



ORDINANCE No. 5 OF 1958.
CRIMINAL APPEAL (AMENDMENT) ORDINANCE, 1958.



I assent.

P. W. Levison

Governor
7 March, 1958.

BRITISH GUIANA.

Arrangement of Sections.

Section

1. Short title.
2. Repeal and re-enactment of section 17 of Chapter 8.

AN ORDINANCE to amend the Criminal Appeal Ordinance.

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Criminal Appeal (Amendment) Ordinance, 1958, and shall be construed and read as one with the Criminal Appeal Ordinance, hereinafter referred to as the Principal Ordinance.

A.D. 1958

Short title.

Cap. 8.

Repeal and
re-enact-
ment of
section 17 of
Chapter 8.

2. Section 17 of the Principal Ordinance is hereby repealed and the following substituted therefor:—

"Admission
of appellant
to bail and
computation
of sentence.

17. (1) An appellant who is not admitted to bail shall, pending the determination of his appeal, be treated in like manner as prisoners awaiting trial.

(2) The Court of Criminal Appeal may, if it thinks fit, on the application of an appellant, admit the appellant to bail pending the determination of his appeal.

(3) Where an appellant is admitted to bail under the provisions of subsection (1) of this section, the time during which he is at large after being so admitted shall be disregarded in computing the term of any sentence to which he is for the time being subject.

(4) Subject as hereinafter provided, six weeks of the time during which any appellant, when in custody, is specially treated as such in pursuance of rules made under section 58 of the Prison Ordinance, 1957, or the whole of that time, if it is less than six weeks, shall be disregarded in computing the term of any such sentence as aforesaid:

Provided that—

- (a) the foregoing provisions of this subsection shall not apply where leave to appeal is granted by the Court of Criminal Appeal or a certificate as is mentioned in paragraph (c) of section 5 of this Ordinance has been given for the purposes of the appeal; and
- (b) in any other case, the Court of Criminal Appeal may direct that no part of the said time or such part thereof as the Court thinks fit (whether shorter or longer than six weeks) shall be disregarded as aforesaid.

(5) Subject to the foregoing provisions of this section, the term of any sentence passed by the Court of Criminal Appeal in substitution for a sentence passed on the appellant in the proceedings from which the appeal is brought shall, unless the Court otherwise directs, begin to run from the time when it would have begun to run if passed in those proceedings, and references in this section to any sentence to which an appellant is for the time being subject shall be construed accordingly."

Passed by the Legislative Council this twenty-seventh day of February nineteen hundred and fifty-eight.

J. C. Spurr
Clerk of the Legislature.