

S.P. 28/16



ST. HELENA

GOVERNMENT OF SAINT HELENA

A BILL FOR AN ORDINANCE

THE COURTS (EXTENSION OF JURISDICTION) ORDINANCE,  
2016

*Laid on the table - 18 May 2016.*





## ST HELENA

### A BILL

### FOR

### AN ORDINANCE

**To extend certain orders and sentences (including ancillary orders) made by the courts of Ascension and Tristan da Cunha to St Helena; and for purposes connected therewith or incidental thereto.**

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Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

#### **Citation and commencement**

1. This Ordinance may be cited as the Courts (Extension of Jurisdiction) Ordinance, 2016, and shall come into force on....

#### **Interpretation**

2. In this Ordinance —

“**court**” means the Supreme Court, Court of Appeal and any subordinate court established by law; and

“**orders**” means orders and sentences (including ancillary orders), of any court of Ascension or Tristan da Cunha, whether in criminal or civil proceedings, made or passed after the commencement of this Ordinance; and

“**substantial connection**” means there is a real and substantial connection between the subject matter of the litigation or the damages suffered and St Helena.

#### **Extension of jurisdiction of court**

3. (1) All orders shall, (subject to subsection (2)), extend to St Helena, unless the court at the time of the making of such an order or thereafter a court in St Helena, orders otherwise.

(2) Without prejudice to any continuing jurisdiction of the court which made the order, any subsequent proceedings arising from an order may be dealt with by the courts of St Helena exercising similar jurisdiction, as if the original order had been made by such court, but only if—

- (a) in criminal proceedings, the offender is in St Helena; or the act, omission or other circumstance giving rise to such subsequent proceedings took place in St Helena; or
- (b) in civil proceedings, such proceedings have a substantial connection to St Helena.

(3) In the event of any issue arising as to which, if any, court should exercise jurisdiction in any particular proceedings as a consequence of the operation of this Ordinance, the issue of jurisdiction may be referred by the court, or by any party to such proceedings, to the Supreme Court, whose decision shall be final.

### **Amendment of legislation**

4. (1) Section 4 of the Magistrates' Court Ordinance, 2011, other than the heading, is repealed and the following is substituted therefor:

"4. The Court shall exercise jurisdiction throughout St Helena, subject to any other laws extending the jurisdictional powers of the Court, territorial, personal or otherwise."

(2) The Criminal Procedure Ordinance, Cap. 23 is amended—

- (a) by deleting the expression "£50" where it occurs in section 224G(3) and (5)(a) and substituting "£1,000" therefor;
- (b) by deleting the expression "£10" in section 236(5)(a) and substituting "£1,000" therefor.

(3) The Road Traffic Ordinance, Cap. 101, is amended by deleting the expressions "one year" and "£1,000" in section 24(2) and substituting "18 months" and "£2,500", respectively, therefor.

### **Repeal of legislation and savings**

5. The Supreme Court (Jurisdiction in the Dependencies) Ordinance, Cap. 12, is repealed.

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#### **EXPLANATORY NOTE**

*(This note does not form part of the Ordinance)*

The purpose of this Ordinance is to give effect to certain recommendations made by the Wass Enquiry to ensure that orders and sentences (including all ancillary orders) of the courts in St Helena, Ascension or Tristan da Cunha can be extended to and enforced in the other territories. The Ordinance also amends the Magistrate's Court Ordinance, 2011, to refer to the jurisdiction as extended under this Ordinance or any other law. The Criminal Procedure Ordinance, Cap. 23, and the Road Traffic Ordinance, Cap. 101, are amended to increase and align certain penalties. Similar amendments are being introduced to the local legislation of the other territories.