



ORDINANCE NO. 22 OF 1961.

CRIMINAL LAW (PROCEDURE) (AMENDMENT)
ORDINANCE, 1961.



I assent.

A. Williams

Officer Administering
the Government.

23rd June, 1961.

BRITISH GUIANA.

Arrangement of Sections.

Section

1. Short title and commencement.
2. Amendment of section 25 of Chapter 11.
3. Amendment of section 30 of Chapter 11.
4. Insertion of section 32A in Chapter 11.
5. Insertion of section 55A in Chapter 11.
6. Amendment of section 69 of Chapter 11.
7. Amendment of section 71 of Chapter 11.

Section

8. Amendment of section 84 of Chapter 11.
9. Insertion of section 113A in Chapter 11.
10. Amendment of section 115 of Chapter 11.
11. Repeal and re-enactment of the first schedule to Chapter 11.
12. Amendment of the Principal Ordinance.
13. Repeals.
14. Continuation in force of existing jurors' books, and preparation and coming into force of jurors' books under this Ordinance.

FIRST SCHEDULE

SECOND SCHEDULE

AN ORDINANCE to amend the Criminal Law (Procedure) Ordinance.

A.D. 1961

Enacted by the Legislature of British Guiana:—

Short title
and com-
mencement.
Cap. 11.

1.(1) This Ordinance may be cited as the Criminal Law (Procedure) (Amendment) Ordinance, 1961, and shall be construed and read with the Criminal Law (Procedure) Ordinance, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

(2) Sections 3 and 4 of this Ordinance shall come into operation on such day as the Governor may by order appoint, and different dates may be appointed for different provisions.

Amendment
of section
25 of
Chapter 11.

2. Paragraph (b) of subsection (5) of section 25 of the Principal Ordinance is hereby repealed and the following paragraph substituted therefor —

“(b) Subject to the provisions of this Ordinance the revising officer shall have all the powers of an electoral registrar under rule 19 of the Registration Rules contained in the First Schedule to the Electoral Provisions (Registration) Ordinance, 1961.”

No. 10 of
1961.

3. Section 30 of the Principal Ordinance is hereby amended

(a) by the repeal of paragraph (a) of subsection (1) and the substitution therefor of the following paragraph —

“(a) At a convenient time before any sitting of the Court, the Registrar shall, in the presence of a Judge of the Supreme Court, select from the jurors' book of the county in which the sitting is to be held a sufficient number of panels as the circumstances may require, each panel consisting of not less than thirty persons whose names are in that book.”

Amendment
of section
30 of Chap-
ter 11.

- (b) by the insertion after the word "panel" in the third and seventh lines of paragraph (iii) of the proviso to subsection (1) of the words "or panels";
- (c) by the insertion of the following paragraphs in the proviso to subsection (1) —
- "(iv) a husband and wife shall not both be summoned to serve at any sitting of the Court;
- (v) the number of women appearing on any panel of jurors shall be in the same proportions, as near as may be, to the number of men appearing thereon as the total number of women is to the total number of men in the jurors' book."

4. The Principal Ordinance is hereby amended by the insertion immediately after section 32 of the following section —

"Composi-
tion of
jury in
certain
cases.

32A.(1) A judge before whom a case is or may be heard may, at any time, in his discretion, on an application made by or on behalf of the prosecutor and the accused or either of them, or at his own instance, order that the jury shall be composed of men only.

(2) Written notice of an intention to make an application under the preceding subsection shall be given by the party intending to make the application to the other party and to the Registrar not later than three days before the first day of the sitting of the Court.

(3) When a judge has ordered that a jury shall be composed of men only, any piece of card or parchment, or ball drawn out of the box under section 37 of this Ordinance which bears the name or number of a woman of the panel shall be set aside."

5. The Principal Ordinance is hereby amended by the insertion immediately after section 55 of the following section —

"Magistrate
may direct
security
to be taken.

55A.(1) Every magistrate issuing a warrant under section 54 of this Ordinance for the arrest of any person shall, if in his opinion such person should be admitted to bail on his arrest, by endorsement on the warrant direct that if such person executes a bond with sufficient sureties for his attendance before a magistrate at a specified time and thereafter until otherwise directed by the magistrate, the officer in charge of the police station to which such person is brought on his arrest shall take such security and release such person from custody.

Insertion
of section
32A in
Chapter 11.

Insertion
of section
55A in
Chapter 11.

(2) The endorsement shall state —

- (a) the number of sureties;
- (b) the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound; and
- (c) the time at which he is to attend before the magistrate.

(3) The officer in charge of any police station to which any such person is brought on his arrest shall comply with the directions endorsed on the warrant of arrest and whenever security is taken under this section he shall forward the bond to the magistrate."

Amendment
of section
69 of Chap-
ter 11.

6. Section 69 of the Principal Ordinance is hereby amended by the insertion after the word "trial," of the words "for any indictable offence,".

Amendment
of section
71 of Chap-
ter 11.

7. Section 71 of the Principal Ordinance is hereby amended by the insertion after the words "upon his trial" of the words "for any indictable offence,".

Amendment
of section
84 of Chap-
ter 11.

8. Subsection (2) of section 84 of the Principal Ordinance is hereby amended —

- (a) by the deletion of the words "for the offence where- with he is charged";
- (b) by the substitution for the words "prison to which he would have been committed to await his trial if he had not been admitted to bail" of the words "magistrate's court nominated by him in pursuance of section 115 of this Ordinance".

Insertion
of section
113A in
Chapter 11.

9. Section 113 of the Principal Ordinance is hereby amended —

- (a) by renumbering the section as subsection (1); and
- (b) by the insertion of the following subsection as sub- section (2) —

"(2) The indictment against the accused person may include, either in substitution for or in addition to counts charging the offence for which he was committed, any counts founded on facts or evidence disclosed in any examination or deposition taken before a magistrate in his presence, being counts which may lawfully be joined in the same indict- ment."

Amendment
of section
115 of
Chapter 11

10. Section 115 of the Principal Ordinance is hereby amended —

- (a) by the repeal of subsection (2) and the substitution thereof of the following subsection —

"(2) The Registrar shall four days at least be- fore the day of trial deliver or cause to be delivered—

- (a) to the keeper of the prison to which the accused person has been committed to await trial; or
- (b) to the clerk of the magistrate's court nominated for the purpose by the accused person if and when he is admitted to bail,

a certified copy of the indictment and the copy shall be given to the accused person, if he is in custody by the keeper of the prison, or if he has been admitted to bail, by the clerk of the magistrate's court if and when he calls for it at the magistrate's court."

- (b) by the insertion after the word "keeper" in paragraph (a) of subsection (3) of the words "or to the clerk of the magistrate's court".

11. The first schedule to the Principal Ordinance is hereby repealed and the first schedule to this Ordinance substituted therefor.

Repeal and re-enactment of the first schedule to Chapter 11. First Schedule.

12. The provisions of the Principal Ordinance specified in the first column of the second schedule to this Ordinance shall have effect subject to the amendments specified in the second column of that schedule.

Amendment of the Principal Ordinance. Second Schedule.

13. Sections 26, 27 and 43 of the Principal Ordinance are hereby repealed.

Repeals.

14.(1) Notwithstanding anything to the contrary provided by the Principal Ordinance as amended by this Ordinance, every jurors' book in force at the commencement of this Ordinance shall, in so far as such book relates to jurors other than special jurors, continue in force until the 31st December, 1961.

Continuation in force of existing jurors' books, and preparation and coming into force of jurors' books under this Ordinance.

(2) The jurors' books prepared for the first time in pursuance of the provisions of the Principal Ordinance as amended by this Ordinance, shall come into force on the 1st January, 1962, and shall continue in force until the 31st August, 1962.

(3) For the purposes of preparing any jurors' book referred to in subsection (2) of this section, any reference to the month of August or September in sections 24 and 25 of the Principal Ordinance, shall have effect as if there were substituted therefor a reference to the month of October or November respectively.

FIRST SCHEDULE

Section 11.

Persons exempted from service as Jurors

The Judges of the Supreme Court.
 Members of the Legislature.
 The Mayor of Georgetown.

The Mayor of New Amsterdam.

Officers of Her Majesty's navy, army or air force on the active list.

The Governor's private secretary.

Public Officers.

Consuls and consular officers of any foreign government.

Ministers of Religion and members of religious orders provided they follow no secular occupation.

Barristers and solicitors in practice and their clerks.

Registered medical and dental practitioners in practice.

Registered pharmacists.

Nurses practising their profession.

Registered sick-nurses and dispensers.

Overseers of local authorities.

Members of the Special Constabulary.

The following officers of the Mayor and Town Council of Georgetown

The Town Clerk.

The Accountant.

The City Engineer.

The Clerk of Markets.

The Medical Officer of Health.

The Chief Public Health Inspector.

The following officers of the Mayor and Town Council of New Amsterdam

The Town Clerk.

The Accountant.

The Town Superintendent.

The Town Engineer.

The Chief Public Health Inspector.

The following officers of the Georgetown Sewerage and Water Commissioners

The Chief Engineer.

The Assistant Engineer.

SECOND SCHEDULE

Section 12.

Provision

Amendment

Subsection (1) of section 19 and section 20.

The word "male" appearing before the word "person" shall be deleted.

Section 21 and the proviso to subsection (1) of section 24.

The word "person" shall be substituted for the word "man".

Section 23. In subsection (1), the words “, or as special jurors” shall be deleted.

In subsection (2), the words “or special jurors” shall be deleted.

In subsection (3), the words “, or as special jurors,” shall be deleted.

In subsection (4), the words “or special juror” shall be deleted.

Subsection (1) of section 24, subsection (1) of section 40 and Form 1 in the second schedule. The word “persons” shall be substituted for the word “men” wherever it appears.

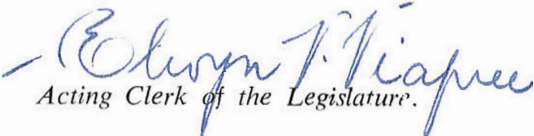
Section 44. In subsections (1) and (3), the words “or special juror” shall be deleted.

Form 12 in the fourth schedule. The words “for the said offence” in the note to the form shall be deleted wherever they appear.

Form 15 in the fourth schedule. The words “the said charge” in the note to the form shall be deleted from the sub-heading “Trial” under the heading “Recitals”.

The words “for the said offence” in the note to the form shall be deleted from the sub-heading “For trial” under the heading “Period of imprisonment”.

Passed by the Legislative Council this fourteenth day of June, nineteen hundred and sixty-one.


Acting Clerk of the Legislature.

(M.P. L. 77)

(Leg. Bill No. 14/1961).