

ABILL

ENTITLED

ANACT to Amend the Indictments Act.

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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, 2017, 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.

MEMORANDUM OF OBJECTS AND REASONS

A decision has been taken to amend the Indictments Act so as to facilitate the joinder of offences (as provided for in rule 3 of the Schedule to the Act) by making more specific provisions regarding the mode of trial of offences that are joined.

This Bill seeks to give effect to that decision and is a companion measure to the Bill shortly entitled the *Criminal Justice (Amendment) Act, 2017*.

DELROY CHUCK
Minister of Justice.

A BILL
ENTITLED

AN ACT to Amend the Indictments Act and to
provide for consequential matters.

As passed in the Honourable House of Representatives.

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(GOVERNMENT PRINTERS), DUKE STREET, KINGSTON, JAMAICA.

RULES 3 OF THE SCHEDULE OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

SCHEDULE

Rules

1. Material, etc., for indictments—

- (1) An indictment may be on parchment or paper, and may be either written or printed, or partly written and partly printed.

... ..

3. Joining of charges in one indictment—Charges for any offences, whether felonies or misdemeanours, may be joined in the same indictment if those charges are founded on the same facts or form or are a part of a series of offences of the same or similar character.

SECTION 31 OF THE JURY ACT WHICH IT IS
PROPOSED TO AMEND

31.—(1) On trials on indictments for—

- (a) treason; or
(b) murder—
(i) committed in the circumstances specified in section 2(1)(a) to (f) of the *Offences Against the Person Act*; or
(ii) upon the conviction for which section 3(1A) of the *Offences against the Person Act* would apply,

twelve jurors shall form the array.

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