



I assent,

Officer Administering
the Government,

15th July, 1955.

BRITISH GUIANA

ORDINANCE NO. 29 OF 1955.

AN ORDINANCE further to amend the Summary Jurisdiction (Appeals) Ordinance.

Enacted by the Legislature of British Guiana:—

A.D. 1955.

1. This Ordinance may be cited as the Summary Jurisdiction (Appeals) (Amendment) Ordinance, 1955, and shall be construed and read as one with the Summary Jurisdiction (Appeals) Ordinance, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

Short title.

Cap. 16.

2. Section fourteen of the Principal Ordinance is hereby repealed and the following substituted therefor —

Repeal and re-enactment of section 14 of the Principal Ordinance.

“Applica-
tions for
extension
of time
within
which and
for leave
to comply
with cer-
tain pro-
visions.

14. (1) Notwithstanding the provisions of section sixteen of this Ordinance, any person who has failed to comply with any of the provisions of this Ordinance limiting the period of time within which, or prescribing the manner in which, any act shall be performed, may apply to the Court for an extension of the period of time within which such act shall be performed or for leave to perform such act in the prescribed manner and in his application shall state fully the reason for his failure to comply with such provision or provisions and the grounds on which he considers he should be given such extension of the period of time or leave.

(2) If satisfied that in all the circumstances it would be just and proper so to do, the Court may grant such extension of the period of time or leave on any terms and conditions it may think just, including terms and conditions as to the payment of costs:

Provided that no such extension of the period of time or leave shall be granted unless the opposite party has had an opportunity of being heard on the application and, if the Court thinks fit, of adducing evidence against the granting of the application.

(3) In exercising its discretion whether to grant or to refuse an application under this section, the Court shall have regard to the following matters and circumstances —

- (a) whether *prima facie* the appeal sought to be brought has merit;
- (b) whether the exhibits, documentary or otherwise, admitted in evidence in the cause by the magistrate which in the opinion of the Court are necessary for the determination of the appeal sought to be brought, if already returned by the magistrate to the parties entitled to the possession thereof, can be returned to the magistrate for the purposes of the appeal;
- (c) such other matters or circumstances as the Court thinks just and proper to take into consideration in the exercise of such discretion.

(4) It shall be lawful for the Court in granting an application under this section to give such directions as the Court may deem necessary for the preparation and transmission of the record referred to in section thirteen of this Ordinance.

(5) The Court may direct the Registrar to summon any person having any exhibit, documentary or otherwise, admitted in the cause by the magistrate, in his possession, which, in the opinion of the Court, is necessary for the determination of the appeal, to attend and to produce such exhibit at the hearing of an application under this section or of an appeal and the provisions of paragraph (a) of section twenty-seven of this Ordinance shall *mutatis mutandis* apply to such person so summoned.

(6) On the granting of an application under this section and on the applicant giving the security mentioned in section five of this Ordinance within such time as the Court may fix, if he has not already done so, the execution of the decision under appeal shall be suspended until the appeal is determined by the Court or is abandoned after the granting of such application, and if the applicant is in custody he shall be released on the order of the Court unless he has elected to continue to undergo his sentence pending the appeal.

3. The provisions of this Ordinance shall not apply to any decisions of a magistrate made or given prior to the 1st June, 1955.

Com-
mence-
ment of
Ordin-
ance.

Passed by the Legislative Council this seventh day of July, nineteen hundred and fifty-five.

J. J. Spindling
Clerk of the Legislature

(Leg. Bill No. 8/1955)