

No. 05 – 2018

I assent,

[L.S.]

Sgd. P. L. Allen

Governor-General.

15th day of March 2018

ANACT to Amend the Indictments Act.

[*16th March 2018*]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Indictments (Amendment) Act, 2018, and shall be read and construed as one with the Indictments Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title
and
construction.

2. The Schedule to the principal Act is amended—

- (a) in rule 3, by inserting next after the word “character” the words “, or are so connected as to form part of the same

Amendment
of Schedule
to principal
Act.

transaction, and such joinder shall be subject to the provisions set out in rule 3A. It shall be at the discretion of the prosecution to determine whether or not to join any offence pursuant to this rule, but the court may in any event make an order that any offence charged jointly with another offence be tried on a separate indictment if the court is of the opinion that—

- (a) there is a substantial risk of injustice if the offences are tried together; or
 - (b) the administration of justice would be better served if the offences are tried separately.”;
- (b) by inserting next after rule 3 the following rule—
- “ 3A. Trial of offences joined pursuant to rule 3—
- (1) Except in the case of murder for which sentence of death may be imposed, the offence of murder and any lesser offence may be tried together, on a single indictment, by a Judge sitting with a jury.
 - (2) Where joined offences include offences that are triable by a Judge sitting with a jury and offences triable by a Judge sitting alone, the joined offences may be tried together, on a single indictment, by a Judge sitting with a jury.
 - (3) Where joined offences include offences that are triable by a Judge of the Supreme Court (whether sitting with a jury or sitting alone) and offences that are triable in a Parish Court, the offences may be tried together, on a single indictment, in the Supreme Court, and—
- (a) if any of those offences is triable by a Judge sitting with a jury, then that shall be the mode of trial for all of the offences; or

(b) if sub-paragraph (a) does not apply, then all of the offences shall be tried by a Judge sitting alone.

(4) Where the joined offences consist of offences arising under different laws or enactments and are each triable by a Judge sitting alone, all of those offences may be tried together, on a single indictment, in the Supreme Court by a Judge sitting alone.”.

Passed in the House of Representatives this 17th day of October, 2017 with one (1) amendment.

PEARNEL CHARLES, CD, MP, JP
Speaker.

Passed in the Senate this 1st day of February, 2018.

THOMAS TAVARES-FINSON, CD, QC, JP
President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.


Clerk to the Houses of Parliament.