

INTERPRETATION AMENDMENT ACT 2005



BERMUDA

2005 : 43

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Date of Assent: 30 December 2005

Operative Date: 30 December 2005

WHEREAS it is expedient to amend the Interpretation Act 1951:

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Short title

1 This Act may be cited as the Interpretation Amendment Act 2005.

Interpretation

2 In this Act, the "principal Act" means the Interpretation Act 1951.

Section 4 of principal Act amended

3 (1) Section 4(1) of the principal Act is amended by deleting the definitions of "indictable offence", "on conviction on indictment" and "on summary conviction".

(2) Section 4(2) of the principal Act is amended by inserting the following subsections after subsection (2) —

"(3) In every Act and in every statutory instrument

—
(a) "indictable offence" means an offence which is triable on indictment, whether it is exclusively so triable or triable either way;

INTERPRETATION AMENDMENT ACT 2005

- (b) "summary offence" means an offence which is triable only summarily;
- (c) "offence triable either way" means an offence which is triable either on indictment or summarily,

and the terms "indictable", "summary" and "triable either way", in their application to offences, are to be construed accordingly;

- (d) "on conviction on indictment", in relation to any offence or to the punishment for any offence, shall be taken to imply that a person charged with that offence is triable in respect of that offence before the Supreme Court, and that the offence so charged is an indictable offence; and cognate expressions shall be construed accordingly;
- (e) "on summary conviction" or "on conviction by a court of summary jurisdiction", in relation to any offence or to the punishment for any offence, shall be taken to imply that a person charged with that offence is triable in respect of that offence by a court of summary jurisdiction; and cognate expressions shall be construed accordingly;

(4) In the definitions in subsections (3)(a), (b) and (c), references to the way or ways in which an offence is triable are to be construed without regard to the effect, if any, of section 450 of the Criminal Code Act 1907 or section 14 of the Summary Jurisdiction Act 1930, on the mode of trial in a particular case."

Consequential amendments

4 (1) Section 450 of the Criminal Code Act 1907 is amended by deleting "offence which may be dealt with either by a court of summary jurisdiction or on indictment before the Supreme Court" and substituting "offence triable either way".

(2) Section 14 of the Summary Jurisdiction Act 1930 is amended by deleting "indictable offence which may also be dealt with summarily" and substituting "offence triable either way".