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THE OFFICIAL GAZETTE 7TH APRIL, 2022
LEGAL SUPPLEMENT — C

BILL No. 5 of 2022 *Thursday 7th April, 2022*

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

7th April, 2022.

The following Bill which will be introduced in the National Assembly is published for general information.

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

GUYANA

BILL No. 5 of 2022

JUVENILE JUSTICE (AMENDMENT) BILL 2022

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 36 of the Principal Act.

A BILL

Intituled

AN ACT to amend the Juvenile Justice Act.

A.D. 2022 Enacted by the Parliament of Guyana:-

Short title.

No. 8 of 2018.

1. This Act, which amends the Juvenile Justice Act, may be cited as the Juvenile Justice (Amendment) Act 2022.

Amendment of section 36 of the Principal Act.

2. Section 36 of the Principal Act is amended by the insertion immediately after subsection (4), of the following new subsections-

"(5) Notwithstanding section 3 (b)(i), where a juvenile commits or is alleged to have committed an indictable offence with an adult and the offence cannot be disposed of summarily, the juvenile may be charged jointly with the adult.

(6) Where a juvenile is charged jointly with an adult pursuant to subsection (5), the court may conduct one hearing into the charge and may employ such measures, as the court considers appropriate, for securing the rights of the juvenile under this Act.".

Explanatory Memorandum

This Bill seeks to amend the Juvenile Justice Act, No. 8 of 2018.

The Bill seeks to provide for cases where a juvenile commits or is alleged to have committed an indictable offence with an adult, and that indictable offence cannot be disposed of summarily, for the juvenile to be charged jointly with that adult and for the charge to be heard in one hearing.

Presently, section 3(b) (i) of the Principal Act provides for the juvenile justice system to be separate from the system used for adults. Based on this provision, a juvenile would not appear before the court with an adult. Accordingly, section 36 of the Principal Act, which makes provision for a juvenile to appear before a court, was amended to create an exception to section 3(b) (i).

This amendment seeks to remedy the issue of two separate charges being instituted where the juvenile commits an indictable offence which cannot be disposed of summarily with an adult. The current criminal justice system often results in witnesses testifying twice leading to a significant increase in judicial time and expense.

With this amendment, the juvenile and adult may be charged together and the charge may be heard jointly. The amendment also allows the magistrate or Judge to employ such measures as the court considers appropriate to ensure that the best interest of the juvenile remains paramount and the rights of the juvenile enshrined in the Principal Act are not curtailed.

Hon. Brindley Horatio Robeson Benn, M.P.
Minister of Home Affairs