



## GUYANA

BILL No. 20 of 1977

SUMMARY JURISDICTION (APPEALS) (AMENDMENT) BILL 1977

### ARRANGEMENT OF SECTIONS

#### SECTION

1. Short title.
2. Repeal and re-enactment of section 12 of Chapter 3:04.
3. Amendment of section 14 of Chapter 3:04.
4. Amendment of section 31 of Chapter 3:04.

A BILL

Intituled

AN ACT to amend the Summary Jurisdiction (Appeals) Act.

A.D. 1977 Enacted by the Parliament of Guyana:—

Short title. 1. This Act, which amends the Summary Jurisdiction (Appeals) Act, may be cited as the Summary Jurisdiction (Appeals) (Amendment) Act 1977.

Cap. 3:04

Repeal and re-enactment of section 12 of Chapter 3:04. 2. Section 12 of the Principal Act is hereby repealed and the following section substituted therefor —

“Suspension of execution.

12. (1) Subject to this section, on compliance by the appellant with the provisions of sections 4 and 5 the execution of the decision under appeal shall be suspended until the appeal is determined by the Court or is abandoned.

(2) Subject to subsections (3) and (4) subsection (1) shall not operate to suspend the execution of any order for the imprisonment of the appellant.

(3) An appellant who has complied with sections 4 and 5 and who has been sentenced to imprisonment may elect to undergo his imprisonment; if he does not elect to do so, he shall, unless granted bail under subsection (4), be kept in prison and treated in like manner as a prisoner awaiting trial.

(4) An appellant referred to in subsection (3) may be admitted to bail upon application by him to the magistrate from whose decision appeal is made or on petition to a Judge of the High Court, which petition shall be heard as soon as practicable.”.

Amendment of section 14 of Chapter 3:04.

3. Section 14 of the Principal Act is hereby amended by the deletion of subsection (6) and the substitution therefor of the following subsection —

“(6) On the granting of an application under this section and on the applicant giving the security mentioned in section 5 within such time as the Court may fix, if he has not already done so, the provisions of section 12 shall mutatis mutandis apply.”.

4. Section 31 of the Principal Act is hereby amended in the following respects —

**Amendment  
of section  
31 of  
Chapter  
3:04.**

- (a) by the insertion in the proviso to subsection (1), immediately after the word “if”, of the words “that person is at large pending the determination of the appeal and”;
- (b) by the substitution in subsection (2) for the words “giving the security hereinbefore mentioned” of the words “obtaining bail”;
- (c) by the substitution in subsection (4) of a colon for the comma appearing after the word “Court” and the deletion of all the words following thereafter in that subsection;
- (d) by the insertion of the following proviso as a proviso to the said subsection (4) —

“Provided that the foregoing provisions of this subsection shall not operate to suspend the execution of any judgement or order of the Court for the imprisonment of the appellant or affirming, modifying or amending any decision providing for the imprisonment of the appellant.”.

- (e) by the re-numbering of the said subsection (4) as subsection (6); and
- (f) by the insertion immediately after subsection (3) of the following subsections as subsections (4) and (5) —

“(4) When an appellant is admitted to bail pending his appeal the time during which he is at large after being so ad-

mitted shall be disregarded in computing the term of any sentence to which he is for the time being subject.

- (5) Subject as hereinafter provided, six weeks of the time during which any appellant when in custody is treated pending the determination of his appeal as a prisoner awaiting trial, or the whole of that time if less than six weeks, shall be disregarded in computing the term of any sentence to which he is for the time being subject:

Provided that the Court may direct that no part of the said time or such part thereof as the Court think fit (whether shorter or longer than six weeks) shall be disregarded as aforesaid.”.

#### EXPLANATORY MEMORANDUM

By virtue of s. 12 of the Summary Jurisdiction (Appeals) Act, Cap. 3:04 a person can by giving notice of appeal and lodging security for costs secure the suspension of the operation of any decision given by a magistrate against him. This provision has been seriously abused by persons sentenced to imprisonment. This Bill seeks to prevent such abuse by providing that in such cases a person sentenced to imprisonment should be held in custody unless he obtains bail.

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(Bill 20/1977)