The Official Gazette

(EXTRAORDINARY)

OF GUYANA

Published by the Authority of the Government

GEORGETOWN, FRIDAY 12TH MAY, 2023

TABLE OF CONTENTS **PAGE**

FIRST SUPPLEMENT

LEGAL SUPPLEMENT

A. **ACTS —** Act No. 4 of 2023 Criminal Law (Procedure) (Amendment) Act 2023 … … … … 19

B. **SUBSIDIARY LEGISLATION — NIL**

C. **BILLS — NIL**

GEORGETOWN, Demerara – Printed and Published every Saturday and on such Extraordinary Days as may be directed by the Government by Guyana National Printers Limited, 1 Public Road, La Penitence, Greater Georgetown.

FRIDAY 12TH MAY, 2023

THE OFFICIAL GAZETTE 12TH MAY, 2023
LEGAL SUPPLEMENT — A

GUYANA

ACT No. 4 of 2023

CRIMINAL LAW (PROCEDURE) (AMENDMENT) ACT 2023

I assent.

Mohamed Irfaan Ali,
President.
12th May, 2023.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 72 of the Principal Act.
3. Deletion of section 78 of the Principal Act.
4. Amendment of section 79 of the Principal Act.

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

A.D. 2023 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 2023.

Amendment of section 72 of the Principal Act.

2. Section 72 of the Principal Act is amended by the substitution for that section, of the following –

"Power of Director of Public Prosecutions after discharge of accused person.

72. (1) In every case where a magistrate discharges an accused person under section 69 or 71A (4), the Director of Public Prosecutions may make a written request to the magistrate to furnish an authenticated copy of the depositions taken at the preliminary inquiry and every other statement, document or thing relating to those proceedings and the magistrate shall comply with the request.

(2) Where the Director of Public Prosecutions, after considering the depositions and any other statement, document or thing furnished by the magistrate under subsection (1), is of the opinion that a *prima facie* case against the discharged person was established and the discharged person should have been committed for trial, the Director of Public Prosecutions shall make an application to a Judge of the High Court for a warrant for the arrest and committal for trial of the discharged person:

Provided that a Judge shall only grant the application of the Director of Public Prosecutions where the Judge is satisfied that the evidence, as given

before the magistrate, was sufficient to commit the discharged person for trial.

(3) Every application under subsection (2) shall be made within three calendar months of the receipt, from the magistrate, of the authenticated copy of the depositions taken at the preliminary inquiry and every other statement, document or thing relating to those proceedings.

(4) Where a Judge grants an application for the arrest and committal for trial of a discharged person under subsection (2), the Judge shall issue the warrant for the arrest and committal for trial of the discharged person and that person shall be kept until otherwise discharged in the due course of law or granted bail.

(5) Every person proceeded against under subsection (4), shall be further prosecuted in the like manner as if that person had been committed for trial by the magistrate by whom the person was discharged.

(6) Where the Director of Public Prosecutions or the discharged person is aggrieved by a decision of the Judge under this section, an appeal of that decision shall lie to the Court of Appeal.".

Deletion of section 78 of the Principal Act.

3. The Principal Act is amended by deleting section 78.

Amendment of section 79 of the Principal Act.

4. Section 79 of the Principal Act is amended as follows-

(a) in subsection (1), by substituting for the words ''either of the last two proceeding sections'' the words ''section 77''; and

(b) in subsection (4), by deleting the words '', or that a matter shall be dealt with summarily under section 78,''.

Passed by the National Assembly on the 24th April, 2023.

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

(BILL No. 21/2022)