



SAINT CHRISTOPHER AND NEVIS

No. of 2025

A BILL to amend the Judge Alone Trials Act, No. 20 of 2024.

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:

1. Short title.

This Act may be cited as the Judge Alone Trials (Amendment) Act, 2025.

2. Amendment of section 4.

The Act is amended in section 4 by replacing it as follows

“4. Trial without a jury in certain cases.

(1) Notwithstanding anything contained in this Act, the Jury Act, Cap. 3.15, or any other law or rule of criminal practice to the contrary, every person who is committed for trial or indicted, either alone or jointly with others, for any one or more of the offences specified in the Schedule of this Act shall be tried before a judge of the court sitting alone without a jury, including the preliminary issue (if raised) of fitness to plead or to stand trial for such offences.

(2) An indictment charging an accused person with an offence specified in the Schedule shall not include a count for any offence not referred to in the Schedule of this Act unless that count is founded on the same facts, or forms or is a part of a series of offences of the same or a similar character as an offence specified in the Schedule of this Act.

(3) The prosecution, before trial, may apply to the judge for an offence set out in the Schedule of this Act to be tried with an offence not specified in the Schedule of this Act on the same indictment where those counts are founded on the same facts, or form or are a part of a series of offences of the same or a similar character.

(4) Every application made in pursuance of subsection (3) of this section shall be heard and determined by the judge and both the prosecution and the accused person shall be given an opportunity to make representations with respect to the application.

(5) If the judge is satisfied, in accordance with subsection (4), that the interests of justice would be served by conducting the trial without a jury, he or she shall make an order to

that effect, including any determination on a preliminary issue such as fitness to plead or stand trial and if the judge is not so satisfied, the application shall be refused.

(6) No appeal shall lie against the decision of the judge granting or refusing the application for the trial to be conducted without a jury.”.

3. Amendment of section 5.

The Act is amended in section 5 by replacing it as follows

“5. Trial without a jury in the interests of justice

(1) Notwithstanding anything contained in this Act, the Jury Act, Cap. 3:15, or any other law or rule of criminal practice to the contrary, any person who is committed for trial or indicted, either alone or jointly with others, for an offence other than one specified in the Schedule of this Act may, upon application by the prosecution or the accused person, be tried before a judge of the court sitting alone without a jury and such a trial may include determination of any preliminary issue, including fitness to plead or to stand trial.

(2) The judge may grant the application if satisfied that the interests of justice would be served by conducting the trial without a jury, having regard to one or more of the following factors—

- (a) the nature and complexity of the evidence;
- (b) the anticipated length of the trial;
- (c) there is a danger of jury tampering or intimidation of witnesses;
- (d) a material witness is afraid or unwilling to give evidence before a jury;
- (e) the need to preserve sensitive information;
- (f) the case involves a criminal gang element and would be properly tried without a jury;
- (g) the presence of multiple accused persons with differing degrees of alleged culpability may give rise to jury confusion or prejudice;
- (h) the trial is expected to involve a large volume of documentary, digital, or expert evidence that may be difficult for a jury to assimilate and evaluate;
- (i) pre-trial publicity or widespread public interest in the case is likely to affect the impartiality of a jury;
- (j) a period exceeding two years has elapsed since the date on which the accused was charged in the matter giving rise to the indictment, and it is in the interests of justice to avoid further delay; and
- (k) any other exceptional circumstance that renders trial by judge alone more appropriate.

(3) Every application made pursuant to subsection (1) shall be heard and determined by the judge in the absence of the jury and both the prosecution and the accused shall be given an opportunity to make representations in respect of the application.

(4) If the judge is satisfied, in accordance with subsection (2), that the interests of justice would be served by conducting the trial without a jury, he or she shall make an order to

that effect, including any determination on a preliminary issue such as fitness to plead or stand trial and if the judge is not so satisfied, the application shall be refused.

(5) No appeal shall lie against the decision of the judge granting or refusing the application for the trial to be conducted without a jury.

(6) In this section “danger of jury tampering or intimidation of witnesses” includes instances

- (a) of threatened or actual harm to, or intimidation or bribery of a juror or witness, or any of the family members of such juror or witness;
- (b) of threatened or actual harm to the property of a juror or witness or of any of the family members of such juror or witness has occurred;
- (c) where the trial is a retrial and the jury in the previous trial was discharged because jury tampering or intimidation of a witness had taken place;
- (d) where jury tampering or intimidation of a witness has taken place in previous criminal proceedings involving the accused or any of the accused; or
- (e) where there has been intimidation, or attempted intimidation, of any person who is likely to be a witness in the trial.”.

4. Amendment of Act by adding section 5B.

The Act is amended by adding a new section 5B as follows

“5B. Discretion of the Judge to decline application or recuse

(1) Notwithstanding any application made by the prosecution or the accused person under this Act for the trial to be conducted by a Judge sitting alone without a jury, the Judge may decline to grant the application where he is satisfied that—

- (a) the interests of justice would be better served by trial before a jury;
- (b) a trial by judge alone would result in unfairness to the accused or prejudice the integrity of the proceedings;
- (c) the application has been made for an improper purpose;
- (d) the issues of fact in dispute are such that they are more appropriately resolved by a jury of peers; or
- (e) any other circumstance exists which renders a trial by judge alone undesirable or contrary to the administration of justice.

(2) A Judge shall, of his own motion or on the application of a party, recuse himself from presiding over a judge-alone trial where—

- (a) he has a personal interest, pecuniary or otherwise, in the subject matter of the trial;
- (b) there exists a real possibility or reasonable apprehension of bias;
- (c) he has previously expressed views on the credibility of any party or material witness; or
- (d) any other circumstance exists which may undermine public confidence in the impartiality or independence of the proceedings.

(3) In any case where a Judge declines to grant an application or recuses himself under this section, he shall provide reasons in writing for the record.

(4) Nothing in this section shall be construed as limiting the inherent jurisdiction of the Court to ensure a fair trial.

8. Amendment of Schedule.

The Act is amended in the Schedule by replacing it as follows

SCHEDULE

(section 4)

The offences referred to in section 4(1) are—

1. Indictable offences under the following enactments:

- (a) Larceny Act, Cap. 4.16;
- (b) Forgery Act, Cap. 4.10;
- (c) Anti-Corruption Act, 2023;
- (d) Whistleblowers Protection Act, 2023;
- (e) Unauthorised Disclosure of Official Information Act, 2023;
- (f) Drugs (Prevention and Abatement of the Misuse and Abuse of Drugs) Act, Cap. 9.08;
- (g) Proceeds of Crime Act, Cap. 4.28;
- (h) Organised Crime (Prevention and Control) Act, Cap. 4.22;
- (i) Gang (Prohibition and Prevention) Act, Cap. 19.25;
- (j) Justice Interference Prevention Act, 2024;
- (k) Genocide Act, Cap. 4.12;
- (l) Electronic Crimes Act, Cap. 4.41;
- (m) Firearms Act, Cap. 19.05;
- (n) Anti-Terrorism Act, Cap. 4.02;
- (o) Explosives Act, Cap. 19.03;
- (p) Taking of Hostages Act, Cap. 4.38;
- (q) Trafficking in Persons (Prevention) Act, Cap. 4.40;
- (r) Anti-Smuggling of Migrants Act, 2024.

2. Indictable offences under the Offences Against the Person Act, Cap. 4.21, specifically—

- (a) attempted murder;
- (b) shooting with intent.

3. At common law:

- (a) perverting the course of public justice;
- (b) conspiracy to defraud.

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Lanein K. Blanchette
Speaker

Passed by the National Assembly this day of , 2025.

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Trevlyn Stapleton
Clerk of the National Assembly