

VOLUME: I

MAGISTRATES COURTS

PART: Criminal Matters (ss 60-63) JURISDICTION (ss 60-63)

CHAPTER: 04:04

60. Jurisdiction in respect of classes of offences

(1) A Regional Magistrate, a Chief Magistrate, a Principal Magistrate and a Senior Magistrate shall have jurisdiction to try any offence, excepting an offence which is punishable by death or imprisonment in excess of 21 years, and any conspiracy or attempt to commit or the counselling or procuring the commission of any such offence:

Provided that a Chief Magistrate, a Principal Magistrate or a Senior Magistrate may try any offence under sections 141, 142, 143, 147, 227, 292(2), 293(2) and 326 of the Penal Code and any conspiracy or attempt to commit any such offence, or the counselling or procuring of the commission of any such offence.

(2) A Magistrate Grade I, a Magistrate Grade II and a Magistrate Grade III shall have jurisdiction to try only those offences for which the maximum punishments prescribed do not exceed 10 years with or without options of fines, and any conspiracy or attempt to commit such offences.

(3) The limits to jurisdiction prescribed in subsections (1) and (2) shall not derogate from the powers of any magistrate to remand on bail or in custody any person accused of any offence until the hearing and determination of the case by a magistrate of competent jurisdiction or the committal of the accused for trial in the High Court, as the case may be.

(4) The limits of jurisdiction prescribed in subsections (1) and (2) shall be subject to such extended jurisdictions as may be prescribed in other written laws in respect of offences created under those laws.

(5) Notwithstanding the provisions of subsections (1) and (2), all magistrates shall have jurisdiction to try offences of stock theft under section 274 of the Penal Code.

(6) Notwithstanding the provisions of subsections (1) and (2), the Chief Justice may, by order published in the *Gazette*, authorize any magistrate or any class or grade of magistrates to exercise jurisdiction to try an offence, other than an offence punishable with death, which, but for the provisions of this subsection, he would not have jurisdiction to try:

Provided that the magistrate's powers of punishment as specified in section 61 shall not be increased.

61. Jurisdiction in the matter of punishment

(1) Subject to the provisions of this Act and of any other written law, the limits to the punishment that may be imposed by magistrates shall be as follows-

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| (a) | Regional and Chief Magistrates | 15 years' imprisonment or P40,000 fine, or both; |
| (b) | Principal Magistrates | 12 years' imprisonment or P30,000 fine, or both; |
| (c) | Senior Magistrates | 10 years' imprisonment or P20,000 fine, or both; |
| (d) | Magistrates Grade I | 7 years' imprisonment or P15,000 fine, or both; |
| (e) | Magistrates Grade II and Magistrates Grade | 5 years' imprisonment or P10,000 fine, or both; |

III

Provided that a Regional Magistrate, a Chief Magistrate or a Principal Magistrate may impose a maximum sentence of 20 years' imprisonment where a minimum sentence has been prescribed as punishment for commission of an offence.

(2) In respect of offences for which such punishment is specifically authorized by written law, all magistrates shall be competent to impose a sentence of whipping subject to the following maximum strokes-

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| (a) | Regional and Chief Magistrates | 12 strokes |
| (b) | Principal Magistrates | 10 strokes |
| (c) | Senior Magistrates | 9 strokes |
| (d) | Magistrates Grade I | 7 strokes |
| (e) | Magistrates Grade II and Magistrates Grade | 5 strokes |

III.

(3) The punishment of whipping shall be suspended if the accused gives notice of appeal, and such suspension shall continue until the final determination or abandonment of such appeal.

(4) Notwithstanding subsections (1) and (2) where any written law provides that for any offence there may be imposed any forfeiture, confiscation, disqualification, or the cancellation or revocation of any permit or licence, or that compensation may be awarded or restitution made to any person, the magistrate before whom such offence is prosecuted may impose or award or make such forfeiture, confiscation, disqualification, compensation, restitution, cancellation or revocation in addition to any other penalty.

(5) Nothing in this section shall be construed as authorizing a magistrate to impose for any offence a punishment greater than that which may by law be imposed for such offence, or as preventing a magistrate from imposing, as often as he is specially authorized by any written law so to do, any other or more severe punishment than the punishments mentioned in subsection (1).