

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION OF
THE NINTH PARLIAMENT OF GUYANA (2006- 2010)**

**REPORT OF
THE SPECIAL SELECT COMMITTEE
OF THE NATIONAL ASSEMBLY**

ON THE

COURT OF APPEAL (AMENDMENT) BILL 2008

BILL NO. 12 OF 2008

PRESENTED TO THE NATIONAL ASSEMBLY

BY

THE CHAIRMAN OF THE COMMITTEE

ON

11th March, 2010

**REPORT OF THE SPECIAL SELECT COMMITTEE OF
THE NATIONAL ASSEMBLY ON THE
COURT OF APPEAL (AMENDMENT) BILL 2008
- BILL No. 12 OF 2008**

1. Publication

AN ACT to amend the Court of Appeal Act to provide for appeals by the Director of Public Prosecutions to the Court of Appeal and the Caribbean Court of Justice and for connected matters. The Bill was published on 11th July, 2008.

2. Introduction, First and Second Readings

The Bill was introduced in the National Assembly and read for the first time on 17th July, 2008.

It was debated and read a second time on 24th July, 2008.

3. Committal to Select Committee

Following its second reading, the Bill was committed by the National Assembly to a Special Select Committee for consideration.

4. Members of the Special Select Committee

At a meeting held on 3rd December, 2008 the Committee of Selection nominated the following Members to comprise the Special Select Committee to consider the Court of Appeal (Amendment) Bill 2008 - Bill No. 12 of 2008:

Members of the People's Progressive Party/ Civic (PPP/C) (6)

The Hon. Doodnauth Singh, S.C., M.P.,
Minister of Legal Affairs

The Hon. Dr. Leslie S. Ramsammy, M.P.,
Minister of Health

The Hon. Kellawan Lall, M.P.,
Minister of Local Government

The Hon. Priya Manickchand, M.P.,
Minister of Human Service and Social Security

Ms. Bibi S. Shadick, M.P.

Mr. Moses Nagamootoo, M.P.

Members of the People's National Congress Reform- 1 Guyana (PNC-1G) (3)

Mrs. Clarissa Riehl, M.P., Deputy Speaker of the National Assembly

Mrs. Deborah Backer, M.P.

Mr. Basil Williams, M.P.

Member of the Alliance For Change (AFC) (1)

Mr. Khemraj Ramjattan, M.P.

5. First meeting of the Committee - Election of Chairman

At its first meeting held on 22nd December, 2008 the Committee elected the Hon. Doodnauth Singh, S.C., M.P., Minister of Legal Affairs, as Chairman of the Special Select Committee.

With effect from 1st February, 2009, the Hon. Doodnauth Singh, S.C., M.P resigned his office as Attorney General and Minister of Legal Affairs.

Thereafter, the Committee of Selection met on 9th April, 2009, and elected the Hon. Charles R. Ramson, S.C., M.P., Attorney General and Minister of Legal Affairs, to replace Mr. Doodnauth Singh on the Committee.

6. Second meeting of the Committee - Election of a new Chairman

On 15th October, 2009, the Special Select Committee met and elected the Hon. Charles R. Ramson, S.C., M.P., Attorney General and Minister of Legal Affairs, as Chairman of the Committee.

7. Other Meetings of the Committee

The Committee met on seven (7) other occasions as follows:

6th November, 2009

20th November, 2009

4th December, 2009

8th January, 2010

22nd January, 2010

12th February, 2010

5th March, 2010

See attendance record at Appendix I.

8. Consultation Process

The Committee agreed that it would invite members of the public, professional individuals and organizations to submit written presentations of their views on the Bill to assist in its deliberations.

In this regard, advertisements were placed in the print media extending invitation (See Appendix II) for the submission of written presentations to the Committee not later than 20th November, 2009.

Letters were also sent to the following individuals and organizations requesting their views on the Bill (See Appendix III):

The Chancellor of the Judiciary (Ag)
The Director of Public Prosecutions
Guyana Bar Association
Guyana Association of Legal Practitioners
Guyana Association of Women Lawyers Inc.

9. Response to Invitations

The deadline for submissions was extended to 30th November, 2009 due to a lack of response from members of the public and organizations.

The Committee received submissions from the following individuals and organizations:

Individuals

Dr. Hubert Maloney
Mr. C.M. Llewellyn John
Mrs. Shalimar Ali-Hack, Director of Public Prosecutions

Organizations

Women's Affairs Bureau
Guyana Association of Legal Practitioners
Guyana Association of Women Lawyers Inc.

10. Hearings

The Committee identified specific organizations/agencies to appear before it to make oral presentations on their written submissions.

The oral presentations were held as follows:

- 8th January, 2010 - Mrs. Shalimar Ali-Hack
Director of Public Prosecutions
- 22nd January, 2010 - Ms. Emily Dodson, Vice-President
Guyana Association of Women Lawyers Inc.

11. Consideration of the Bill

The Committee commenced consideration of the Bill on 12th February, 2010.

12. Following are the details of the Committee's considerations:

Clause 1 was accepted as presented.

Clause 2, Section 34 (A) and (B) were accepted as presented.

Clause 2, Section 34 (C), subsections (1), (2), (3) and (4) were accepted as presented.

Clause 2, Section 34C (5)(e) was amended as follows:

"insertion of the word "terrorism" after the word "hijacking"

Clause 2, Section 34(D) to (M) were accepted as presented.

13. Report of the Special Select Committee

At its 9th meeting held on 5th March, 2010, the Special Select Committee on the Court of Appeal (Amendment) Bill 2008; No.12 of 2008 agreed that this Report on its consideration of the Bill should be presented to the National Assembly.

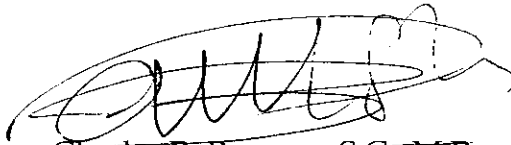
The Report is accordingly, hereby submitted to the National Assembly.

14. **Minutes**

The Minutes of proceedings of the Committee can be seen at Appendix IV.

15. **Verbatim Records**

Verbatim Records of the proceedings of the Committee have been prepared and are available at the Parliament Office.



Hon. Charles R. Ramson, S.C., M.P.,
Attorney General and Minister of Legal Affairs
Chairman

Committees Division
Parliament Office
Public Buildings
Brickdam, Stabroek
Georgetown

8th March, 2010

APPENDIX I

SPECIAL SELECT COMMITTEE ON THE COURT OF APPEAL (AMENDMENT) BILL 2008 – BILL NO. 12 OF 2008

ATTENDANCE RECORD (2009-2010)

| NAME | Nov. | | Dec. | Jan. | | Feb. | March |
|---|-----------------|------------------|-----------------|-----------------|------------------|------------------|-----------------|
| | 6 th | 20 th | 4 th | 8 th | 22 nd | 12 th | 5 th |
| The Hon. Charles R. Ramson, S. C. M. P. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. | Pr. |
| The Hon. Dr. Leslie S. Ramsammy, M.P. | Ex. | Ex. | Abs. | Pr. | Pr. | Pr. | Pr. |
| The. Hon. Kellawan Lall, M.P. | Pr. | Ex. | Pr. | Pr. | Ex. | Pr. | Abs. |
| The. Hon. Priya D. Manickchand, M.P. | Ex. | Pr. | Ex. | Ex. | Ex. | Abs. | Pr. |
| Mrs. Bibi Shadick, M.P. | Pr. | Abs. | Pr. | Pr. | Pr. | Pr. | Pr. |
| Mr. Moses Nagamootoo, J.P., M.P. | Ex. | Pr. | Pr. | Pr. | Pr. | Pr. | Abs. |
| Mrs. Clarissa Riehl, M.P. | Pr. | Pr. | Pr. | Pr. | Pr. | Ex. | Pr. |
| Mrs. Deborah Backer, M.P. | Pr. | Pr. | Pr. | Pr. | Pr. | Ex. | Pr. |
| Mr. Basil Williams, M.P. | Pr. | Pr. | Pr. | Pr. | Pr. | Ex. | Pr. |
| Mr. Khemraj Ramjattan, M.P. | Abs. | Ex. | Abs. | Abs. | Abs. | Abs. | Ex. |

Pr. - Present
 Abs. - Absent
 Ex. - Excused

Committees Division
 Parliament Office
 Public Buildings
 Georgetown

APPENDIX II

Tel: 68456-9



Parliament Office,
Public Buildings,
Georgetown,
Guyana.

PARLIAMENT OFFICE

THE COURT OF APPEAL (AMENDMENT) BILL 2008 – BILL NO. 12 OF 2008

INVITATION TO THE PUBLIC FOR WRITTEN SUBMISSIONS

The Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008 has been committed to a Special Select Committee of the National Assembly. This Bill seeks to provide for appeals by the Director of Public Prosecutions to the Court of Appeal and the Caribbean Court of Justice, respectively.

The Committee has begun its work but wishes to receive from members of the public, professional individuals, and organizations, their views to assist it in its deliberations.

Copies of the Bill can be obtained from the Parliament Office, Public Buildings, Brickdam or via the Parliament Office Web site: www.parliament.gov.gy.

Individuals and organizations who are willing to appear before the Committee should indicate this in their submissions.

All written submissions must be sent not later than noon on the 20th November, 2009 to committees_division@yahoo.com or must be addressed to:-

The Clerk of the Committee

Special Select Committee on Court of Appeal (Amendment) Bill 2008

(Bill No. 12 of 2008)

Committees' Division

Parliament Office

Public Buildings

Brickdam

Georgetown

Mr. Sherlock Isaacs

Clerk of the National Assembly

06th November, 2009.

APPENDIX III

Tel: 68456-9



Parliament Office,
Public Buildings,
Georgetown,
Guyana.

06th November, 2009

His Honour C.A. Singh, CCH.,
Chancellor (Ag),
Court of Appeal,
Kingston,
Georgetown.

Dear Sir,

The Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008 has been committed to a Special Select Committee of the National Assembly. This Bill seeks to provide for appeals by the Director of Public Prosecutions to the Court of Appeal and the Caribbean Court of Justice, respectively.

The Committee has begun its work and would welcome the views of the Judiciary with respect to the aforementioned Bill. It would be appreciated if these views can be communicated, jointly or severally, to the Committee on or before noon on the 20th day of November, 2009, and addressed to committees_division@yahoo.com.

Special Select Committee on Court of Appeal (Amendment) Bill 2008

(Bill No. 12 of 2008)

Committees' Division

Parliament Office

Public Buildings

Brickdam

Georgetown

Respectfully submitted.

Yours sincerely,


Sherlock Isaacs
Clerk of the National Assembly

Tel: 68456-9



Parliament Office,
Public Buildings,
Georgetown,
Guyana.

06th November, 2009

The Director of Public Prosecutions
Seawall Flat
Rabbit Walk
Kingston
Georgetown

Dear Madam,

Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008

The Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008 has been committed to a Special Select Committee of the National Assembly. This Bill seeks to provide for appeals by the Director of Public Prosecutions to the Court of Appeal and the Caribbean Court of Justice, respectively.

The Committee has begun its work and is therefore extending an invitation to your organization to forward written submissions of its views on this matter not later than noon on Friday, 20th November, 2009.

In addition, if you are willing to appear before the Committee you should indicate this in your submissions.

Your submissions must be addressed to:

**The Clerk of Committee
Special Select Committee on Court of Appeal (Amendment) Bill 2008
(Bill No. 12 of 2008)
Committees Division
Parliament Office
Public Buildings
Brickdam
Georgetown**

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Debra H. Cadogan'.

Debra H. Cadogan
Clerk of the Committee

Tel: 68456-9



Parliament Office,
Public Buildings,
Georgetown,
Guyana.

06th November, 2009

The President
Guyana Bar Association
39 Brickdam
Stabroek
Georgetown

Dear Sir,

Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008

The Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008 has been committed to a Special Select Committee of the National Assembly. This Bill seeks to provide for appeals by the Director of Public Prosecutions to the Court of Appeal and the Caribbean Court of Justice, respectively.

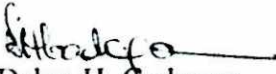
The Committee has begun its work and is therefore extending an invitation to your organization to forward written submissions of its views on this matter not later than noon on Friday, 20th November, 2009.

In addition, if you are willing to appear before the Committee you should indicate this in your submissions.

Your submissions must be addressed to:

**The Clerk of Committee
Special Select Committee on Court of Appeal (Amendment) Bill 2008
(Bill No. 12 of 2008)
Committees Division
Parliament Office
Public Buildings
Brickdam
Georgetown**

Yours sincerely,


Debra H. Cadogan
Clerk of the Committee

APPENDIX IV

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006 - 2008)**

**MINUTES OF THE
1ST MEETING OF THE SPECIAL SELECT COMMITTEE
ON THE COURT OF APPEAL (AMENDMENT) BILL 2008 –
BILL NO. 12 OF 2008
HELD AT 4.30 P.M
ON MONDAY 22ND DECEMBER, 2008
IN THE SPEAKER'S CHAMBER, PUBLIC BUILDINGS, BRICKDAM,
GEORGETOWN**

MEMBERS OF THE COMMITTEE (10)

CHAIRMAN (1)

From the People's Progressive Party/Civic (PPP/C) (1)

(Nominated by the Committee of Selection on 3rd December, 2008)

The Hon. Hari N. Ramkarran, S.C., M.P., Speaker of the National Assembly
(As Presiding Officer for the election of the Chairman)

Other Members

From the People's Progressive Party/Civic (PPP/C) (6)

(Nominated by the Committee of Selection on 3rd December, 2008)

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

The Hon. Doodnauth Singh, S.C., M.P. - (Excused)
Minister of Legal Affairs

The Hon. Kellawan Lall, M.P.
Minister of Local Government

The Hon. Priya Manickchand, M.P.
Minister of Human Services and Social Security

Mrs. Bibi Shadick, M.P.

Mr. Moses V. Nagamootoo, J.P., M.P. - (Excused)

From the People's National Congress Reform – 1 Guyana (PNCR – 1G) (3)
(Nominated by the Committee of Selection on 3rd December, 2008)

Mrs. Clarissa Riehl, M.P., Deputy Speaker of the National Assembly

Mrs. Deborah Backer, M.P.

Mr. Basil Williams, M.P.

From the Alliance For Change (AFC) (1)
(Nominated by the Committee of Selection on 3rd December, 2008)

Mr. Khemraj Ramjattan, M.P.

Officers

Mr. Sherlock E. Isaacs - Clerk of the National Assembly
Ms. Debra H. Cadogan - Assistant Head of Committees Division

ITEM 1: CALL TO ORDER

- 1.1 The Speaker as Presiding Officer for the election of a Chairman for the Committee called the meeting to order at 4.30 p.m.

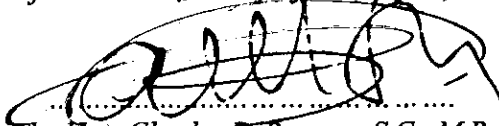
ITEM 2: ELECTION OF CHAIRMAN OF THE SPECIAL SELECT COMMITTEE ON THE COURT OF APPEAL (AMENDMENT) BILL 2008 – BILL NO. 12 OF 2008

- 2.1 The Speaker called for nominations of a Chairman for the Committee.
- 2.1.1 The Hon. Dr. Leslie S. Ramsammy proposed and Mrs. Bibi Shadick seconded the nomination of the Hon. Doodnauth Singh, S.C., M.P.
- 2.1.2 There being no other nomination, the Speaker declared the Hon. Doodnauth Singh, S.C, M.P as Chairman of the Committee.

ADJOURNMENT

At 4.31 p.m. the meeting was adjourned *sine die*.

Confirmed this ^{6th} day of November, 2009


The Hon. Charles R. Ramson, S.C., M.P.
Attorney General and Minister of Legal Affairs
Chairman

THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2009)

MINUTES OF THE
2nd MEETING OF THE SPECIAL SELECT COMMITTEE ON THE COURT OF
APPEAL (AMENDMENT) BILL 2008- BILL NO. 12 OF 2008
HELD ON THURSDAY, 15TH OCTOBER, 2009
IN THE SPEAKER'S CHAMBERS,
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

MEMBERS OF THE COMMITTEE (10)

CHAIRMAN (1)

The Hon. Hari N. Ramkarran, S.C., M.P., Speaker
(As Presiding Officer for the election of the Chairman)

From the People's Progressive Party/ Civic (PPP/C) (6)
(Nominated by the Committee of Selection on 3rd December, 2008)

The Hon. Dr. Leslie S. Ramsammy, M.P., (Absent)
Minister of Health

The Hon. Kellawan Lall, M.P., (Absent)
Minister of Local Government

The Hon. Priya Manickchand, M.P.,
Minister of Human Service and Social Security

Ms. Bibi S. Shadick, M.P.

Mr. Moses Nagamootoo, M.P.

(Nominated by the Committee of Selection on 9th April, 2009)

The Hon. Charles R. Ramson, S.C., M.P., (Absent)
Attorney General and Minister of Legal Affairs

From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)
(Nominated by the Committee of Selection on 3rd December, 2008)

Mrs. Clarissa Riehl, M.P., Deputy Speaker of the National Assembly

Mrs. Deborah Backer, M.P. (Absent)

Mr. Basil Williams, M.P.

From the Alliance For Change (AFC) (1)
(Nominated by the Committee of Selection on 3rd December, 2008)

Mr. Khemraj Ramjattan, M.P. (Absent)

Officers

Mr. Sherlock E. Isaacs - Clerk of the National Assembly
Mr. Nickalai Pryce - Assistant Clerk of Committees
Ms. Candayce Girard - Assistant Clerk of Committees

ITEM 1: CALL TO ORDER

- 1.1 The Speaker as Presiding Officer for the election of a Chairman for the Committee called the meeting to order at 4.23 p.m.

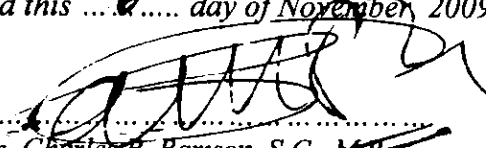
ITEM 2: ELECTION OF CHAIRMAN OF THE SPECIAL SELECT COMMITTEE ON THE COURT OF APPEAL (AMENDMENT) BILL 2008- BILL NO. 12 OF 2008.

- 2.1 The Speaker called for nominations of a Chairman for the Committee.
- 2.1.1 The Hon. Priya Manickchand, M.P., proposed and Ms. Bibi S. Shadick, M.P., seconded the nomination of the Hon. Charles R. Ramson, S.C., M.P.
- 2.1.2 There being no other nomination, the Speaker declared the Hon. Charles R. Ramson, S.C., M.P as Chairman of the Committee.

ADJOURNMENT

At 4.24 p.m. the meeting was adjourned *sine die*.

Confirmed this ... ^{6th}..... day of November, 2009


.....
The Hon. Charles R. Ramson, S.C., M.P.
Attorney General and Minister of Legal Affairs
Chairman

THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2009)

MINUTES OF THE
3rd MEETING OF THE SPECIAL SELECT COMMITTEE ON THE COURT OF
APPEAL (AMENDMENT) BILL 2008- BILL NO. 12 OF 2008
HELD AT 3.02 P.M. ON FRIDAY, 06TH NOVEMBER, 2009
IN THE COMMITTEES ROOM NO. 1, COMMITTEES DIVISION,
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

MEMBERS OF THE COMMITTEE (10)

CHAIRMAN (1)

From the People's Progressive Party/ Civic (PPP/C) (1)
(Nominated by the Committee of Selection on 9th April, 2009)
(Elected by the Committee on 15th October, 2009)

The Hon. Charles R. Ramson, S.C., M.P.,
Attorney General and Minister of Legal Affairs

From the People's Progressive Party/ Civic (PPP/C) (5)
(Nominated by the Committee of Selection on 3rd December, 2008)

The Hon. Dr. Leslie S. Ramsammy, M.P. - (Excused)
Minister of Health

The Hon. Kellawan Lall, M.P.
Minister of Local Government

The Hon. Priya Manickchand, M.P. - (Excused)
Minister of Human Service and Social Security

Ms. Bibi S. Shadick, M.P.

Mr. Moses Nagamootoo, M.P. - (Excused)

From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)
(Nominated by the Committee of Selection on 3rd December, 2008)

Mrs. Clarissa Riehl, M.P., Deputy Speaker of the National Assembly

Mrs. Deborah Backer, M.P.

Mr. Basil Williams, M.P.

From the Alliance For Change (AFC) (1)
(Nominated by the Committee of Selection on 3rd December, 2008)

Mr. Khemraj Ramjattan, M.P. - (Absent)

Officers

Ms. Debra H. Cadogan - Head of the Committees Division (A.g.)
Ms. Candayce Girard - Assistant Clerk of Committees

ITEM 1: CALL TO ORDER

1.1 The Chairman called the Meeting to order at 3.02 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 Welcome

2.1.1 The Chairman expressed a warm welcome to Members of the Committee and Officials.

2.1.2 He further asked Members who were present at the 1st Meeting of the Committee to guide him on the corrections of the minutes, since he was not present at that meeting.

2.2 Excuses

2.2.1 The following Members had asked to be excused from the meeting:

- (i) The Hon. Dr. Leslie S. Ramsammy, M.P.,
- (ii) The Hon. Priya Manickchand, M.P.,
- (iii) Mr. Moses V. Nagamootoo, J.P, M.P.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting:

- (i) Notice to attend the 3rd Meeting dated 2nd November, 2009; and
- (ii) Minutes of the 1st and 2nd Meetings held on 22nd December, 2008 and 15th October, 2009, respectively.

3.2 The following document was circulated at the meeting:

- Copies of Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008.

ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF 1ST MEETING HELD ON THE 22ND DECEMBER, 2008

- 4.1 The Minutes were confirmed, without corrections, on a motion moved and seconded by Ms. Bibi S. Shadick, M.P., and Mr. Basil Williams, M.P., respectively.

ITEM 5: MATTERS ARISING

- 5.1 There were no matters arising from the Minutes.

ITEM 6: CORRECTION AND CONFIRMATION OF MINUTES OF 2ND MEETING HELD ON THE 15TH OCTOBER, 2009

- 6.1 The Minutes were confirmed, without corrections, on a motion moved and seconded by Ms. Bibi S. Shadick, M.P., and Mrs. Clarissa Riehl, M.P., respectively.

ITEM 7: MATTERS ARISING

- 7.1 There were no matters arising from the Minutes.

ITEM 8: TO CONSIDER THE METHODOLOGY, TIME AND DATE OF THE COMMITTEE'S PROCEEDINGS

8.1 Methodology:

- 8.1.1 The Committee agreed to adopt the following methodology:

- An advertisement be placed in the print media educating the public that the Committee had commenced consideration of the Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008;
- To have members of the public, professional individuals/organizations make written submissions on the Bill;
- Specific professional organizations be invited to make submissions on the Bill, namely:
 - The Guyana Bar Association,
 - The Guyana Association of Legal Practitioners,
 - The Director of Public Prosecution, and
 - The Guyana Association of Women's Lawyers.

8.2 Deadline for Submissions:

8.2.1 The Committee agreed that the deadline for submissions would be at noon on 20th November, 2009.

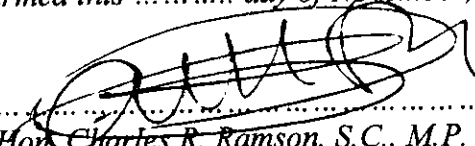
8.3 Statutory Meetings

8.3.1 Members agreed that subsequent meetings of the Committee would be held fortnightly on Fridays from 3.00 p.m. to 5.00 p.m. in the Committee Room No. 1, Committees Division.

ADJOURNMENT

At 3.28 p.m. the meeting was adjourned to Friday, 20th November, 2009 at 3.00 p.m.

Confirmed this ^{20th}..... day of November, 2009


.....
The Hon. Charles R. Ramson, S.C., M.P.
Attorney General and Minister of Legal Affairs
Chairman

THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006-2009)

MINUTES OF THE
4th MEETING OF THE SPECIAL SELECT COMMITTEE ON THE COURT OF
APPEAL (AMENDMENT) BILL 2008- BILL NO. 12 OF 2008
HELD AT 3.00 P.M. ON FRIDAY, 20th NOVEMBER, 2009
IN THE COMMITTEES ROOM NO. 1, COMMITTEES DIVISION,
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

MEMBERS OF THE COMMITTEE (10)

CHAIRMAN (1)

From the People's Progressive Party/ Civic (PPP/C) (1)

(Nominated by the Committee of Selection on 9th April, 2009)

(Elected by the Committee on 15th October, 2009)

The Hon. Charles R. Ramson, S.C., M.P.,
Attorney General and Minister of Legal Affairs

From the People's Progressive Party/ Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 3rd December, 2008)

The Hon. Dr. Leslie S. Ramsammy, M.P. - (Excused)
Minister of Health

The Hon. Kellawan Lall, M.P. - (Excused)
Minister of Local Government

The Hon. Priya Manickchand, M.P.
Minister of Human Service and Social Security

Ms. Bibi S. Shadick, M.P. - (Absent)

Mr. Moses Nagamootoo, M.P.

From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)

(Nominated by the Committee of Selection on 3rd December, 2008)

Mrs. Clarissa Riehl, M.P., Deputy Speaker of the National Assembly

Mrs. Deborah Backer, M.P.

Mr. Basil Williams, M.P.

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 3rd December, 2008)

Mr. Khemraj Ramjattan, M.P. - (Excused)

Officers

Ms. Debra H. Cadogan - Head of the Committees Division (Ag)
Ms. Candayce Girard - Assistant Clerk of Committees

ITEM 1: CALL TO ORDER

1.1 The Chairman called the Meeting to order at 3.00 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 Welcome

2.1.1 The Chairman expressed a warm welcome to Members of the Committee and stated that he had received a call from Mr. Lall, who has an emergency and would be unable to attend the meeting.

2.2 Excuses

2.2.1 The following Members were excused from the meeting:

- (i) The Hon. Dr. Leslie S. Ramsammy, M.P.;
- (ii) The Hon. Kellawan Lall, M.P.; and
- (iii) Mr. Khemraj Ramjattan, M.P.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting:

- (i) Notice to attend the 4th Meeting dated 16th November, 2009; and
- (ii) Minutes of the 3rd Meeting held on 06th November, 2009.

3.2 The following documents were circulated at the meeting:

- Copies of submissions received from organizations/individuals, re: Invitation for written submissions on the Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008.

ITEM 4: CORRESPONDENCE

4.1 Incoming:

- Submissions received from the following organization/individual in relation to the Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008:
 - Women's Affairs Bureau
 - Dr. Hubert Maloney, M.D, Presidential and Mayoral Candidate – Horizon and Star Group Party

- Letter dated 20th November, 2009 submitted by The Director of Public Prosecutions, re: Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008.

4.2 Outgoing:

- Letters were sent to the following organizations/individual requesting their views in relation to the Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008:
 - His Honour C.A. Singh, CCH., Chancellor (Ag)
 - Director of Public Prosecutions
 - Guyana Bar Association
 - Guyana Association of Legal Practitioners
 - Guyana Association of Women's Lawyers

- Letter dated 06th November, 2009, re: Invitation to the public for written submissions was advertised in the print media.

ITEM 5: CORRECTION AND CONFIRMATION OF MINUTES OF 3rd MEETING HELD ON THE 6th NOVEMBER, 2009

5.1 Page 3, paragraph 8.1.1

5.1.1 Substitution of the word "informing" for the word "educating" in line 1 of the first bullet.

5.2 Thereafter, the Minutes were confirmed as corrected, on a motion moved and seconded by Mrs. Deborah Backer, M.P. and the Hon. Priya Manickchand, M.P., respectively.



ITEM 6: MATTERS ARISING

6.1 Page 3, paragraph 8.1.1 – Methodology, Third Bullet

6.1.1 The Chairman mentioned that there was an omission, in that, the Committee did not include the Judiciary in the list of specific professional organizations invited to submit their views on the Bill.

6.1.2 He also mentioned that after consultation with his colleagues and the support of Members of the PNCR-1G, a letter was sent to the Chancellor (Ag) requesting the views of the Judiciary with respect to the Bill.

6.1.3 In response to a query as to whether letters were sent to the specific professional organizations inviting them to make submission on the Bill, the Chairman responded in the affirmative.

6.1.4 The Clerk of the Committee was requested to circulate the letters.

ITEM 7: TO REVIEW SUBMISSIONS RECEIVED ON THE COURT OF APPEAL (AMENDMENT) BILL 2008 - BILL NO. 12 OF 2008

7.1 The Committee, noting that submissions were not received on the Bill, except a letter from the Director of Public Prosecutions, requesting an extension of the deadline to submit their views on the Bill, agreed to the following:

- To write organizations informing them that the Committee had extended the deadline for submissions to the 30th November, 2009; and
- All submissions received, be circulated to Members of the Committee before the next meeting.

7.1.1 The Clerk of the Committee was requested to acknowledge receipt of the letter from Dr. Maloney, M.D, Presidential and Mayoral Candidate – Horizon and Star Group Party.

7.1.2 The Committee also agreed that in the event it would need any clarification on the submissions received it would invite the respective organizations/individuals to appear before the Committee.

ITEM 8: CONSIDERATION OF THE COURT OF APPEAL (AMENDMENT) BILL 2008- BILL NO. 12 OF 2008

8.1 The Committee deferred consideration of the Bill to a subsequent Meeting.

ADJOURNMENT

At 3.40 p.m. the meeting was adjourned to 3.00 p.m. on Friday, 4th December, 2009.

Confirmed this^{4th}..... day of December, 2009



.....
The Hon. Charles R. Ramson, S.C., M.P.
Attorney General and Minister of Legal Affairs
Chairman

THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006-2009)

MINUTES OF THE
5th MEETING OF THE SPECIAL SELECT COMMITTEE ON THE COURT OF
APPEAL (AMENDMENT) BILL 2008- BILL NO. 12 OF 2008
HELD AT 3.05 P.M. ON FRIDAY, 4th DECEMBER, 2009
IN THE COMMITTEE ROOM NO. 1, COMMITTEES DIVISION,
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

MEMBERS OF THE COMMITTEE (10)

CHAIRMAN (1)

From the People's Progressive Party/ Civic (PPP/C) (1)
(Nominated by the Committee of Selection on 9th April, 2009)
(Elected by the Committee on 15th October, 2009)

The Hon. Charles R. Ramson, S.C., M.P.,
Attorney General and Minister of Legal Affairs

From the People's Progressive Party/ Civic (PPP/C) (5)
(Nominated by the Committee of Selection on 3rd December, 2008)

The Hon. Dr. Leslie S. Ramsammy, M.P. - (Absent)
Minister of Health

The Hon. Kellawan Lall, M.P.
Minister of Local Government

The Hon. Priya Manickchand, M.P. - (Excused)
Minister of Human Service and Social Security

Ms. Bibi S. Shadick, M.P.

Mr. Moses Nagamootoo, M.P.

From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)
(Nominated by the Committee of Selection on 3rd December, 2008)

Mrs. Clarissa Riehl, M.P., Deputy Speaker of the National Assembly

Mrs. Deborah Backer, M.P.

Mr. Basil Williams, M.P.

From the Alliance For Change (AFC) (1)
(Nominated by the Committee of Selection on 3rd December, 2008)

Mr. Khemraj Ramjattan, M.P. - (Absent)

Officers

Ms. Debra H. Cadogan - Head of the Committees Division (Ag)
Ms. Candayce Girard - Assistant Clerk of Committees

ITEM 1: CALL TO ORDER

1.1 The Chairman called the Meeting to order at 3.05 p.m.

ITEM 2: ANNOUNCEMENT

2.1 Excuse

2.1.1 The Hon. Priya Manickchand, M.P. was excused from the meeting.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting:

- (i) Notice to attend the 5th Meeting dated 30th November, 2009;
- (ii) Minutes of the 4th Meeting held on 20th November, 2009; and
- (iii) Submissions received on the Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008.

3.2 The following document was circulated at the meeting:

- Submission received from the Guyana Association of Legal Practitioners.

ITEM 4: CORRESPONDENCE

4.1 Incoming:

- Submissions received from the following organizations/individuals in relation to the Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008:
 - Guyana Association of Women Lawyers Inc.
 - The Director of Public Prosecutions
 - Clifton Mortimer Llewellyn John, LLB (Lond.), Attorney-at-law
 - Guyana Association of Legal Practitioners

4.2 Outgoing:

- Letters were sent to the following organizations/individuals informing them that the Committee had extended the deadline for submissions to 30th November, 2009:
 - His Honour C.A. Singh, CCH., Chancellor (Ag)
 - The Director of Public Prosecutions
 - Guyana Bar Association
 - Guyana Association of Legal Practitioners
 - Guyana Association of Women's Lawyers

- Letter dated 24th November, 2009 to Dr. Hubert Maloney, M.D, Presidential and Mayoral Candidate – Horizon and Star Group Party.

ITEM 5: CORRECTION AND CONFIRMATION OF MINUTES OF 4th MEETING HELD ON THE 20th NOVEMBER, 2009

- 5.1 The Minutes were confirmed without corrections, on a motion moved and seconded by Mr. Moses Nagamootoo, M.P. and Mrs. Clarissa Riehl, M.P., respectively.

ITEM 6: MATTERS ARISING

- 6.1 There were no matters arising from the Minutes.

ITEM 7: TO REVIEW SUBMISSIONS RECEIVED ON THE COURT OF APPEAL (AMENDMENT) BILL 2008 - BILL NO. 12 OF 2008

- 7.1.1 At 3.15 p.m. the Committee began consideration of the submissions received on the above mentioned Bill.
- 7.1.2 Some of the issues highlighted were:
1. The Committee should commence the oral presentation with the Director of Public Prosecutions since the Director of Public Prosecutions has vested interest in the Bill.
 2. The length of time a citizen usually has to await trial, bearing in mind that the citizen might be incarcerated.
 3. The authority of the Director of Public Prosecutions to appeal should be limited.
 4. The right of a citizen to an appeal if found guilty.

5. Whether the State should have the right to an appeal since it was the State that charged the citizen and has all the resources to pursue the charges against that citizen.
 6. Constraints in the Legislation with specific reference to Sections 34A and 34B.
- 7.1.3 A discussion ensued. Thereafter, the Committee agreed that the Director of Public Prosecutions should be invited to appear before the Committee at its next meeting to make a presentation on her views in regards to the Bill.
 - 7.1.4 The Clerk was then instructed to prepare the letter of invitation for the Director of Public Prosecutions to appear before the Committee at 3.15 p.m. in Committee Room No. 1, Committees Division, Public Buildings, Georgetown.
 - 7.1.5 The Clerk was also requested to circulate to Members the Hansard of the debate at the 58th sitting of the National Assembly.
 - 7.1.6 The Committee noted that it was not in receipt of any submission from the Chancellor of the Judiciary or the Guyana Bar Association.

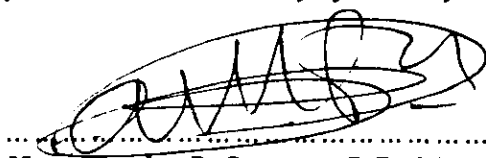
ITEM 8: CONSIDERATION OF THE COURT OF APPEAL (AMENDMENT) BILL 2008- BILL NO. 12 OF 2008

- 8.1 The Committee deferred consideration of the Bill to a subsequent Meeting.

ADJOURNMENT

At 4.55 p.m. the meeting was adjourned to 3.00 p.m. on Friday, 18th December, 2009.

Confirmed this ... 8th day of January, 2010


.....
The Hon. Charles R. Ramson, S.C., M.P.
Attorney General and Minister of Legal Affairs
Chairman

THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006-2010)

MINUTES OF THE
6th MEETING OF THE SPECIAL SELECT COMMITTEE ON THE COURT OF
APPEAL (AMENDMENT) BILL 2008- BILL NO. 12 OF 2008
HELD AT 3.05 P.M. ON FRIDAY, 8th JANUARY, 2010
IN THE COMMITTEE ROOM NO. 1, COMMITTEES DIVISION,
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

MEMBERS OF THE COMMITTEE (10)

CHAIRMAN (1)

From the People's Progressive Party/ Civic (PPP/C) (1)

(Nominated by the Committee of Selection on 9th April, 2009)

(Elected by the Committee on 15th October, 2009)

The Hon. Charles R. Ramson, S.C., M.P.,
Attorney General and Minister of Legal Affairs

From the People's Progressive Party/ Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 3rd December, 2008)

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

The Hon. Kellawan Lall, M.P.
Minister of Local Government

The Hon. Priya Manickchand, M.P. - (Excused)
Minister of Human Service and Social Security

Ms. Bibi S. Shadick, M.P.

Mr. Moses Nagamootoo, M.P.

From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)

(Nominated by the Committee of Selection on 3rd December, 2008)

Mrs. Clarissa Riehl, M.P., Deputy Speaker of the National Assembly

Mrs. Deborah Backer, M.P.

Mr. Basil Williams, M.P.

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 3rd December, 2008)

Mr. Khemraj Ramjattan, M.P. - (Absent)

Officers

Ms. Debra H. Cadogan - Head of the Committees Division (Ag)
Ms. Deborah Gray - Clerk of the Committee
Ms. Candayce Girard - Assistant Clerk of Committees

ITEM 1: CALL TO ORDER

1.1 The Chairman called the Meeting to order at 3.05 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 Excuse

2.1.1 The Hon. Priya Manickchand, M.P. was excused from the meeting.

2.2 Submission by the Chancellor of the Judiciary:

2.2.1 The Chairman informed Members that the Chancellor of the Judiciary had verbally indicated to the Clerk of the National Assembly that he would not be making a submission to the Committee on the Bill.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting:

- (i) Notice dated 4th January, 2010 to attend the 6th Meeting; and
- (ii) Minutes of the 5th Meeting held on 4th December, 2009.

ITEM 4: CORRESPONDENCE

4.1 Incoming - Nil

4.2 Outgoing:

- Letter dated 5th January, 2010 to the Director of Public Prosecutions, re: Invitation to attend the Meeting of the Court of Appeal (Amendment) Bill 2008- Bill No. 12 of 2008.

ITEM 5: CORRECTION AND CONFIRMATION OF MINUTES OF 5th MEETING HELD ON THE 4th DECEMBER, 2009

5.1 Confirmation:

- 5.1.1 The Minutes were confirmed without corrections, on a motion moved and seconded by Mr. Basil Williams, M.P. and the Hon. Kellawan Lall, M.P., respectively.

ITEM 6: MATTERS ARISING

- 6.1 There were no matters arising from the Minutes.

ITEM 7: PRESENTATION BY THE DIRECTOR OF PUBLIC PROSECUTIONS

7.1 Methodology:

- 7.1.1 The Committee agreed to adopt the following methodology:
- The Director of Public Prosecutions would be invited to make a brief formal presentation after which Members would ask questions on areas of concern.

7.2 Presentation:

- 7.2.1 At 3.15 p.m. the Chairman welcomed Mrs. Ali-Hack and advised her of the methodology agreed to by the Committee.
- 7.2.2 Some of the issues highlighted in the presentation were:
1. The Director of Public Prosecutions should have the right to appeal due to the fact that many no case submissions were upheld when there was evidence which should have gone to a jury.
 2. The quashing of indictments by High Court Judges.
 3. The Director of Public Prosecutions should be able to appeal against misdirections by the trial judge.
 4. Proposed amendments to Section 34H, 34J (2) and 34J (4) of the Bill.
 5. Limitations of the Director of Public Prosecutions with regards to the injustices meted out to the relatives of victims.
 6. Adequate time allotted for the Director of Public Prosecutions to appeal against acquittals.
 7. Imbalance in the judicial system.

7.2.3 At 3.30 p.m. the Director of Public Prosecutions concluded her presentation and the Chairman invited Members to proceed with their questions, observations and issues for clarification.

7.2.4 The following were some of the issues highlighted:

1. The Director of Public Prosecutions with regards to defendants not being given a speedy trial. It was the view that it was the duty of the state to expedite cases.
2. The Jury trial should be left intact whether there was a presumed misdirection of the jury or not.
3. Regardless of the charge, there should be no discretion of bail for an individual, should the Director of Public Prosecutions seek to appeal an acquittal.
4. Whether any amendment to the legislation could possibly undermine the jury trial?
5. Attrition rate at the Director of Public Prosecution's Chambers.
6. Improvement in the quality of prosecutors.
7. The need for proper investigative capacity.

7.2.5 At the conclusion of Members' interaction with the Director of Public Prosecutions, the Chairman expressed the Committee's appreciation for her presentation and, further expressed the hope that if the Committee required further assistance, she could make herself available.

ITEM 8: CONSIDERATION OF THE COURT OF APPEAL (AMENDMENT) BILL 2008- BILL NO. 12 OF 2008

8.1 The Committee deferred consideration of the Bill to a subsequent Meeting.

ITEM 9: ANY OTHER BUSINESS

9.1 Other Presentations:

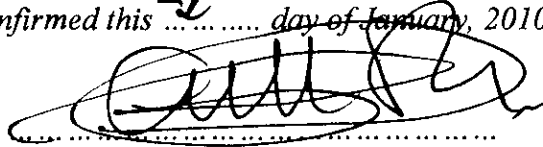
9.1.1 It was proposed and agreed that in addition to the Director of Public Prosecutions, the Committee should invite the Guyana Association of Women's Lawyers to appear before it at the next scheduled meeting to make a detailed presentation as a follow-up to their submission.

9.1.2 The Clerk was then requested to prepare the letter of invitation for the Guyana Association of Women's Lawyers to appear before the Committee at 3.15 p.m. in Committee Room No. 1, Committees Division, Public Buildings, Georgetown.

ADJOURNMENT

At 5.05 p.m. the meeting was adjourned to 3.00 p.m. on Friday, 22nd January, 2010.

Confirmed this ^{22nd} day of January, 2010



.....
The Hon. Charles R. Ramson, S.C., M.P.
Attorney General and Minister of Legal Affairs
Chairman

THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006-2010)

MINUTES OF THE
7th MEETING OF THE SPECIAL SELECT COMMITTEE ON THE COURT OF
APPEAL (AMENDMENT) BILL 2008- BILL NO. 12 OF 2008
HELD AT 3.25 P.M. ON FRIDAY, 22nd JANUARY, 2010
IN THE COMMITTEE ROOM NO. 1, COMMITTEES DIVISION,
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

MEMBERS OF THE COMMITTEE (10)

CHAIRMAN (1)

From the People's Progressive Party/ Civic (PPP/C) (1)

(Nominated by the Committee of Selection on 9th April, 2009)

(Elected by the Committee on 15th October, 2009)

The Hon. Charles R. Ramson, S.C., M.P.,
Attorney General and Minister of Legal Affairs

From the People's Progressive Party/ Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 3rd December, 2008)

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

The Hon. Kellawan Lall, M.P. - (Excused)
Minister of Local Government

The Hon. Priya Manickchand, M.P. - (Excused)
Minister of Human Service and Social Security

Ms. Bibi S. Shadick, M.P.

Mr. Moses Nagamootoo, M.P. - (Absent)

From the People's National Congress Reform- 1 Guyana (PNCR-1G) (3)

(Nominated by the Committee of Selection on 3rd December, 2008)

Mrs. Clarissa Riehl, M.P., Deputy Speaker of the National Assembly

Mrs. Deborah Backer, M.P.

Mr. Basil Williams, M.P.

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 3rd December, 2008)

Mr. Khemraj Ramjattan, M.P. - (Absent)

Officers

Ms. Deborah Gray - Clerk of the Committee
Ms. Candayce Girard - Assistant Clerk of Committees

Presenter

Ms. Emily Dodson - Vice-President of Guyana Association of Women Lawyers Inc.

ITEM 1: CALL TO ORDER

- 1.1 The Chairman called the Meeting to order at 3.25 p.m. and apologised for his late arrival.

ITEM 2: ANNOUNCEMENTS

2.1 Excuses:

- 2.1.1 The following Members were excused from the meeting:

- (i) The Hon. Kellawan Lall, M.P., and
(ii) The Hon. Priya Manickchand, M.P.

2.2 Guyana Association of Women Lawyers Inc. Presentation:

- 2.2.1 The Chairman advised Members that Ms. Emily Dodson and Ms. Simone Ramlall would be appearing before the Committee to make a presentation on behalf of the Guyana Association of Women Lawyers Inc.

ITEM 3: CIRCULATION OF DOCUMENTS

- 3.1 The following documents were circulated prior to the meeting:

- (i) Notice dated 15th January, 2010 to attend the 7th Meeting; and
(ii) Minutes of the 6th Meeting held on 8th January, 2010.

ITEM 4: CORRESPONDENCE

- 4.1 **Incoming - Nil**

4.2 Outgoing:

- Letter dated 11th January, 2010 to the Guyana Association of Women Lawyers Inc., re: Invitation to attend the Meeting of the Court of Appeal (Amendment) Bill 2008- Bill No. 12 of 2008.

ITEM 5: CORRECTION AND CONFIRMATION OF MINUTES OF THE 6th MEETING HELD ON THE 8th JANUARY, 2010

5.1 Corrections:

5.1.1 Page 4, paragraph 7.2.4

5.1.2 Insertion of the words "by the PNCR-IG Members" after the word "highlighted".

5.1.3 Substitution of the words "granting of bail should be automatic" for the words "there should be no discretion of bail" at No. 3.

5.1.4 Insertion of the following paragraphs after No. 7:

(i) Paragraph 7.2.5

"Questions were raised by the Hon. Kellawan Lall and Mr. Nagamootoo"

(ii) Paragraph 7.2.6

"No questions were asked by the Hon. Dr. Ramsammy and Ms. Shadick"

5.2 Page 4, paragraph 7.2.5

5.2.1 Re-numbering of the above paragraph to "7.2.7"

5.3 Confirmation:

5.3.1 The Minutes were confirmed as corrected, on a motion moved and seconded by Ms. Bibi S. Shadick, M.P. and Mrs. Clarissa Riehl, M.P., respectively.

ITEM 6: MATTERS ARISING

6.1 Page 2, paragraph 2.2 – Submission by the Chancellor of the Judiciary:

6.1.1 In response to a question asked, the Chairman informed Members that the Committee was not in receipt of any submission from the Judiciary. He, further stated that the Chancellor had verbally informed the Clerk of the National Assembly that he would not be making any submission on the Bill.

ITEM 7: PRESENTATION BY THE GUYANA ASSOCIATION OF WOMEN LAWYERS INC.

7.1 Presentation:

7.1.1 At 3.42 p.m. the Chairman welcomed Ms. Emily Dodson, Vice-President of the Guyana Association of Women Lawyers and invited her to proceed with her presentation.

7.1.2 Ms. Dodson described the composition of the Association and explained that the submission was the joint efforts of its members and proceeded to highlight the following issues as key concerns:

- Insufficient evidence being presented in court as a result of improper investigation by the Police.
- The proposed legislation could place further burden on the Court of Appeal.
- The need for provision in the legislation, to grant acquitted persons legal representation of their choice, as is the case in some jurisdictions.
- The denial of bail for acquitted individuals could impinge on their constitutional rights.
- Clause 34C(4) appeared to be unconstitutional, since there could be no offence after the acquittal of an individual.
- The need for sentencing guidelines to be established in order for the legislation to be effective.
- The absence of empirical evidence via research, to determine the need for such legislation.

7.1.3 At 3.56 p.m. Ms. Dodson concluded her presentation and the Chairman invited Members to proceed with their questions, observations and issues for clarification.

7.1.4 The following were some of the issues highlighted by Members of the PNCR-1G:

- The limit granted in Clause 34C(5) being taken away by 34C(6).
- Lack of public consultation to determine the need for such legislation.
- Lack of sentencing guidelines.
- Whether there was parity between constitutional rights and human rights guaranteed by Article 141 as it related to victims rights.

- Whether the Director of Public Prosecution's right to appeal was "*Ad nauseam*".
- Whether Jury trials should remain sacrosanct.
- Concern that if such power should be placed with the Director of Public Prosecution, integrity could be compromised.

7.1.5 Some of the issues highlighted by Members from the Government side were:

- Clause 34B(1)(a) clearly stated cases in which the Director of Public Prosecution had the right to appeal.
- Clauses 34H, 34J and 34K of the legislation made provision for an acquitted person to have legal representation. Was this the same as legal aid?

7.1.6 An interactive discussion ensued, allowing Ms. Dodson to provide relevant clarification that was sought by Members.

7.1.7 Thereafter, the Chairman expressed the Committee's appreciation to Ms. Dodson for a candid presentation of her organization's observations and concerns on the Bill.

ITEM 8: CONSIDERATION OF THE COURT OF APPEAL (AMENDMENT) BILL 2008- BILL NO. 12 OF 2008

8.1 The Committee agreed to commence consideration of the Bill at its next Meeting.

ADJOURNMENT

At 5.00 p.m. the meeting was adjourned to 3.00 p.m. on Friday, 5th February, 2010.

Confirmed this day of February, 2010

[Signature]

 The Hon. Charles R. Ramson, S.C., M.P.
 Attorney General and Minister of Legal Affairs
 Chairman

THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006-2010)

MINUTES OF THE
8th MEETING OF THE SPECIAL SELECT COMMITTEE ON THE COURT OF
APPEAL (AMENDMENT) BILL 2008- BILL NO. 12 OF 2008
HELD AT 3.08 P.M. ON FRIDAY, 12th FEBRUARY, 2010
IN THE COMMITTEE ROOM NO. 1, COMMITTEES DIVISION,
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

MEMBERS OF THE COMMITTEE (10)

CHAIRMAN (1)

From the People's Progressive Party/ Civic (PPP/C) (1)

(Nominated by the Committee of Selection on 9th April, 2009)

(Elected by the Committee on 15th October, 2009)

The Hon. Charles R. Ramson, S.C., M.P.,
Attorney General and Minister of Legal Affairs

From the People's Progressive Party/ Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 3rd December, 2008)

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

The Hon. Kellawan Lall, M.P.
Minister of Local Government

The Hon. Priya Manickchand, M.P. - Absent
Minister of Human Service and Social Security

Ms. Bibi S. Shadick, M.P.

Mr. Moses Nagamootoo, M.P.

From the People's National Congress Reform- 1 Guyana (PNCR-1G) (3)

(Nominated by the Committee of Selection on 3rd December, 2008)

Mrs. Clarissa Riehl, M.P., - Excused
Deputy Speaker of the National Assembly

Mrs. Deborah Backer, M.P. - Excused

Mr. Basil Williams, M.P. - Excused

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 3rd December, 2008)

Mr. Khemraj Ramjattan, M.P. - Absent

Officers

Ms. Deborah Gray - Clerk of the Committee
Ms. Candayce Girard - Assistant Clerk of Committees

ITEM 1: CALL TO ORDER

1.1 The Chairman called the Meeting to order at 3.08 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 Postponement of Meeting:

2.1.1 The Chairman explained to the Committee that the meeting scheduled for the 5th February, 2010, was postponed as a result of the unavailability of some members who had to attend the funeral of Ms. Phyllis Carter.

2.2 Absence of Members of the PNCR-1G:

2.2.1 It was announced that the Committee was in receipt of a letter dated 10th February, 2010, from Mrs. Clarissa Riehl stating that the PNCR-1G members would not be attending the meeting due to other parliamentary commitments.

2.2.2 He, however, stated that since there were no viable suggestions on the amendment of the Bill, both in the National Assembly and at the Committee level, he saw the need to speedily pursue its completion.

2.2.3 Further, he posited that, in his view, the PNCR-1G's letter was bereft of plausibility, therefore, he was not inclined to defer the meeting. The other Members present agreed to proceed with the meeting.

2.3 Excuses:

2.3.1 The following Members were excused from the meeting:

- (i) Mrs. Clarissa Riehl, M.P.,
- (ii) Mrs. Deborah Backer, M.P., and
- (iii) Mr. Basil Williams, M.P.

ITEM 3: CIRCULATION OF DOCUMENTS

- 3.1 The following documents were circulated prior to the meeting:
- (i) Notice dated 8th February, 2010 to attend the 8th Meeting; and
 - (ii) Minutes of the 7th Meeting held on 22nd January, 2010.

ITEM 4: CORRESPONDENCE

4.1 Incoming:

- Letter dated 10th February, 2010 from Mrs. Clarissa Riehl, M.P., Deputy Speaker of the National Assembly, re: 8th Meeting of the Special Select Committee on the Court of Appeal (Amendment) Bill 2008.

4.2 Outgoing - Nil

ITEM 5: CORRECTION AND CONFIRMATION OF MINUTES OF THE 7th MEETING HELD ON THE 22nd JANUARY, 2010

5.1 Correction:

5.1.1 Page 5, paragraph 7.1.5, bullet 2

5.1.2 The paragraph was restructured to read as follows:

"Sections 34H, 34J and 34K of the legislation provided for an acquitted person to have legal representation not limited to Legal Aid"

5.2 Confirmation:

5.2.1 The Minutes were confirmed as corrected, on a motion moved and seconded by Ms. Bibi S. Shadick, M.P. and the Hon. Dr. Leslie S. Ramsammy, M.P., respectively.

ITEM 6: MATTERS ARISING

6.1 There were no matters arising from the Minutes.

**ITEM 7: CONSIDERATION OF THE COURT OF APPEAL (AMENDMENT) BILL
2008- BILL NO. 12 OF 2008**

7.1 Examination:

7.1.1 Members engaged in a lengthy discussion and agreed to the following:

7.1.2 Sections 34A, 34B, 34D, 34E, 34F, 34G, 34H, 34I, 34J, 34K, 34L and 34M were considered and *accepted as presented*.

7.2 Section 34C(5)(e)

7.2.1 The Committee agreed to the following amendment:

- Insertion of the word "*terrorism*" after the word "*hijacking*"

7.2.2 Thereafter, Section 34C was *accepted as amended*.

ITEM 8: ANY OTHER BUSINESS

8.1 Draft Report

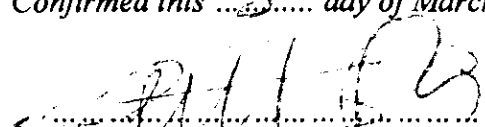
8.1.1 The Committee agreed that the Clerk would prepare the draft report and circulate it to members for their perusal before the next meeting.

8.1.2 It was also agreed that the report would be considered at the next meeting.

ADJOURNMENT

At 4.40 p.m. the meeting was adjourned to 3.00 p.m. on Friday, 5th March, 2010.

Confirmed this5th..... day of March, 2010


.....
The Hon. Charles R. Ramson, S.C., M.P.
Attorney General and Minister of Legal Affairs
Chairman

THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006-2010)

MINUTES OF THE
9th MEETING OF THE SPECIAL SELECT COMMITTEE ON THE COURT OF
APPEAL (AMENDMENT) BILL 2008- BILL NO. 12 OF 2008
HELD AT 3.04 P.M. ON FRIDAY, 5th MARCH, 2010
IN THE COMMITTEE ROOM NO. 1, COMMITTEES DIVISION,
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

MEMBERS OF THE COMMITTEE (10)

CHAIRMAN (1)

From the People's Progressive Party/ Civic (PPP/C) (1)

(Nominated by the Committee of Selection on 9th April, 2009)

(Elected by the Committee on 15th October, 2009)

The Hon. Charles R. Ramson, S.C., M.P.,
Attorney General and Minister of Legal Affairs

From the People's Progressive Party/ Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 3rd December, 2008)

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

The Hon. Kellawan Lall, M.P. - Absent
Minister of Local Government

The Hon. Priya Manickchand, M.P.
Minister of Human Service and Social Security

Ms. Bibi S. Shadick, M.P.

Mr. Moses Nagamootoo, M.P. - Absent

From the People's National Congress Reform- 1 Guyana (PNCR-1G) (3)

(Nominated by the Committee of Selection on 3rd December, 2008)

Mrs. Clarissa Riehl, M.P.,
Deputy Speaker of the National Assembly

Mrs. Deborah Backer, M.P.

Mr. Basil Williams, M.P.

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 3rd December, 2008)

Mr. Khemraj Ramjattan, M.P. - Excused

Officers

Ms. Deborah Gray - Clerk of the Committee
Ms. Candayce Girard - Assistant Clerk of Committees

ITEM 1: CALL TO ORDER

1.1 The Chairman called the Meeting to order at 3.04 p.m.

ITEM 2: ANNOUNCEMENT

2.1 Excuse:

2.1.1 Mr. Khemraj Ramjattan, M.P. had asked to be excused from the meeting.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting:

- (i) Notice dated 26th February, 2010 to attend the 9th Meeting;
- (ii) Minutes of the 8th Meeting held on 12th February, 2010; and
- (iii) Draft Report of the Committee.

ITEM 4: CORRESPONDENCE

4.1 Nil

**ITEM 5: CORRECTION AND CONFIRMATION OF MINUTES OF THE
8th MEETING HELD ON THE 12th FEBRUARY, 2010**

5.1 Confirmation:

5.1.1 The Minutes were confirmed without correction, on a motion moved and seconded by Ms. Bibi S. Shadick, M.P. and the Hon. Dr. Leslie S. Ramsammy, M.P., respectively.

ITEM 6: MATTERS ARISING

6.1 There were no matters arising from the Minutes.

ITEM 7: CONSIDERATION OF DRAFT REPORT

7.1 The Committee proceeded to examine its Draft Report.

7.1.1 Thereafter, the Report was adopted as amended.

7.1.2 The Committee agreed that the report should be tabled in the National Assembly at its next sitting.

CONCLUSION

At 3.15 p.m. the Meeting concluded, at which time Members of the PNCR-IG arrived.

(Unconfirmed)