

THE OFFICIAL GAZETTE 20TH OCTOBER, 2010
LEGAL SUPPLEMENT — A



ACT No. 21 of 2010

CRIMINAL LAW OFFENCES (AMENDMENT) ACT 2010

I assent,

Eharrat Jagdeo
Eharrat Jagdeo,
President.

20th October, 2010

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 100 of the Principal Act.
3. Amendment of the Principal Act.

AN ACT to amend the Criminal Law (Offences) Act.

A.D. 2010 Enacted by the Parliament of Guyana:-

Short title. 1. This Act, which amends the Criminal Law (Offences) Act, may be cited as
 Cap. 8:01 the Criminal Law (Offences) (Amendment) Act 2010.

Amendment of
 section 100 of
 the Principal
 Act.

2. Section 100 of the Principal Act is amended by the substitution of the section thereto of the following section –

“Murder. 100. (1) Subject to subsection (3), every person who is convicted of murder committed in any of the following circumstances shall be sentenced in accordance with section 100A (1) (a) that is to say –

(a) the murder of –

- (i) a member of the security forces acting in the execution of his duties or of a person assisting a member so acting;
- (ii) a prison officer acting in the execution of his duties or of a person assisting a prison officer so acting;
- (iii) a judicial or legal officer acting in the execution of his duties; or
- (iv) any person acting in the execution of his duties, being a person who, for the purpose of carrying out those duties, is vested under the provisions of any law in force for the time being with the same powers, authorities and privileges as are given by law to members of the Special Constabulary, or any such member of the security forces, prison officer, judicial or legal officer or person for any reason directly attributable to the nature of this occupation;

(b) the murder of any person for any reason directly attributable to –

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- (i) the status of that person as a witness or party in a pending or concluded civil cause or matter or in any criminal proceedings; or
 - (ii) the service or past service of that person as a juror in any criminal trial;
- (c) any murder committed by a person in the course or furtherance of—
- (i) robbery;
 - (ii) burglary or housebreaking;
 - (iii) arson in relation to a dwelling house; or
 - (iv) any sexual offence;
- (d) any murder committed pursuant to an arrangement whereby money or anything of value—
- (i) passes or is intended to pass from one person to another or to a third party at the request or direction of that other person; or
 - (ii) is promised by one person to another or to a third person at the request or direction of that other person, as consideration for that other person causing or assisting in causing the death or any act causing or assisting in causing that death;
- (e) any murder committed by a person in the course or furtherance of an act involving the use of violence by that person which, by reason of its nature and extent, is calculated to create a state of fear in the public or any section of the public.
- (2) Subject to subsection (3), every person convicted of murder other than a person convicted of murder in the circumstances specified in subsection (1) (a) to (e), shall be sentenced in accordance with section 100A (1) (b).
- (3) If in the case of any murder referred to in subsection (1) (not being a murder referred to in paragraph (d) of that subsection), two or more persons are convicted of that murder—

- (a) the provisions of section 100A (1) (a) shall apply to any of those persons who –
 - (i) by his own act caused the death of, or inflicted or attempted to inflict grievous bodily harm on, the person murdered; or
 - (ii) himself used violence on that person in the course or furtherance of an attack on that person; and
- (b) any other person convicted of that murder shall be sentenced in accordance with section 100A (1) (b).

(4) In this section –

“prison officer” has the same meaning as in the Prisons Act;
 “judicial or legal officer” applies to the categories of persons referred to in Article 199 (3) of the Constitution;

“member of the security forces” means a member of –

- (a) the Guyana Police Force;
- (b) the Guyana Defence Force to the extent that such member has been assigned to act in aid of the Police;
- (c) the Special Constabulary;”

Cap. 11:01

Amendment of
the Principal
Act.

3. The Principal Act is amended by the insertion immediately after section 100 of the following section –

“Sentence for
murder.

100A. (1) Every person who is convicted of murder falling within –

- (a) section 100 (1)(a) to (e) shall be sentenced to death or to imprisonment for life;
 - (b) section 100 (2), shall be sentenced to imprisonment for life or such other term as the Court considers appropriate, not being less than fifteen years.
- (2) Where a Court pronounces a sentence of death pursuant to subsection (1) (a) –
- (a) the form of the sentence shall be to the effect only that the person is to “suffer death in the manner authorised by law”;
 - (b) every person so sentenced shall, after sentence, be confined to some safe place within the correctional institution, apart from all other inmates; and

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(c) the sentence may be carried into execution as heretofore has been the practice.

(3) In the case of a person convicted of murder, the following provisions shall have effect with regard to that person's eligibility for parole, as if those provisions had been substituted for section 6 (1) to (4) of the Parole Act —

Cap. 11:08

(a) where a Court imposes a sentence of imprisonment for life pursuant to subsection (1) (a), the Court shall specify a period, being not less than twenty years, which that person should serve before becoming eligible for parole; or

(b) where, pursuant to subsection (1) (b), a Court imposes —

(i) a sentence of imprisonment for life, the Court shall specify a period, being not less than fifteen years; or

(ii) any other sentence of imprisonment, the Court shall specify a period, being not less than ten years, which that person should serve before becoming eligible for parole. “

Passed by the National Assembly on 14th October, 2010.



S. E. Isaac,

Clerk of the National Assembly.

(BILL No. 14/2010)