

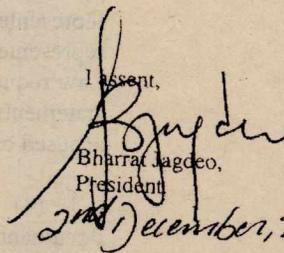
THE OFFICIAL GAZETTE 2ND DECEMBER, 2008
LEGAL SUPPLEMENT — A



GUYANA

ACT No. 17 of 2008

THE CRIMINAL LAW (PROCEDURE) (AMENDMENT) ACT 2008

I assent,

Bharrat Jagdeo,
President
2nd December, 2008

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Insertion of new section 71A in the Principal Act.

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

A.D. 2008

Enacted by the Parliament of Guyana:-

Short title.
Cap. 10:01

1. This Act, which amends the Criminal Law (Procedure) Act, may be cited as the Criminal Law (Procedure) (Amendment) Act 2008.

Insertion of
new section
71A in the
Principal
Act.

2. The Principal Act is amended by inserting, after section 71, the following section -

"Committal
or discharge
on con-
sideration of
statements,
documents,
etc.

71A. (1) The Magistrate holding a preliminary inquiry into an indictable offence may admit as evidence on the part of the prosecutor or the accused any statements, documents, writings and other articles tendered to the court in the absence of the witness and cause them to be inventorised and labelled, or otherwise marked as exhibits.

(2) Notwithstanding anything contained in any written law but subject to section 9, if the Magistrate is of opinion that a *prima facie* case is made out to put the accused person upon trial for any indictable offence on consideration of the statements, documents, writings and other articles admitted as evidence on the part of the prosecutor or the accused he may commit the accused person for trial for the offence.

(3) The Magistrate shall not commit an accused person for trial for the offence where he is not represented by an Attorney-at-Law, or where he is represented by an Attorney-at-Law, if the Attorney-at-Law requests the court to consider a submission that the statements disclose insufficient evidence to put the accused on trial for the offence.

(4) Where on consideration of any statements, documents, writings and other articles and on consideration of any submissions made on behalf of the accused person, the Magistrate is of opinion that a *prima facie* case is not made out to put the accused person upon his trial for any indictable offence, he may discharge him and in that case any recognisance taken in respect of the charge shall become void.

(5) In addition to any statements, documents, writings and other articles tendered to the court that may be admissible as evidence under this section, the Magistrate -

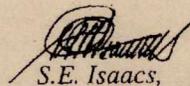
(a) may, on his own motion or on an application by any party to the proceedings, require any witness to attend before him and give evidence; and

(b) shall allow any party to the proceedings to cross-examine the witness,

and the evidence shall be considered for the purposes of this section to ascertain whether the prosecution has made out a *prima facie* case.

(6) The provisions of sections 60 to 68, section 70 and sections 72 to 74 shall *mutatis mutandis* apply in relation to the proceedings under this section.”

Passed by the National Assembly on 16th October, 2008.



S.E. Isaacs,
Clerk of the National Assembly.

(BILL No. 20/2008)