

THE GUN COURT ACT

REGULATIONS
(under section 16)

THE GUN COURT (REVIEW BOARD) REGULATIONS, 1974

(Made by the Minister on the 3rd day of May, 1974)

L.N. 198/74

1. These Regulations may be cited as the Gun Court (Review Board) Regulations, 1974. Citation.

2. In these Regulations—

“the Board” means the Review Board established under the Act; Interpreta-
tion.

“the chairman” means the chairman of the Board;

“detainee” means a person detained in conformity with subsection (2) of section 8;

“functions” includes powers and duties;

“member” means a member of the Board and (unless the context otherwise requires) includes the chairman;

“section” means a section of the Act.

3.—(1) The appointment of each member shall be made by instrument under the broad seal and every member shall, subject to the provisions of these Regulations, hold office for a period of three years commencing with the effective date of his appointment. Appoint-
ment.

(2) Every member shall be eligible for reappointment.

4. If any member is unable to act by reason of absence or for any other cause, a person whom it would be lawful to appoint in place of that member if such place were vacant, as mentioned in regulation 6, may be appointed to act in place of that member. Acting
appoint-
ments.

5.—(1) The chairman may at any time resign his office as member by instrument in writing addressed to the Governor-General. Resigna-
tions.

(2) A member, other than the chairman, may at any time resign his office by instrument in writing addressed to the Governor-General and transmitted through the chairman.

(3) Every such resignation shall take effect from the date of receipt by the Governor-General of the instrument of resignation.

Casual vacancies.

6. In case a vacancy occurs among the members of the Board, such vacancy shall be filled by appointment in keeping with such paragraph of subsection (2) of section 20 as applied to the appointment of the member whose place has become vacant, and a member appointed under this regulation shall, subject to the provisions of these Regulations, vacate office when the remainder of the period for which the first-mentioned member was appointed expires.

Revocation of appointments.

7. Any appointment made in accordance with the foregoing provisions of these Regulations, other than any appointment of the Director of Prisons or Chief Medical Officer as a member, may be revoked at any time in accordance with the recommendation of the person on whose nomination the appointment was made as aforesaid:

Provided that any such recommendation of the Prime Minister shall be made by him after consultation with the Leader of the Opposition.

Gazetting of appointments.

8. The names of all members of the Board as first constituted and every change in membership thereof shall be published in the *Gazette*.

Staffing.

9.—(1) There shall be a secretary to the Board, who shall be a person for the time being designated in that behalf by the Minister in accordance with paragraph (2).

(2) Public officers may from time to time, with the concurrence of the chairman, be designated by the Minister for service under the direction of the Board.

Functions.

10.—(1) The case of a detainee may be considered by the Board at any time during his detention and (subject to any discontinuance thereof consistently with subsection (1) of section 20) shall be so considered—

(a) upon the expiration of the period of two years from the commencement of such detentions, and subsequently at intervals none of which shall exceed six months;

(b) if and when it is requisite for the Board so to do for the purposes of compliance with—

(i) any request made in that behalf by the Minister;

(ii) subsection (6) of section 20.

(2) For the purposes of exercising any functions under paragraph (1), the Board may, if it thinks fit, require, by notice in writing, any person to appear before the Board and be thereupon examined on oath, which may be administered by the chairman.

(3) The Board shall have access to each detainee at such reasonable times as the Board thinks fit for the performance of its functions.

(4) The officer in charge of any place in which a detainee is kept shall, subject to the general or special instructions of the Director of Prisons, make such arrangements at that place as may be requisite for the purposes of security in the execution of the provisions of paragraph (3) in relation to that detainee and the Board shall comply with the arrangements so made.

(5) The Board shall have power to carry out such investigations as the Board considers necessary or expedient for the execution of its functions and without prejudice to the foregoing provisions of this paragraph, the Board may, for the purpose of making enquiries pursuant to those provisions, require any person to attend before the Board.

(6) Persons appearing under paragraph (2), or attending under paragraph (5), before the Board shall, in respect of expenses (including travelling expenses) incurred by them in so doing, be paid such sums, defrayable out of moneys provided by Parliament, as may be determined according to rates fixed from time to time by the Minister:

Provided that the Board may disallow the whole or any part of such expenses in any case, if it thinks fit.

(7) Notwithstanding that any person be a detainee—

(a) the Board shall not advise his discharge in pursuance of sub-section (1) of section 20;

(b) consideration of his case shall not be required by virtue of sub-paragraph (a) or (b) (i) of paragraph (1),

during any period for which he is required to be detained (whether by way of imprisonment or not) pursuant to any sentence, order or commitment by any court otherwise than in compliance with sub-section (2) of section 8; and where, pursuant to sub-paragraph (b) of this paragraph, any time prescribed by sub-paragraph (a) of paragraph (1) for consideration by the Board of a detainee's case has passed without such consideration thereof, the Board shall consider his case upon the expiration of the period for which his discharge is, in accordance with sub-paragraph (a) of this paragraph, precluded from being advised.

Procedure.

11.—(1) The Board shall meet as often as may be necessary or expedient for the transaction of business and such meetings shall be held at such time and place and on such days as the Board may determine.

(2) The chairman may at any time call a special meeting of the Board and shall call a special meeting within fourteen days of a requisition for that purpose addressed to him by any two members of the Board.

(3) At any meeting of the Board three members shall form a quorum for the transaction of business.

(4) The chairman shall preside at all meetings of the Board at which he is present and, in case of his absence from any meeting, the members present and constituting a quorum shall elect one of their number to preside at that meeting.

(5) The decisions of the Board shall be by the majority of votes of members present and voting and, in addition to an original vote, the person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting shall be kept by the secretary to the Board.

(7) All documents and decisions of the Board may be signified under the hands of the chairman, or other member thereunto authorized, and the secretary to the Board.

(8) Subject to these Regulations, the Board may regulate its own proceedings.

Authority of members.

12. The Board may depute any member (who shall have and may exercise such powers and authority of the Board as are reasonably required) to carry out on behalf of the Board such duties, other than the tendering of advice to the Governor-General or the discharge of the functions assigned by paragraph (1) of regulation 10, as the Board may direct.

Remuneration of members.

13. Members shall be paid such honoraria, salaries or fees, and allowances, defrayable out of moneys provided by Parliament, as may be fixed from time to time by resolution of the House of Representatives.

Secrecy.

14. Every person having any official duty or being employed in the administration of these Regulations shall regard and deal with all documents, information and reports obtained or received by or for

the Board under the authority of these Regulations as secret and confidential.

15. Every person who—

Offences.

- (a) without reasonable excuse (the proof whereof shall lie upon him) fails, in any respect, to comply with a notice given under paragraph (2) of regulation 10;
- (b) refuses or neglects to comply with any requirement to attend before the Board pursuant to paragraph (5) of regulation 10;
- (c) in response to any enquiry of the Board in the course of any investigation under paragraph (5) of regulation 10, wilfully makes any representation material to that investigation, which he knows to be false or does not believe to be true;
- (d) having control over, or possession of, or access to any documents, information or reports mentioned in regulation 14, at any time communicates or attempts to communicate any such information or anything contained in any such documents or reports to any person, otherwise than under subsection (1) of section 20 or for the purposes of these Regulations;
- (e) wilfully obstructs the Board, or any person designated or deputed under regulation 9 or 12 (as the case may be), in the execution of any functions of the Board or any directions given by it under such regulation,

shall be guilty of an offence and liable, on summary conviction thereof, to a fine not exceeding one hundred dollars or to imprisonment with hard labour for a term not exceeding three months or to both such fine and imprisonment.

16. Where any member purports to act in the exercise of authority conferred under regulation 12, the member shall be presumed to be acting within authority so conferred, in the absence of proof to the contrary.

Act presumed to be authorized.

THE GUN COURT ACT

REGULATIONS
(under section 16)

THE GUN COURT (SHORTHAND WRITERS) REGULATIONS, 1976

(Made by the Minister on the 26th day of February, 1976)

L.N. 39/76

1. These Regulations may be cited as the Gun Court (Shorthand Writers) Regulations, 1976.
2. Shorthand notes shall be taken of the evidence and other proceedings at the trial of any person before a High Court or a Circuit Court Division of the Court.
3. A transcript of the shorthand notes taken or any part thereof shall—
 - (a) on any appeal or application for leave to appeal, be made and furnished to the Clerk of the Gun Court if he so directs for transmission to the Registrar of the Court of Appeal;
 - (b) be made and furnished to any party interested upon the payment of such charges as may be fixed by rules of court whether the person tried was or was not convicted, or, in the case of a trial in the Circuit Court Division, where the jury were discharged before verdict.
4. There shall be assigned to the Court, from time to time, such number of shorthand writers as may be considered necessary for the purposes stated in these Regulations.
5. The provisions of rules of court relating to the accuracy of shorthand notes and verification of the transcript shall apply, *mutatis mutandis*, to shorthand notes taken pursuant to these Regulations.