

TRINIDAD AND TOBAGO.

No. 5—1923.

I ASSENT,

[L.S.]

S. H. WILSON,
Governor.

26th March, 1923.

AN ORDINANCE to amend the Indictable Offences
(Preliminary enquiry) Ordinance, 1917.

[26th March, 1923.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Indictable Short title.
Offences (Preliminary enquiry) (Amendment) Ordinance, Construction.
1923, and shall be read as one with the Indictable Offences (12-1917.)
(Preliminary enquiry) Ordinance, 1917, hereinafter called
the Principal Ordinance.

2. Section 24 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following:—

24.—(1) After the preliminary enquiry has been concluded and the warrant of commitment for trial has

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been made out, the Magistrate shall, without delay, transmit to the Attorney-General the complaint, the depositions of the witnesses, the documentary exhibits thereto, the statement (if any) of the accused person, the warrant of commitment for trial and the recognizances entered into. All exhibits, other than documentary exhibits, shall, unless the Magistrate otherwise directs, be taken charge of by the Constabulary and shall be produced by them at the trial.

(2) Subject to the provisions of this Ordinance, the depositions and other documents received from the Magistrate by the Attorney-General shall be kept by him until the indictment (if any) to which they relate is filed, and shall then be transmitted to the Registrar of the Court, who shall keep them and produce them to the Court at the trial of the accused person.

(3) A person committed for trial may be indicted for any offence for which he was committed for trial or for any offence which, in the opinion of the Attorney-General, is disclosed by the depositions.

3. The following shall be inserted as section 24A of the Principal Ordinance:—

Attorney-
General may
refer back case
for further
evidence

24A.—(1) At any time after the receipt of the depositions and other documents mentioned in the last preceding section and before the indictment is filed, the Attorney-General may, if he thinks fit, refer back the case to the Magistrate with directions to re-open the enquiry for the purpose of taking further evidence, and with such other directions as he may think proper. If a case is referred back as herein provided, the enquiry shall be re-opened and the case shall be dealt with in all respects as if the accused person had not been committed for trial.

Attorney-
General may
refer back case
to be dealt
with
summarily.

(2) If after the receipt of the depositions and other documents mentioned in the last preceding section, the Attorney-General is of opinion that the accused person should not have been committed for trial but that the case should have been dealt with summarily, the Attorney-General may, if he thinks fit, refer back the case to the Magistrate with directions to deal with the case accordingly, and with such other directions as he may think proper.

(3) Any directions given by the Attorney-General under this section shall be in writing signed by him, and shall be complied with by the Magistrate. Provided that the Attorney-General may at any time add to, alter or revoke any such directions.

(4) When the Attorney-General directs that an enquiry shall be re-opened or that a case shall be dealt with summarily, the following provisions shall have effect, that is to say:—

- (a) Where the accused person is in custody, the Magistrate shall, by an order in writing under his hand, direct the Keeper of the Prison having the custody of such accused person to convey him or cause him to be conveyed to the place named in such order for the purpose of being dealt with as the Magistrate may direct.
- (b) Where the accused person is on bail, the Magistrate shall issue a summons for his attendance at a time and place named in such summons. If the accused person does not attend in obedience to such summons, the Magistrate shall issue a warrant for his apprehension.
- (c) Thereafter the proceedings shall be continued under the provisions of this Ordinance or of the Summary Conviction Offences (Procedure) Ordinance, 1918, as the case may be, and if under the last mentioned Ordinance, in the same manner as if the Magistrate had himself formed an opinion in terms of section 89 thereof.

4. Section 2 of the Indictable Offences (Preliminary enquiry) Ordinance, 1920, is hereby repealed. Repeal.
(48-1920.)

Passed in Council this sixteenth day of March, in the year of Our Lord one thousand nine hundred and twenty-three.

E. F. AANENSEN,
Acting Clerk of the Council.