord. A6 of 2002.

²⁰ As note 1.

²¹ As note 1.

shall be liable to be sued in any civil court for the execution of any warrant or order which he would be bound to execute if within the jurisdiction of the person issuing the same.

Representation in Court

30. In any suit or matter—

- (a) in which the Crown, any department of the Government or any public officer in his official capacity is a party; or
- (b) affecting the revenues of St. Helena and its Dependencies,

the Crown, that department or that officer, as the case may be, may be represented by a legal practitioner or other person duly authorised in writing in that behalf by the Administrator.

Employment of legal practitioners

31. The employment of legal practitioners shall, save as may be otherwise specifically provided, be allowed in all causes and matters, whether civil or criminal, before the court.

Fees and costs

32.²² (1) The fees and costs set forth in any Ordinance for the time being in force or in rules of court may be demanded and received by the clerk of the court or other person appointed to receive such fees and costs for and in respect of the several matters therein mentioned.

(2) All such fees and costs shall in the first instance be paid by the party applying for the summons, warrant, or other process or document in respect whereof the same are payable:

Provided that - (a) no fees shall be payable—

- (i) by any public officer in any cause or matter instituted or defended by him in his official capacity; or
 - (ii) in any case in which the a justice endorses on the complaint that it is a fit one for remission of fees on account of the poverty of the party or for any other sufficient cause; and
- (b) such fees and costs shall, in the discretion of the court, be recoverable from the other party, if the decision be given against him.

²² As amended by Ord. A6 of 2002.

ASCENSION

No. 10 of 2010



Enacted.....10th December 2010
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AN ORDINANCE

TO MAKE TEMPORARY PROVISION REGARDING THE CONSTITUTION OF THE MAGISTRATES' COURT IN CERTAIN CIRCUMSTANCES, AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

Enacted by the Governor of Ascension.

Citation, commencement and interpretation

1. (1) This Ordinance may be cited as the Magistrates' Court (Temporary Provisions) Ordinance, 2010.
- (2) This Ordinance takes effect on date of publication and remains in force for a period of six months or until earlier repealed.
- (3) Unless the context otherwise indicates, any word or phrase to which a meaning has been assigned in the Magistrates' Court Ordinance, Cap. A19, bears the meaning so assigned.

Constitution of Magistrates' Court

2. (1) Notwithstanding the provisions of section 3 of the Magistrates' Court Ordinance, Cap. A19, and subject to subsections (2) and (3), the court shall be duly constituted when it is held before a Justice of the Peace, lawfully appointed or deemed to be appointed in accordance with such Ordinance, sitting alone.
- (2) A Court constituted under subsection (1) may not exercise any jurisdiction of the court other than the jurisdiction to adjourn a matter and, in the case of a criminal matter, to hear and determine an application for bail.
- (3) Where an application for bail is refused by a court constituted as aforesaid, the period for which the matter is adjourned, and the defendant remanded, shall not exceed seven days.

Sitting of Magistrates' court outside Ascension

3. (1) A Magistrates' Court constituted under section 3(2)(a) of the Magistrates' Court Ordinance, Cap. A19, may sit with one or more of its members in a location outside Ascension.

(2) A Magistrates' Court shall hear a matter outside Ascension only if the Magistrate is satisfied that—

- (a) the matter arising in a proceeding before the court needs to be dealt with promptly;
- (b) every person involved in the proceeding (whether as a party or as a member of the court) is able to participate (in the case of a party, either in person or through a legal representative) by teleconference or other means of electronic, oral or written communication;
- (c) no injustice will result; and
- (d) the course proposed is in the public interest.