

Bill No. 9 of 1959

PUBLISHED 7TH FEBRUARY, 1959

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SUMMARY JURISDICTION (PROCEDURE) (AMENDMENT)
BILL, 1959.

ARRANGEMENT OF SECTIONS.

Section

1. Short title and commencement.
2. Insertion of section 7A in Chapter 15.
3. Amendment of second schedule to Chapter 15.

A BILL

Intituled

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.

Short title and commencement.

Cap. 15

(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—

Insertion of section 7A in Chapter 15.

"Special procedure in respect of certain offences.

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.

Form 3 A.

(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 fifty 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 —

- Cap. 14. (a) offences against section 153 of the Summary Jurisdiction (Offences) Ordinance;
- Cap. 280. (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.

(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, 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 within the period of twenty-one days after it is laid before the Legislative Council, been annulled by resolution of the said Council, shall have effect as if enacted by an Ordinance amending this Ordinance."

Amendment
of second
schedule to
Chapter 15.

3. (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 3.

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 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.

Date of appearance : Dated
..... 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 HEAR-
ING by the court and AGREE to pay the penalty prescribed by law.

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

.....
(Address)
DATED

GENERAL RECEIPT No.

OBJECTS AND REASONS

Where a constable finds any person committing a summary jurisdiction
offence and it is proper that he should be prosecuted, it is usually necessary for
the constable to make a complaint and obtain a summons from the Magistrate.
In doing so the constable spends a considerable time in completing the paper work
involved. It is often difficult to find the offender in order to serve the summons on
him and a period of several weeks usually elapses before he can be brought before
the court.

2. In view of the increase in minor offences, particularly traffic offences, it
is considered desirable to provide that a member of the Police Force who finds
any person committing a minor offence may serve a notice on the offender then
and there requiring him to attend before a specified court to answer a complaint
for the alleged offence. While not depriving the alleged offender of any funda-
mental right this shortened procedure (which is additional to and not in substitu-
tion of the existing summons procedure) will, when used, avoid the inevitable
delay in proceedings that often prejudices the efficient prosecution of persons who
commit the more common minor offences.

3. In order to save the time of an offender who has committed such an
offence it is also considered desirable that he should be given the option of being
prosecuted for such offence or of purging this contempt of the law by paying a
fixed penalty without appearing in court. Clause 2 of the Bill seeks to make provi-
sion accordingly.

4. The special procedure would apply to offences under section 153 of the
Summary Jurisdiction (Offences) Ordinance, Chapter 14, which deals with minor
public nuisances, chiefly committed in towns, and to minor offences under the
Motor Vehicles and Road Traffic Ordinance and Regulations, Chapter 280, such
as speeding, failing to observe traffic directions and failing to stop at a major road.
Clause 3 of the Bill sets out the form of notice to be served on an alleged offender.

A. M. I. AUSTIN,
Attorney-General.

(M.P. L. 171/3/1).
(Leg. Bill 9/1959).

