

- (2) All persons committed within the Counties of Victoria, St. Patrick, Nariva and Mayaro for trial for any offence shall be tried at San Fernando. Trials in San Fernando.
- (3) All persons committed within the Ward of Tobago for trial for any offence shall be tried in Tobago. Trials in Tobago.
- (4) Provided that a Judge may in any case either before the trial or on the arraignment of any person so committed, if satisfied that a fair trial cannot be had at San Fernando or in Tobago, order that the trial of such person shall take place at Port-of-Spain. Transfer of case from San Fernando or Tobago to Port-of-Spain.
4. Notwithstanding the provisions of sub-sections (1) and (2) of section 3 of this Ordinance, the Attorney-General, whenever he considers that the ends of Justice so require, may in any case — Attorney-General's power to transfer cases.
- (a) enter for trial at San Fernando any criminal case which but for this section would be triable at Port-of-Spain;
- (b) enter for trial at Port-of-Spain any criminal case which but for this section would be triable at San Fernando;
- (c) transfer the trial of any case entered for trial at Port-of-Spain to San Fernando; and
- (d) transfer the trial of any case entered for trial at San Fernando to Port-of-Spain.
5. A transfer under the preceding section shall be effected by delivering to the Registrar, ten clear days at least before the day of trial, a warrant for such transfer signed by the Attorney-General; and it shall be the duty of the Registrar, six clear days at least before the trial, to serve on the accused a copy of such warrant by delivering the same to him personally, or leaving the same at the place appointed for that purpose in the recognizance entered into by the accused. Procedure for transfer of cases.

(3) Nothing in this section shall effect the power of the jury upon an indictment for the murder of a newly-born child to return a verdict of manslaughter, or a verdict of guilty but insane, or a verdict of concealment of birth in pursuance of section 59 of the Offences against the Person Ordinance; and the said section 59 shall apply in the case of the acquittal of a woman upon indictment for infanticide as it applies upon the acquittal of a woman for murder. And upon the trial of any person over the age of sixteen for infanticide it shall be lawful for the jury, if they are satisfied that the accused is guilty of an offence under section 3 of the Children Ordinance, to find the accused guilty of such an offence, and in that case that section shall apply accordingly.

*Sentence to be passed on an expectant mother guilty of a capital offence.*

64B. (1) Where a woman convicted of an offence punishable with death is found in accordance with the provisions of this section to be pregnant, the sentence to be passed on her shall be a sentence of imprisonment for life with or without hard labour instead of sentence of death.

(2) Where a woman convicted of an offence punishable with death alleges that she is pregnant, or where the Court before whom a woman is so convicted thinks fit so to order, the question whether or not the woman is pregnant shall, before sentence is passed on her, be determined by a jury.

(3) Subject to the provisions of this subsection, the said jury shall be the trial jury, that is to say the jury to whom she was given in charge to be tried for the offence, and the members of the jury need not be resworn:

Provided that:

(a) if any member of the trial jury, either before or after the conviction, dies or is discharged by the Court as being through illness

says or admits that he is guilty of the charge, then the Magistrate shall further say to him the words following, or words to the like effect :—

“ Do you wish the witnesses again to appear to give evidence against you at your trial? If you do not, you will now be committed for sentence, instead of being committed for trial.”

If the accused, in answer to such question, states that he does not wish the witnesses again to appear to give evidence against him, his statement shall be taken down in writing and read to him and shall be signed by the Magistrate and by the accused, if he will, and shall be kept with the depositions of the witnesses. The witnesses may thereupon be bound over conditionally in the manner provided by sub-section (5) of section 21 of the Indictable Offences (Preliminary Enquiry) Ordinance.

Answer of accused consenting to be committed for sentence to be recorded.

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(2) In any such case as is mentioned in this section, the Magistrate shall, instead of committing the accused for trial, order him to be committed for sentence before the Supreme Court, and in the meantime, the Magistrate shall, by his warrant, commit him to prison to be there safely kept until the sittings of that Court, or until he is admitted to bail or delivered by due course of law.

Committal for sentence.

(3) The statement of the accused made under this section shall be received in evidence upon its mere production without further proof thereof by the Court before which he is brought for sentence.

Admissibility of statement of accused in evidence.

(4) The Magistrate shall, as soon after such committal as is practicable, transmit to the Attorney-General the record of the proceedings in the manner required by section 24 of the Indictable Offences (Preliminary Enquiry) Ordinance and the Attorney-General shall prefer and file in the Supreme Court an indictment against the accused person committed for sentence.

Transmission of proceedings and filing of indictment.

to be committed for sentence, and in such case the prisoner shall not be taken before the Supreme Court for sentence but shall be brought up for trial at the regular criminal sessions of the said Court.

(2) The notice shall be filed of record in the Registrar's Office, and the Registrar shall notify the Attorney-General of the withdrawal of the consent to committal for sentence; and such notice may be put in evidence at the trial or mention may be made at the trial of the fact that such notice was given.

Filing of notice of withdrawal.

Evidence thereof.

(3) In the event of the accused person withdrawing his plea of guilty or pleading not guilty, the Attorney-General may refer back the case to the Magistrate in the manner and for the purposes stated in section 25 of the Indictable Offences (Preliminary Enquiry) Ordinance.

Case may be referred back to the Magistrate.

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83.—(1) A Judge of the Supreme Court when sitting to deal with persons committed for sentence shall, subject to these provisions, possess all the powers, authorities and jurisdiction vested in the Supreme Court, with respect to the trial of criminal cases in the exercise of the ordinary criminal jurisdiction of the said Court.

Powers of Court and Judge when dealing with committals for sentence.

(2) The Registrar or other proper officer shall attend before a Judge in any proceedings respecting persons committed for sentence, and keep a record thereof in like manner as in other proceedings in the Court.

Attendance of officials, and records in such cases.

84.—(1) A person committed for trial, whether he is in custody or not may if he wishes to plead guilty and be sentenced prior to the regular Criminal sessions of the Court, file with the Registrar a notice in writing to that effect; the notice shall be filed of record in the Registrar's Office.

Notice by person committed for trial of intention to plead guilty.

(2) In such case the Registrar shall notify the Judge and the Attorney-General, or other prosecutor, of such notice and the subsequent proceedings shall be as in the case of a person committed for sentence and the provisions of sections 81, 82, and 83 hereof shall *mutatis mutandis* apply.

Subsequent proceedings as for committal for sentence.