



ORDINANCE No. 14 of 1959.
SUMMARY JURISDICTION (PROCEDURE) (AMENDMENT)
ORDINANCE, 1959.



I assent.

Whitledge

Officer Administering
the Government,

14th August, 1959.

BRITISH GUIANA

Arrangement of Sections.

Section

1. Short title and commencement.
2. Insertion of section 7A in Chapter 15.
3. Amendment of Section 12 of the Principal Ordinance.
4. Amendment of second schedule to Chapter 15.

AN ORDINANCE to amend the Summary Jurisdiction (Procedure) Ordinance.

Enacted by the Legislature of British Guiana:—

1. (1) This Ordinance may be cited as the Summary Jurisdiction (Procedure) (Amendment) Ordinance, 1959, and shall be construed and read with the Summary Jurisdiction (Procedure) Ordinance, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

A.D. 1959.

Short title and commencement.

(2) This Ordinance shall come into operation on such date as the Governor shall appoint by Proclamation published in the Gazette.

2. The Principal Ordinance is hereby amended by the insertion therein after section 7 of the following new section—

"Special procedure in respect of certain offences.

Form 3 A.

7A (1) Notwithstanding the provisions of subsection (1) of section 10 of this Ordinance, where any member of the Police Force finds that an offence to which this section applies has been committed or is being committed in any place, it shall be lawful for such member of the Police Force then and there to serve upon the person alleged to be the offender a notice charging him with the commission of such offence, and notifying him that a complaint will be made against him in respect of the said offence and requiring him to appear at the court specified in the notice on the day and at the hour stated therein to answer the said complaint.

(2) A person upon whom a member of the Police Force has served a notice under subsection (1) of this section may, in lieu of being prosecuted for the alleged offence, pay to the clerk of the court specified in the notice or of the court of any other judicial district, within seven days from the date of the issue of the notice, such penalty as the Governor in Council may, by order, prescribe for the offence.

(3) The Governor in Council may, by order, amend or revoke any order made under subsection (2) of this section.

(4) A notice under subsection (1) of this section shall be served on the alleged offender personally, and the date stated in the notice as the day on which the alleged offender is required to appear at court shall be at least fourteen days after the date of the issue of the notice.

(5) If the alleged offender pays the penalty within the time specified in subsection (2) of this section, the provisions hereinafter contained in this section in respect of his duties and liabilities shall not apply.

(6) If the alleged offender does not exercise the option of paying a penalty as provided for in subsection (2) of this section, the member of the Police Force shall, on the date stated in the notice as the day on which the alleged offender is required to appear at court, make in the court specified in the notice a complaint against the alleged offender for the offence mentioned in the notice.

(7) Upon the service of a notice under subsection (1) of this section, the alleged offender shall be subject to the same duties and liabilities as if he had entered, under section 70 of this Ordinance, into a recognisance in the sum of fifteen dollars to appear before the court specified in the notice on the day and at the hour stated

therein to answer the complaint referred to in the notice and to be further dealt with according to law.

(8) If a complaint has been duly made under subsection (6) of this section and the alleged offender does not appear at the court at the time mentioned in the notice, the court may proceed in accordance with the provisions of sections 12 and 24 of this Ordinance and for this purpose the said sections shall be read as if the word "notice" were substituted for the word "summons" wherever it appears therein.

(9) If the alleged offender appears at the time mentioned in the notice and a complaint has been duly made under subsection (6) of this section, the court shall proceed to hear and determine the complaint.

(10) This section shall apply to —

- (a) offences against section 153 of the Summary Jurisdiction (Offences) Ordinance; Cap. 14.
- (b) offences against sections 24, 26, 35, 40, 51, 55 and 56 of the Motor Vehicles and Road Traffic Ordinance; Cap. 280.
- (c) offences against the Motor Vehicles and Road Traffic Regulations; Cap. 280.
- (d) offences against the General Traffic Directions made by the Commissioner of Police on the 24th November, 1937, under the Summary Jurisdiction (Offences) Ordinance and continued in force by section 117 of the Motor Vehicles and Road Traffic Ordinance; Cap. 280.
- (e) offences against any order made by the Licensing Authority under section 47, 50 or 102 of the Motor Vehicles and Road Traffic Ordinance; Cap. 280.
- (f) offences against the Road Traffic (Georgetown) Regulations. Cap. 280.

(11) The Governor in Council may, by order, make additions to or deletions from the offences referred to in subsection (10) of this section.

(12) Every order made under subsection (11) of this section shall be laid before the Legislative Council within fourteen days next after it is made if the said Council is sitting on the last day as aforesaid, and if the Legislative Council is not then sitting, within fourteen days after the commencement of the next ensuing sitting.

(13) If, within twenty-one days after such order is

laid before the Legislative Council, and if the Legislative Council is not then sitting on the last day thereof within fourteen days after the commencement of the next ensuing sitting a resolution is passed by the said Council that the order or any part of it be annulled, it shall thereby be annulled to the extent set forth in the resolution, and the order, or part thereof, so annulled shall thenceforth become void and of no effect.

(14) Any order, or any part thereof, which has not been annulled in the manner prescribed by subsection (13) of this section by resolution of the said Council, shall have effect as if enacted by an Ordinance amending this Ordinance."

Amendment of Section 12 of the Principal Ordinance.

3. Subsection (2) of section 12 of the Principal Ordinance is hereby repealed and the following substituted therefor —

"(2) a defendant in any proceedings before the court may be represented by counsel, and any defendant so represented shall be deemed not to be absent :

Provided that the appearance of a defendant by counsel shall not satisfy any provision in any enactment or any condition of any recognizance expressly requiring his presence."

Amendment of second schedule to Chapter 15.

4. (1) Part II of the Table of Forms in the second schedule to the Principal Ordinance is hereby amended by the insertion of the following item immediately after item 3 —

"3A. Notice to defendant by member of the Police Force"

Schedule

(2) The form contained in the schedule to this Ordinance is hereby inserted as form 3A in the second schedule to the Principal Ordinance.

SCHEDULE
FORM 3A

Section 4.

Case No. 19/ No.

NOTICE TO DEFENDANT BY MEMBER OF THE POLICE FORCE
IN THE.....MAGISTRATE'S COURT.

To.....
of.....

WHEREAS a complaint will be made by me to the Magistrate of the.....
.....Judicial District that you.....
on.....day, the.....day of.....19 , in
the.....Judicial District*.....

This is to require you to be and appear at 9.00 o'clock a.m. on the date shown below, at the undermentioned Magistrate's Court to answer the complaint and to be further dealt with according to law.

.....
Dated.....

Date of appearance :
.....day of.....19
at.....Magistrate's Court.

READ THE BACK OF THIS NOTICE CAREFULLY
AND BRING THIS NOTICE WITH YOU.

* State concisely the substance of the complaint.

READ CAREFULLY

If you admit committing the offence for which you are hereby given notice and wish to plead **GUILTY** you may bring this notice within 7 clear days of the date thereof to the clerk of any Magistrate's Court and pay the penalty prescribed by law. In that event the prosecution of the case against you will be discontinued.

APPEARANCE, PLEA OF GUILTY.

I, the undersigned do hereby enter my appearance in respect of the offence stated on the face of this notice. I PLEAD GUILTY to the said offence, WAIVE my right to a HEARING by the court and AGREE to pay the penalty prescribed by law.

.....
(Defendant's Signature.)

.....
(Address)
DATED

GENERAL RECEIPT No.

Passed by the Legislative Council this fourteenth day of May, nineteen hundred and fifty-nine.

[Handwritten Signature]
Clerk of the Legislature.

(M.P. L171/3/1)
(Leg. Bill 9/1959)