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Departmental and Other Notices

EASTERN CARIBBEAN SUPREME COURT
(SENTENCING GUIDELINES) RULES 2019

PRACTICE DIRECTION 7E
No. 1 OF 2020

SENTENCING FOR THE OFFENCE OF MURDER

This Practice Direction is made pursuant to rule 6(1) of the Eastern Caribbean Supreme Court (Sentencing Guidelines) Rules 2019 and supplements rule 7(1).

This Practice Direction is applicable to the Territory of Anguilla only.

INTRODUCTION

In order to promote consistency, sentencing to a custodial term for the offence of murder shall hereafter follow the approach below to be applied in the Member States and Territories falling under the jurisdiction of the Eastern Caribbean Supreme Court.

This Practice Direction may be cited as the “*Practice Direction on Sentencing for the Offence of Murder for the Eastern Caribbean Supreme Court*”.

INTERPRETATION

1. In this Schedule—

“*Adult*” means a person aged 18 or over.

“*An act of terrorism*” for the purpose of this guidance means a death arising from:

- (i) an act of a person on behalf of, or in connection with, any organization which carries out activities directed towards the overthrowing or influencing by force or violence the lawful government of a state; or
- (ii) an act intended to raise in the public a fear of future and further indiscriminate violence against bystanders in a public place.

“*Child*” bears the meaning under the relevant domestic legislation.

“*Criminal gang*” means a group of three or more persons who share a criminal purpose.

“*Determinate sentence*” means a sentence fixed as to the amount of time to be spent imprisoned.

“*Whole life sentence*” means a sentence of imprisonment for the duration of the offender’s natural life.

SENTENCES FOR MURDER

- 2. A conviction for the offence of murder may result in one of the following sentences: