

Magistrate's Courts have original jurisdiction to hear all **criminal** matters for offences for which the maximum penalty does not exceed two years imprisonment: *s14(2) Judicial Services and Courts Act*.

See Chapter 3, Jurisdiction, for further guidance on both civil and criminal jurisdiction.

Island Courts

Island Courts are established by the *Island Courts Act* and are subordinate to the Magistrate's Courts.

Jurisdiction

Unlike Magistrate's Courts, Island Courts are limited in their territorial jurisdiction.

An Island Court may only hear a civil case if:

- the defendant is ordinarily resident within the territorial jurisdiction of that Court; or
- the cause of action arose in the jurisdiction; *s8(1)* as amended by *s3 Island Courts (Amendment) Act No. 15 of 2001*.

Island Courts have no jurisdiction to hear land cases: *s8(2)* as amended by *s3 Island Courts (Amendment) Act No 15 of 2001*.

Island Courts are restricted in civil cases to awarding a maximum VT 50,000 in compensation or damages: *s12 Island Courts Act*.

An Island Court may only hear a criminal case if the accused is alleged to have committed or participated in the offence, wholly or partially, within the territorial jurisdiction of the Court: *s7 Island Courts Act*.

Island Courts are restricted to imposing a maximum fine of VT 24,000 and a maximum term of imprisonment of 6 months: *s11 Island Courts Act*.

For further information on the jurisdiction of Island Courts, see the *Island Courts Act*.

Public Prosecutor and Public Solicitor

In addition to the Courts, the *Constitution* provides for the appointment of an independent Public Prosecutor to act as prosecutor in all criminal cases, and the Public Solicitor whose role is to provide free legal advice to needy persons: *Articles 55, 56 Constitution*.

Both the Public Prosecutor and the Public Solicitor are appointed by the President on the advice of the Judicial Service Commission: *Articles 55, 56 Constitution*.