



**Tuvalu**

**MAGISTRATES' COURTS (FORMS)  
RULES**

**2008 Revised Edition**

**CAP. 7.36.2**





Tuvalu

## MAGISTRATES' COURTS (FORMS) RULES

### Arrangement of Rules

#### Rule

1	Citation.....	7
2	Forms to be used.....	7

#### SCHEDULE

		<b>8</b>
<hr/>		
	INDEX OF PRESCRIBED FORMS	8
	GENERAL TITLE	10
	RECOGNISANCE (WITHOUT SURETIES)	11
	RECOGNISANCE (WITH SURETIES)	12
	COMPLAINT	13
	CHARGE	14
	CHARGE	15
	WARRANT TO APPREHEND DEFENDANT IN THE FIRST INSTANCE	16
	SUMMONS TO DEFENDANT	18
	NOTICE TO ATTEND COURT	19
	AFFIDAVIT OF SERVICE OF SUMMONS	20
	SUMMONS TO DEFENDANT	21
	SUMMONS TO SHOW CAUSE	23

---

WARRANT TO APPREHEND DEFENDANT WHERE SUMMONS IS DISOBEYED	24
INFORMATION TO GROUND SEARCH WARRANT	26
SEARCH WARRANT	27
SUMMONS TO WITNESS	28
WARRANT WHERE A WITNESS HAS NOT OBEYED A SUMMONS	29
WARRANT FOR A WITNESS IN THE FIRST INSTANCE	30
COMMITMENT OF REFRACTORY WITNESS	31
WARRANT TO REMAND DEFENDANT WHEN ARRESTED	32
WARRANT OF COMMITMENT FOR SAFE CUSTODY ON ADJOURNMENT OF HEARING	33
WARRANT TO ARREST ACCUSED WHO HAS NOT APPEARED AFTER ADJOURNMENT	34
CONVICTION ORDER	35
DEPOSITION AT PRELIMINARY INQUIRY AND TRIAL	36
STATEMENT OF ACCUSED	37
WARRANT OF COMMITMENT IN CUSTODY FOR TRIAL	38
ORDER COMMITTING CORPORATION FOR TRIAL	39
COMMITMENT OF WITNESS FOR REFUSING TO ENTER INTO RECOGNISANCE TO GIVE EVIDENCE	40
STATEMENT OF WITNESSES BOUND OVER OR TREATED AS HAVING BEEN BOUND OVER CONDITIONALLY	41
NOTICE REQUIRING ATTENDANCE OF WITNESS BOUND OVER, OR TREATED AS BOUND OVER, CONDITIONALLY	42
SUMMONS TO AN ASSESSOR	43
SUMMONS TO INTERPRETER	44
WARRANT OF COMMITMENT ON A CONVICTION WHERE THE	

---

PUNISHMENT IS BY IMPRISONMENT	45
WARRANT OF COMMITMENT ON A CONVICTION AND IN DEFAULT OF PAYMENT IMPRISONMENT	46
WARRANT OF DISTRESS UPON A CONVICTION FOR A FINE	47
WARRANT OF COMMITMENT FOR WANT OF DISTRESS UPON A CONVICTION FOR A FINE	49
WARRANT OF DISTRESS FOR COSTS UPON AN ORDER OF DISMISSAL OF A CHARGE	50
WARRANT OF COMMITMENT FOR WANT OF DISTRESS UPON AN ORDER FOR DISMISSAL OF A CHARGE	52

## **Supporting Documents**

---

<b>ENDNOTES</b>	<b>54</b>
-----------------	-----------

---





Tuvalu

## **MAGISTRATES' COURTS (FORMS) RULES**

**MADE UNDER SECTION 75 OF THE MAGISTRATES' COURTS ACT<sup>1</sup>**

---

### **1 Citation**

These Rules may be cited as the Magistrates' Courts (Forms) Rules.

### **2 Forms to be used**

The forms set out in the Schedule shall be used in Magistrates' Courts in the exercise of their criminal jurisdiction with such adaptation as the circumstances of each case may require.

## SCHEDULE

### INDEX OF PRESCRIBED FORMS

Form No.	Particulars	Section C.P.C.
1.	General Title.....	-
2.	Recognisance (without sureties).....	40 and 107
3.	Recognisance (with sureties).....	40 and 107
4.	Complaint.....	76
5.	Charge (private complaint).....	76
6.	Charge (complaint by public officer).....	76
7.	Warrant to Apprehend Defendant in the first instance.....	77
8.	Summons to Defendant.....	77 and 79
9.	Notice to Attend Court.....	78
10.	Affidavit of Service of Summons.....	85 and 86
11.	Summons to Defendant.....	86
12.	Summons to Show Cause.....	78 and 86
13.	Warrant to Apprehend Defendant where Summons is Disobeyed..	89
14.	Information to Ground Search Warrant.....	101
15.	Search Warrant.....	101
16.	Summons to Witness.....	127
17.	Warrant where a Witness has not obeyed a Summons.....	128
18.	Warrant for a Witness in the first instance.....	129
19.	Commitment of Refractory Witness.....	135
20.	Warrant to Remand Defendant when Arrested.....	187



21.	Warrant of Commitment for Safe Custody on Adjournment of 187 Hearing.....		
22.	Warrant to Arrest Accused who has not Appeared after Adjournment.....	188	
23.	Conviction Order.....	200	
24.	Deposition at Preliminary Inquiry and Trial.....	208	
25.	Statement of Accused.....	211	
26.	Warrant of Commitment in Custody for Trial.....	216	
27.	Order Committing Corporation for Trial.....	216	
28.	Commitment of Witness for Refusing to enter into Recognisance to give Evidence.....	219	
29.	Statement of Witnesses Bound Over or treated as having been Bound Over Conditionally.....	221	
30.	Notice requiring Attendance of Witness Bound Over, or treated as Bound Over Conditionally.....	221	
31.	Summons to an Assessor.....	243	
32.	Summons to Interpreter.....	180 247	and
33.	Warrant of Commitment on a Conviction where the Punishment is by Imprisonment.....		
34.	Warrant of Commitment on a Conviction and in Default of Payment Imprisonment.....		
35.	Warrant of Distress upon a Conviction for a Fine.....		
36.	Warrant of Commitment for want of Distress upon a Conviction for a Fine.....		
37.	Warrant of Distress for Costs upon an Order for Dismissal of a Charge.....		
38.	Warrant of Commitment for want of Distress upon an Order for Dismissal of a Charge.....		

(Form 1 - Magistrates' Courts (Forms) Rules)

**GENERAL TITLE**

**TUVALU**

IN THE MAGISTRATE'S COURT AT

on the ..... day of ..... 20..., under the Magistrates' Courts Act,

[Before.....]

## (Form 2 - Magistrates' Courts (Forms) Rules)

**RECOGNISANCE (WITHOUT SURETIES)***(Criminal Procedure Code sections 40 and 107)***TUVALU**

## IN THE MAGISTRATE'S COURT AT

I, the undersigned, acknowledge myself to owe to our Sovereign Queen Elizabeth II the sum written opposite my signature hereto, to be raised by seizure and sale of my goods if the condition hereon is not fulfilled.

Dated this ..... day of ..... 20...

Signature	Address	Description	Sums

The condition of the within-written recognisance is as follows —

(a) If the within-named ..... appears before this Court on ....., at ....., to answer a charge contrary to ..... then the said recognisance shall be void, and otherwise it shall be in force.

(b) If the within-named ..... keeps the public peace and is of good behaviour towards all persons (and especially towards .....) during ....., then the said recognisance shall be void, and otherwise it shall be in force.

(c) If the within-named ..... appears before this Court on ....., at ....., and then and there prosecutes (and/or gives evidence on) a charge contrary to ..... then the said recognisance shall be void, and otherwise it shall be in force.

(Form 3 - Magistrates' Courts (Forms) Rules)

**RECOGNISANCE (WITH SURETIES)**

*(Criminal Procedure Code sections 40 and 107)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

We, the undersigned, severally acknowledge ourselves to owe to our Sovereign Queen Elizabeth II the sums set opposite our respective signatures hereto, to be raised by seizure and sale of our several goods if the condition hereon endorsed is not fulfilled.

Dated this ..... day of ..... 20....			
Signature	Address	Description	Sums

The condition of the within-written recognisance is as follows —

- (a) If the within-named ..... appears before this Court on ....., at ....., to answer a charge contrary to ..... then the said recognisance shall be void, and otherwise it shall be in force.
- (b) If the within-named ..... keeps the public peace and is of good behaviour towards all persons (and especially towards ..... ) during ....., then the said recognisance shall be void, and otherwise it shall be in force.
- (c) If the within-named ..... appears before this Court on ....., at ....., and then and there prosecutes (and/or gives evidence on) a charge contrary to ..... then the said recognisance shall be void, and otherwise it shall be in force.

(Form 4 - Magistrates' Courts (Forms) Rules)

**COMPLAINT**

*(Criminal Procedure Code section 76)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

(a) ..... of (b) ..... makes complaint to the undersigned Magistrate that ..... of ..... did on the ..... day of ..... 20...., at ..... in Tuvalu.

Statement of Offence (c)

Particulars of Offence (d)

Taken (and sworn (or affirmed)) ..... at ..... this ..... day of ..... 20....

.....

*Magistrate.*

- a* Insert full name of complainant.
- b* Insert full address and occupation.
- c* Insert brief statement of offence naming Act or other enactment and section contravened.
- d* Insert brief particulars of offence in ordinary language.

(Form 5 - Magistrates' Courts (Forms) Rules)

**CHARGE**

*(Criminal Procedure Code section 76)*

*(Private Complaint)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

(a) ..... of (b) ..... is charged on the complaint of ..... with the following offence —

Statement of Offence (c)

Particulars of Offence (d)

..... (e) .....

Dated at ..... the ..... day of ..... 20.....

.....

*Magistrate.*

- a* Insert full name of complainant.
- b* Insert full address and occupation.
- c* Insert brief statement of offence naming Act or other enactment and section contravened.
- d* Insert brief particulars of offence in ordinary language.
- e* Where there is more than 1 offence add further offences as necessary.

**NOTE.** - This form is for use for charge on private complaint only. If a second sheet is necessary the signature will appear at the bottom of the second sheet only.

(Form 6 - Magistrates' Courts (Forms) Rules)

**CHARGE**

*(Criminal Procedure Code section 76)*

*(Complaint by Public Officer)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

FIRST COUNT

Statement of Offence

(a)

Particulars of Offence

(b)

(c) ..... (d) .....

Sworn before me (e) ..... the  
..... day of ..... 20...

.....

*Magistrate.*

- a* Insert offence naming Act or other enactment and section contravened.
- b* Insert name or names of accused and brief particulars of offence in ordinary language.
- c* Where there is more than 1 count, add further counts as necessary.
- d* Signature of complainant with rank.
- e* Strike out if not made on oath.

**NOTE.** - If a second sheet is necessary the signature will appear at the bottom of the second sheet only.

(Form 7 - Magistrates' Courts (Forms) Rules)

**WARRANT TO APPREHEND DEFENDANT IN THE FIRST INSTANCE**

*(Criminal Procedure Code section 77)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu.

These are to command you in Her Majesty's name to arrest and bring before me at the Magistrate's Court at ..... (a) ..... of (b) ..... to be dealt with according to law on the following charge(s) made on the sworn complaint of (c) .....of (d) .....

Statement of Offence

(e)

Particulars of Offence

(f)

Dated the ..... day of ..... 20.....

.....  
*Magistrate/Justice of the Peace.*

- a* Insert full name of defendant.
- b* Insert full address and occupation of defendant.
- c* Insert full name of complainant.
- d* Insert full address and occupation of complainant.
- e* Insert offence naming Act or other enactment and section contravened.
- f* Insert brief particulars of offence in ordinary language.



**ENDORSEMENT WHERE BAIL IS ALLOWED**

*(Criminal Procedure Code section 90)*

It is directed that the defendant on arrest be released on bail on his/her entering into a recognisance in the sum of \$..... with ..... surety/sureties in the sum of \$..... [each], for his/her appearance before the Magistrate's Court at ..... on the ..... day of ..... 20 ....., at ..... o'clock in the ..... noon.

Dated at ..... the ..... day of ..... 20....

.....

*Magistrate.*

(Form 8 - Magistrates' Courts (Forms) Rules)

“A”

**SUMMONS TO DEFENDANT**

*(Criminal Procedure Code sections 77 and 79)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To - (a) ..... of (b) .....

You are hereby commanded to appear at ..... o'clock in the ..... noon of the.....day of..... 20..., at the ..... Magistrate's Court at ..... there to answer the charge(s) set out hereunder and be dealt with according to law.

Statement of Offence

(c)

Particulars of Offence

(d)

Dated the ..... day of ..... 20...

*Magistrate/Justice of the Peace.*

- a* Insert full name of defendant.
- b* Insert full address and occupation of defendant.
- c* Insert offence naming Act or other enactment and section contravened.
- d* Insert brief particulars of offence in ordinary language.

This is the exhibit marked “A” referred to in the affidavit of .....

Sworn before me this ..... day of ..... 20....

*Magistrate/Justice of the Peace.*

Served by me, ..... on the within named ..... on .....the .....day of ..... 20..., at ..... o'clock in the ..... noon at .....

## (Form 9 - Magistrates' Courts (Forms) Rules)

**NOTICE TO ATTEND COURT***(Criminal Procedure Code section 78)***TUVALU**

IN THE MAGISTRATE'S COURT AT

To: —

You are hereby required to appear at ..... o'clock in the ..... noon of the (a) ..... day of ..... 20 ....., at the Magistrate's Court at ..... there to answer the following charge(s) set out hereunder and be dealt with according to law:

Provided that your personal attendance will be excused and the case may then be disposed of in your absence if —

- (i) you admit the offence and plead guilty in writing; or
- (ii) you appear by advocate.

Statement of Offence

(b)

Particulars of Offence

(c)

Dated this ..... day of ..... 20.....

.....

*Police Officer.*

- a* Insert date of hearing (not being less than 10 days from the date of service of this Notice).
- b* Insert offence naming Act or other enactment and section contravened.
- c* Insert brief particulars of offence in ordinary language.

(Form 10 - Magistrates' Courts (Forms) Rules)

**AFFIDAVIT OF SERVICE OF SUMMONS**

*(Criminal Procedure Code sections 85 and 86)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

REGINA

v.

I [*name, address and occupation of deponent*]

..... make oath and say as follows —

1. I did on the ..... day of ..... 20...., at [*state where*]  
..... in Tuvalu personally serve ..... with a true copy of the writ of  
summons in this charge which appeared to me to have been regularly issued out of the  
office of the Magistrate's Court at .....; a true duplicate of  
which summons is now produced and shown to me marked "A".

2. At the time of the said service I did endorse on the said duplicate summons, the day of  
the month and the week of the said service on the said .....

SWORN at ..... this ) .....  
.....day of )  
..... 20.... ) *Deponent*  
)

Before me —

.....  
*Magistrate/Justice of the Peace.*

## (Form 11 - Magistrates' Courts (Forms) Rules)

“A”

**SUMMONS TO DEFENDANT***(Criminal Procedure Code section 86)***TUVALU**

IN THE MAGISTRATE'S COURT AT

To: - (a) ..... of (b) .....

You are hereby required to appear at ..... o'clock in the ..... noon of the ..... day of ..... 20..., at the Magistrate's Court at ..... there to answer the following charge(s) set out hereunder and be dealt with according to law:

Provided that your personal attendance will be excused and the case may then be disposed of in your absence if—

(i) you admit the offence and plead guilty in writing; or

(ii) you appear by advocate.

Statement of Offence

(c)

Particulars of Offence

(d)

Dated this ..... day of ..... 20...

*Magistrate/Justice of the Peace.*

- a* Insert full name of defendant.
- b* Insert full address and occupation of defendant.
- c* Insert offence naming Act or other enactment and section contravened.
- d* Insert brief particulars of offence in ordinary language.

This is the exhibit marked "A" referred to in the affidavit of .....

Sworn before me this ..... day of ..... 20....

.....

*Magistrate/Justice of the Peace*

Served by me, ..... on the within  
named ..... on ..... the  
..... day of ..... 20..... at ..... o'clock in the  
..... noon at .....

(Form 12 - Magistrates' Courts (Forms) Rules)

**SUMMONS TO SHOW CAUSE**

*(Criminal Procedure Code section 86)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

Whereas on the ..... day of ..... 20... you [*name of defendant*] were charged with the offence hereunder set out

Statement of Offence

Particulars of Offence

And whereas your personal attendance was dispensed with under section 86 of the Criminal Procedure Code:

And whereas you were on the day aforesaid convicted of the said offence and ordered to pay a fine of ..... within the period of ..... days from the date hereof:

And whereas the said fine has not been paid within the prescribed period:

Now therefore you the said ..... are hereby commanded to appear before the Magistrate's Court at ..... on the ..... noon to show cause why you should not be committed to prison for such term as may then be prescribed.

Dated at ..... the ..... day of ..... 20...

.....  
*Magistrate/Justice of the Peace.*

This is the exhibit marked "A" referred to in the affidavit of .....

Sworn before me this ..... day of ..... 20...

.....  
*Magistrate/Justice of the Peace.*

Served by me, ..... on the within named ..... on ..... the ..... day of ..... 20 ... at ..... o'clock in the ..... noon at .....

(Form 13 - Magistrates' Courts (Forms) Rules)

**WARRANT TO APPREHEND DEFENDANT WHERE SUMMONS IS DISOBEYED**

*(Criminal Procedure Code section 89)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu.

Whereas on the ..... day of ..... 20 ...

(a) ..... of (b) ..... (hereinafter called the defendant) was summoned to appear before the Magistrate's Court at ..... on the ..... day of ..... 20..., at ..... o'clock in the ..... noon to answer the following charge(s) —

Statement of Offence

(c)

Particulars of Offence

(d)

And whereas an oath has been made that the defendant was duly served with the summons but did not appear:

These are to command you in Her Majesty's name to arrest the defendant and bring him before me at the Magistrate's Court at ..... to answer the said charge(s) and be dealt with according to law.

Dated the ..... day of ..... 20...

.....

*Magistrate.*

- a* Insert full name of defendant.
- b* Insert full address and occupation of defendant.
- c* Insert offence naming Act or other enactment and section contravened.
- d* Insert brief particulars of offence in ordinary language.

**ENDORSEMENT WHERE BAIL IS ALLOWED**

*(Criminal Procedure Code section 90)*



It is directed that the defendant on arrest be released on bail on his/her entering into a recognisance in the sum of \$....., with ..... surety/sureties in the sum of \$..... [each], for his/her appearance before the Magistrate's Court at ..... on the ..... day of ..... 20..., at ..... o'clock in the ..... noon.

Dated at ..... the ..... day of ..... 20...

.....

*Magistrate.*

(Form 14 - Magistrates' Courts (Forms) Rules)

**INFORMATION TO GROUND SEARCH WARRANT**

*(Criminal Procedure Code section 101)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

(a) ..... of (b) ..... on his oath complains that on ..... the following goods of the value of \$....., viz. —

(c) ..... were unlawfully carried away from ..... to ..... by some person or persons unknown, and that he has reasonable cause to suspect, and does suspect, that those goods, or some of them are concealed (d) ..... occupied by .....of .....; for he the said ..... says that —

(e) .....

Sworn (affirmed) at ..... this ..... day of ..... 20...

.....  
*Magistrate/Justice of the Peace.*

- a* Insert full name of complainant.
- b* Insert full address and occupation of complainant.
- c* Describe goods.
- d* Describe place or premises in which goods are alleged to be concealed.
- e* State grounds for suspicions that goods are there.

(Form 15 - Magistrates' Courts (Forms) Rules)

**SEARCH WARRANT**

*(Criminal Procedure Code section 101)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu.

(a) ..... of (b)..... has this day made on oath before the Court that ..... (c) .....

And it appears to the Court that (according to reasonable suspicion) the said goods, or some of them, are concealed as aforesaid. You are therefore hereby authorised and commanded in Her Majesty's name, with proper assistance, by day (or night) (d) ..... to enter ..... the said (e) ..... if necessary by force, and there diligently to search for the said goods, and if the same or any thereof are found on search to bring the goods so found before this Court, to be dealt with according to law.

Dated the ..... day of ..... 20...

.....

*Magistrate/Justice of the Peace.*

- a* Insert full name of complainant.
- b* Insert full address and occupation of complainant.
- c* As in information given in Form 14.
- d* Cross out words “or night” when warrant is to be executed between the hours of sunrise and sunset.
- e* Describe place or premises.

(Form 16 - Magistrates' Courts (Forms) Rules)

**SUMMONS TO WITNESS**

*(Criminal Procedure Code section 127)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To —

Whereas a charge(s) has/have been made on the complaint of ..... of ..... that ..... of .....did commit the following offence(s) —

Statement of Offence —

Particulars of Offence —

And it appearing to me by the oath of ..... that you are likely to give material evidence therein on behalf of the (a) ..... and will not voluntarily appear for that purpose.

You are therefore hereby summoned to appear before the Magistrate's Court at ..... on the ..... day of ..... 20..., at ..... o'clock in the ..... noon to testify what you know in the matter; and also to bring with you and produce at the time and place aforesaid (b).....

Dated the ..... day of ..... 20...

.....  
*Magistrate/Justice of the Peace.*

- a. Complainant or defendant.
- b. Specify document or thing to be produced.

(Form 17 - Magistrates' Courts (Forms) Rules)

**WARRANT WHERE A WITNESS HAS NOT OBEYED A SUMMONS**

*(Criminal Procedure Code section 128)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu.

..... of ..... not having appeared in obedience to a summons requiring his attendance on the ..... day of ..... at the Magistrate's Court at ....., to give evidence on behalf of ..... of ..... on a charge against ..... of .....

These are to command you in Her Majesty's name to arrest and bring before me at ..... o'clock in the ..... noon on the ..... day of ..... the said ..... to be dealt with according to law.

Dated the ..... day of ..... 20...

.....  
*Magistrate/Justice of the Peace.*

**ENDORSEMENT WHERE BAIL IS ALLOWED**

*(Criminal Procedure Code section 130)*

It is directed that the witness on arrest be released on bail on his/her entering into a recognisance in the sum of \$....., with ..... surety/sureties in the sum of \$..... [each], for his/her appearance before the Magistrate's Court at ..... on the ..... day of ..... 20..., at ..... o'clock in the ..... noon.

Dated the ..... day of ..... 20...

.....  
*Magistrate/Justice of the Peace.*

(Form 18 - Magistrates' Courts (Forms) Rules)

**WARRANT FOR A WITNESS IN THE FIRST INSTANCE**

*(Criminal Procedure Code section 129)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu.

..... of ..... having deposed to me that ..... is in possession of material evidence (*or*, is a material witness) in respect of a charge against ..... and is not likely to give evidence unless compelled to do so:

These are to command you in Her Majesty's name to arrest and bring the said ..... before me at the Magistrate's Court at ..... at ..... o'clock in the ..... noon on the..... day of ..... 20..., to give evidence in the said matter and produce the following documents or things —

Dated this ..... day of ..... 20...

.....  
*Magistrate/Justice of the Peace.*

**ENDORSEMENT WHERE BAIL IS ALLOWED**

*(Criminal Procedure Code section 130)*

It is directed that the witness on arrest be released on bail on his/her entering into a recognisance in the sum of \$..... with ..... surety/sureties in the sum of \$..... [*each*], for his/her appearance before the Magistrate's Court at ..... on the ..... day of ..... 20..., at ..... o'clock in the ..... noon.

Dated at ..... the ..... day of ..... 20...

.....  
*Magistrate/Justice of the Peace.*

(Form 19 - Magistrates' Courts (Forms) Rules)

**COMMITMENT OF REFRACTORY WITNESS**

*(Criminal Procedure Code section 135)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu and to the Officer in Charge of the prison at .....

..... of ..... having this day appeared before the Magistrate's Court held at ..... as a witness at the hearing of a charge against ..... of ....., refused without just excuse to be sworn (or affirmed) [*or* having been sworn (or affirmed) refuses to answer any question put to him] [*or* to produce any document or thing which he is required to produce] [*or* to sign his deposition]:

Whereupon the hearing of the said charge was adjourned to the ..... day of ..... 20..., and the said ..... was ordered to be committed to prison until such date unless he sooner consents to do what is required of him:

These are therefore to command you the said Police Officers in Her Majesty's name to convey the said ..... to the prison at ..... and there to deliver him to the Officer in Charge thereof who is hereby directed to imprison him until such date unless he sooner consents to do what is required of him and then to bring him before this Court at such adjourned hearing as aforesaid.

Dated the ..... day of ..... 20....

.....

*Magistrate.*

(Form 20 - Magistrates' Courts (Forms) Rules)

**WARRANT TO REMAND DEFENDANT WHEN ARRESTED**

*(Criminal Procedure Code section 189)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu and to the Officer in Charge of the prison at ..... of .....having been brought before me under arrest to answer the following charge(s) —

Statement of Offence —

Particulars of Offence —

These are to command you the said Police Officers in Her Majesty's name to convey and deliver the said ..... to the Officer in Charge of the prison at ..... who is hereby directed safely to keep him until the ..... day of .....20..., and then have him before the Magistrate's Court at ....., at ..... o'clock in the ..... noon.

Dated the ..... day of ..... 20...

.....  
*Magistrate.*



(Form 21 - Magistrates' Courts (Forms) Rules)

**WARRANT OF COMMITMENT FOR SAFE CUSTODY ON ADJOURNMENT OF HEARING**

*(Criminal Procedure Code section 189)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu and to the Officer in Charge of the prison at .....

Whereas the hearing of a charge against ..... has been adjourned to the ..... day of ..... 20..., at ..... o'clock in the ..... noon at the Magistrate's Court at .....

These are to command you the said Police Officers in Her Majesty's name that ..... be conveyed to the prison at ..... and there delivered to the Officer in Charge thereof who is hereby directed safely to keep him until the said day of ..... 20..., and then have him before me at the said time and place.

Dated the ..... day of ..... 20...

.....  
*Magistrate.*

(Form 22 - Magistrates' Courts (Forms) Rules)

**WARRANT TO ARREST ACCUSED WHO HAS NOT APPEARED AFTER ADJOURNMENT**

*(Criminal Procedure Code section 190)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu.

Whereas on the ..... day of ..... 20..., .....of ..... hereinafter called the accused, appeared before the Magistrate's Court at ..... to answer a charge(s) made on the complaint of ..... of ..... that he the said accused did commit the following offence(s) —

Statement of Offence

Particulars of Offence

And the hearing of the said charge(s) was adjourned to the ..... day of ..... 20..., at ..... o'clock in the ..... noon at the Magistrate's Court at ..... at which time and place the accused failed to appear.

These are to command you the said Police Officers to arrest the accused and have him before me forthwith at the Magistrate's Court.

Dated the ..... day of ..... 20....

.....  
*Magistrate.*

## (Form 23 - Magistrates' Courts (Forms) Rules)

**CONVICTION ORDER***(Criminal Procedure Code section 202)***TUVALU**

IN THE MAGISTRATE'S COURT AT

Be it remembered that on the ..... day of ..... 20..., at .....in Tuvalu  
 ..... of .....is convicted before me of the following offence —

Statement of Offence

Particulars of Offence

(a)

And I adjudge him for his said offence to be imprisoned in Her Majesty's prison at  
 ..... and there to be kept for ..... from this day:

And I adjudge him for his said offence to forfeit and pay the sum of (b) .....to be paid  
 and applied according to law and also to pay to the said ..... the sum of  
 ..... for his costs in this behalf and if the said several sums be not paid forthwith  
 (*or*, on or before ..... next) I adjudge the said ..... to be imprisoned in  
 Her Majesty's prison at ..... and there to be kept for ..... from this  
 day unless the said several sums (and the costs and charges of conveying the said  
 ..... to the said prison) shall be sooner paid.

Given under my hand the day and year first abovementioned at .....

.....  
*Magistrate.*

- a* Delete whichever is inapplicable.  
*b* State the penalty and compensation (if any).

(Form 24 - Magistrates' Courts (Forms) Rules)

**DEPOSITION AT PRELIMINARY INQUIRY AND TRIAL**

*(Criminal Procedure Code section 209)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

In the matter of a charge against ..... of  
..... in the presence and hearing of .....deposes on oath  
(*or as the case may be*) as follows —

## (Form 25 - Magistrates' Courts (Forms) Rules)

**STATEMENT OF ACCUSED***(Criminal Procedure Code section 213)***TUVALU**

IN THE MAGISTRATE'S COURT AT

Before the Magistrate's Court ..... of ..... (hereinafter called the accused) stands charged this ..... day of ..... 20..., with the offence hereinbefore particularly set out —

Statement of Offence

Particulars of Offence

And the witnesses for the prosecution having each severally been examined in the presence of the accused:

And the said charge being read and its nature explained in ordinary language to the accused:

This is now addressed by the Court as follows —

“You will have an opportunity to give evidence on oath before me and to call witnesses. But first I am going to ask you whether you wish to say anything in answer to the charge. You need not say anything unless you wish to do so; and you have nothing to hope from any promise, and nothing to fear from any threat, that may have been held out to induce you to make any admission or confession of guilt. Anything you say will be taken down and may be given in evidence at your trial. Do you wish to say anything in answer to the charge?”

Whereupon the accused says as follows - [*or* makes no reply:]

[And the above statement of the accused has been read over to him; and the accused has been told that he may sign it if he wishes:]

And the accused has been given an opportunity to give evidence himself and to call witnesses.

I certify that the above statement was given in my presence and hearing at ..... the ..... day of ..... 20..., and that it contains accurately the whole statement [*or* evidence] given by the accused.

.....  
Magistrate.

(Form 26 - Magistrates' Courts (Forms) Rules)

**WARRANT OF COMMITMENT IN CUSTODY FOR TRIAL**

*(Criminal Procedure Code section 218)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu and to the Officer in Charge of the prison at .....of  
(hereinafter called the accused) having been charged this day before the Magistrate's Court held at ..... with the following offence —

Statement of Offence

Particulars of Offence

And the said Court after inquiry into the said Offence having committed the accused for trial to the High Court to be held at ..... on the ..... day of ..... 20...:

These are to command you the said Police Officers in Her Majesty's name to convey and deliver the said accused to the Officer in Charge of the prison at ..... who is hereby directed safely to keep him until he shall be delivered in due course of law.

Dated the ..... day of ..... 20...

.....

*Magistrate.*

**ENDORSEMENT WHERE BAIL IS ALLOWED**

It is directed that the accused may be released on bail on his/her entering into a recognisance in the sum of \$..... with surety/sureties in the sum of \$..... [each], for his/her appearance before the High Court to be held at ..... on the ..... day of ..... 20..., to stand his/her trial upon any information preferred against him/her, [and, subject to the condition for his/her said appearance, to undergo medical examination by a duly qualified medical practitioner at ..... [and to reside, for the purpose of undergoing the said examination at the said place from the ..... day of ..... 20., to the ..... day of ..... 20., [or until he/she appears to stand his/her trial aforesaid.]]]

.....

*Magistrate.*

(Form 27 - Magistrates' Courts (Forms) Rules)

**ORDER COMMITTING CORPORATION FOR TRIAL**

*(Criminal Procedure Code section 218)*

**TUVALU**

TO —

The Attorney-General.

..... Limited (hereinafter called the accused corporation) was this day charged before the Magistrate's Court held at ..... with the following offence —

Statement of Offence

Particulars of Offence

And the said Court after inquiry into the said offence having determined to commit the accused corporation for trial to the High Court to be held at ..... on the ..... day of ..... 20...:

You the Attorney-General are hereby authorised and empowered to file an information in respect of the said offence in the High Court.

Dated the ..... day of ..... 20...

.....

*Magistrate.*

(Form 28 - Magistrates' Courts (Forms) Rules)

**COMMITMENT OF WITNESS FOR REFUSING TO ENTER INTO  
RECOGNISANCE TO GIVE EVIDENCE**

*(Criminal Procedure Code section 221)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu and to the Officer in Charge of the prison at .....of ..... having been charged this day before the Magistrate's Court held at ..... with the following offence —

Statement of Offence

Particulars of Offence

And ..... having been examined before the Court concerning the said offence, and being required by the Court to enter into a recognisance conditioned to attend and give evidence on the trial of ..... refuses to do so:

These are to command you the said Police Officers in Her Majesty's name to convey and deliver the said ..... to the Officer in Charge of the prison at ..... who is hereby directed safely to keep the said ..... until after his trial for the offence aforesaid unless in the meantime the said ..... shall enter into such recognisance as aforesaid in the sum of \$..... [with surety/sureties in the sum of \$..... [each] conditioned to appear at the next Session of the High Court and there to give evidence upon the trial of any information against the said accused in respect of the said offence]

Dated the ..... day of ..... 20....

.....  
*Magistrate.*



(Form 29 - Magistrates' Courts (Forms) Rules)

**STATEMENT OF WITNESSES BOUND OVER OR TREATED AS HAVING  
BEEN BOUND OVER CONDITIONALLY***(Criminal Procedure Code section 223)***TUVALU**

IN THE MAGISTRATE'S COURT AT

REGINA

v.

Committed for trial at .....

List of witnesses whose attendance at the trial appears to the committing Court to be unnecessary and who have accordingly been bound over to attend the trial conditionally or have been treated as having been so bound over.

NAME	ADDRESS	OCCUPATION	If notice to attend has subsequently been issued by the Clerk to the committing Court, the date of issue should be stated

Notice to attend the trial has been issued by me on the dates above-mentioned to those witnesses against whose names a date is inserted in the last column hereof.

Dated the ..... day of ..... 20....

.....  
*Clerk of the Court*

(Form 30 - Magistrates' Courts (Forms) Rules)

**NOTICE REQUIRING ATTENDANCE OF WITNESS BOUND OVER, OR TREATED AS BOUND OVER, CONDITIONALLY**

*(Criminal Procedure Code section 223)*

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To —

Whereas you were on the ..... day of ..... 20..., bound over by a recognisance in the sum of \$..... to appear\* upon notice being given to you, at the Court specified in such notice and there to give evidence on the trial of .....

[or, (where witness has been treated as bound over conditionally insert instead after asterisk\*) at the next Session of the High Court or at such other Court as you should be directed, to give evidence on the trial of ..... and whereas notice was subsequently given to you that you would not be required to attend the trial unless you received notice:]

THIS IS TO GIVE YOU NOTICE that you ARE required to appear at the next Sessions of the High Court to be held at ....., and there to give evidence accordingly, and that unless you do so the said recognisance will be forthwith enforced against you.

Dated the ..... day of ..... 20...

.....  
*Clerk of the Court*  
*[or, Registrar of the High Court].*

(Form 31 - Magistrates' Courts (Forms) Rules)

**SUMMONS TO AN ASSESSOR**

**TUVALU**

IN THE MAGISTRATE'S COURT AT

In the matter of a charge against.....

To —

You are required to attend the ..... Court at ..... on the ..... day of ..... 20..., ..... at ..... o'clock in the ..... noon to act as assessor at the trial of the above charge.

Date at ..... the ..... day of ..... 20...

.....

*Magistrate.*

(Form 32 - Magistrates' Courts (Forms) Rules)

**SUMMONS TO INTERPRETER**

**TUVALU**

IN THE MAGISTRATE'S COURT AT

In the matter of a charge against ..... of  
.....

To....., of .....

YOU, the above-named ..... are hereby  
required to attend this Court at ..... on the ..... day of  
..... at ..... o'clock in the ..... noon, to act as Interpreter to the  
trial of the above-mentioned.

.....

*Magistrate.*

(Form 33 - Magistrates' Courts (Forms) Rules)

**WARRANT OF COMMITMENT ON A CONVICTION WHERE THE PUNISHMENT IS BY IMPRISONMENT**

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu and to the Officer in Charge of the prison at .....

Whereas ..... of ..... was this day duly convicted before me of the following offence(s) —

Statement of Offence

Particulars of Offence

and it was thereby adjudged that the said ..... of his offence(s) should be imprisoned in Her Majesty's Prison at ..... and there be kept for ..... from this day.

These are therefore to command you the said Police Officers to take the said ..... and convey him to the said prison and deliver him to the Officer in Charge thereof who is hereby directed to imprison him for the time aforesaid.

Dated the ..... day of ..... 20...

.....  
*Magistrate.*

(Form 34 - Magistrates' Courts (Forms) Rules)

**WARRANT OF COMMITMENT ON A CONVICTION AND IN DEFAULT OF PAYMENT IMPRISONMENT**

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu and to the Officer in Charge of the prison at .....

Whereas ..... of ..... was this day convicted before me of the following offence(s)

Statement of Offence

Particulars of Offence

and it was thereby adjudged that the said ..... for his offence(s) should pay a fine of ..... or in default of payment be imprisoned in Her Majesty's Prison at ..... and there to be kept for ..... and whereas the said ..... hath made default.

These are therefore to command you the said Police Officers to take the said ..... and convey him to the said prison and deliver him to the Officer in Charge thereof who is hereby directed to imprison him the said ..... and there to keep him for ..... from this day unless he shall pay a fine of \$..... as aforesaid.

Dated the ..... day of ..... 20...

.....  
*Magistrate.*

## (Form 35 - Magistrates' Courts (Forms) Rules)

**WARRANT OF DISTRESS UPON A CONVICTION FOR A FINE****TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu.

Whereas ..... of ..... in Tuvalu was on the ..... day of ..... 20..., duly convicted before me of the following offence(s) —

Statement of Offence

Particulars of Offence

And it was thereby adjudged that the said ..... should for such offence pay a fine of \$..... and should also pay to ..... the sum of \$..... for costs (and compensation):

And whereas the said ..... being so convicted as aforesaid and being required to pay the said sums of ..... and ..... hath not paid the same but therein hath made default:

These are therefore to command you in Her Majesty's name forthwith to make distress of the goods and chattels of the said ..... and if within the space of ..... days next after the making of such distress the said sums together with the reasonable charges of taking and keeping the distress shall not be paid that you do sell the said goods and chattels so by you distrained and do pay the money arising by such sale unto the Clerk of the Magistrate's Court at ..... that he may pay and apply the same as by law directed and may render the over plus if any on demand to the said ..... and if no such distress can be found then that you certify the same unto me to the end that such further proceedings may be had therein as to the law doth appertain.

Dated the ..... day of ..... 20....

.....

*Magistrate.*

**NOTE.** - If this warrant is executed outside the territorial limits of the jurisdiction of the Court issuing the same it must be endorsed by a Magistrate within the territorial limits of whose jurisdiction such property is found.

**RETURN OF INSUFFICIENT DISTRESS**

I, ..... [*insert rank and number*], stationed at ..... in Tuvalu hereby certify that, by virtue of this warrant, I have made diligent search for the money and goods of the above-named ....., and that I can find no [sufficient] money or goods of him/her whereupon the sums specified in this warrant can be levied.

Dated the ..... day of ..... 20....

.....



(Form 36 - Magistrates' Courts (Forms) Rules)

**WARRANT OF COMMITMENT FOR WANT OF DISTRESS UPON A  
CONVICTION FOR A FINE**

TUVALU

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu and to the Officer in Charge of the prison at .....

Whereas ..... of ..... was on the ..... day of ..... 20...., duly convicted before me of the following offence(s) —

Statement of Offence

Particulars of Offence

and it was thereby adjudged that the said ..... should for such his offence(s) pay a fine of ..... and should also pay to ..... the sum of ..... for costs (and compensation) and it was thereby ordered that if the said sums should not be paid the said ..... should be imprisoned in Her Majesty's prison at ..... and there to be kept for .....

And whereas afterwards on the ..... day of ..... in the year aforesaid I issued a warrant to all Police Officers within Tuvalu commanding them to levy the said sums of ..... and ..... by distress and sale of goods and chattels of the said .....

And whereas it appears to me as well by the return of ..... to the said warrant of distress as otherwise that he hath made diligent search for the goods and chattels of the said ..... but that no sufficient distress whereupon to levy the sum above-mentioned could be found.

These are therefore to command you the said Police Officers to take the said ..... and convey him to the prison at ..... and deliver him to the Officer in Charge thereof who is hereby directed to imprison him and keep him for ..... from this day unless the said sums and all the costs and charges of the distress and of the commitment and conveying of the said ..... to the said prison shall be sooner paid.

Dated the ..... day of ..... 20....

.....

*Magistrates' Courts.*

(Form 37 - Magistrates' Courts (Forms) Rules)

**WARRANT OF DISTRESS FOR COSTS UPON AN ORDER OF DISMISSAL OF A CHARGE**

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu.

Whereas..... of ..... as charged before me on the ..... day of ..... 20..., with the following offence(s) —

Statement of Offence

Particulars of Offence

whereupon the matter of the said charge(s) was duly considered by me and it manifestly appearing to me that that said charge(s) was/were not proved I therefore dismissed the same and adjudged that the said ..... should pay to the said ..... the sum of ..... for the costs incurred by him for his defence in this behalf and hath not paid the same but therein hath made default:

These are therefore to command you in Her Majesty's name forthwith to make distress of the goods and chattels of the same ..... and if within the ..... days next after the making of such distress the said sums together with the reasonable charges of taking and keeping the distress shall not be paid that you do sell the said goods and chattels so by you distrained and do pay the money arising by such sale unto the Clerk of the Magistrate's Court at ..... that he may pay and apply the same as by law directed and may render the over plus if any on demand to the said ..... and if no such distress can be found then that you certify the same unto me to the end that such further proceedings may be had therein as to the law doth appertain.

Dated the ..... day of ..... 20....

.....  
*Magistrate.*

**NOTE.** - If this warrant is executed outside the territorial limits of the jurisdiction of the Court issuing the same it must be endorsed by a Magistrate within the territorial limits of whose jurisdiction such property is found.

**RETURN OF INSUFFICIENT DISTRESS**

I, ..... [*insert rank and number*], stationed at ..... hereby certify that, by virtue of this warrant, I have made diligent search for the money and goods of the abovenamed ..... and that I can find no [sufficient] money or goods of him/her whereupon the sums specified in this warrant can be levied.

Dated the ..... day of ..... 20.....

.....

(Form 38 - Magistrates' Courts (Forms) Rules)

**WARRANT OF COMMITMENT FOR WANT OF DISTRESS UPON AN ORDER FOR DISMISSAL OF A CHARGE**

**TUVALU**

IN THE MAGISTRATE'S COURT AT

To all Police Officers within Tuvalu and to the Officer in Charge of the prison at .....

Whereas on the .....day of ..... on the complaint of ..... of ....., .....of ..... was charged before me with the following offence(s)

Statement of Offence

Particulars of Offence

and the several proofs adduced to me in that behalf being by me duly heard and considered and it manifestly appearing to me that the said charge(s) was/were not proved I therefore dismissed the same and adjudged that the said ..... should pay to the said ..... the sum of ..... for his costs incurred by him in his defence in that behalf and I ordered that if the said sum for costs should not be paid the said ..... should be imprisoned in Her Majesty's prison at ..... and there to be kept for .....

And whereas afterwards on the ..... day of ..... in the year aforesaid I issued a warrant to all Police Officers within Tuvalu commanding them to levy the said sum of ..... for costs by distress and sale of the goods and chattels of the said .....

And whereas it appears to me as well by the return of ..... to the said warrant of distress as otherwise that he hath made diligent search for the goods and chattels of the said ..... but that no sufficient distress whereon to levy the sum abovementioned could be found:

These are therefore to command you the said Police Officers to take the said ..... and convey him to the prison at ..... and deliver him to the Officer in Charge thereof who is hereby directed to imprison him for ..... from this day unless the said sum and all costs and charges of the said distress amounting to a further sum of ..... shall be sooner paid.

Dated the ..... day of ..... 20...

.....

*Magistrate.*

## ENDNOTES

---

<sup>1</sup> LN 11/1965