

No. 531. ✓ THE CRIMINAL PROCEDURE LAW.
CAP. 14 AND LAWS 28 OF 1952 AND 6 OF 1953.

RULES OF COURT:

R. P. ARMITAGE,
Governor.

Cap. 14
6 of 1953.

Gazette :
Supplement
No. 3
16.5.53.

In exercise of the powers vested in me by section 173 of the Criminal Procedure Law, I, the Governor, with the advice and assistance of the Chief Justice, do hereby make the following Rules of Court :—

1. These Rules may be cited as the Criminal Procedure (Amendment) Rules, 1954, and shall be read as one with the Criminal Procedure Rules, 1953, (hereinafter referred to as "the principal Rules") and the principal Rules and these Rules may together be cited as the Criminal Procedure Rules, 1953 and 1954.

2. Rule 9 of the principal Rules is hereby revoked and the following Rule substituted therefor :—

"9.—(1) Subject to the provisions of these Rules and unless otherwise directed by the Court in any particular case, all service of criminal process shall be effected by a police officer through the Registrar.

(2) The Chief Justice may direct that the service of any class of criminal process shall be effected by such class of public officer or other persons as specified in the direction."

3. The following Rules shall be added immediately after Rule 9 :—

9A. In respect of criminal processes served by any officer or other persons pursuant to Rule 9 the following provisions shall apply :—

(a) if the accused is an individual, it shall be served either by delivering it to him personally or by leaving it with some adult person living with him or being in charge of the place in which he resides or of the place of his business or occupation ;

(b) if the person to be served is a firm or corporation, it shall be served by leaving the same at the principal place of business in the Colony of the firm or corporation or by delivering it—

(i) to one of the partners ;

(ii) to a director ;

(iii) to the secretary ;

(iv) to the main agent within the jurisdiction ; or

(v) to anyone having, at the time of service, control of the business of the firm or corporation.

(c) Service of every summons shall be proved either orally by the person who has effected the same or by the affidavit of such person.

9B.—(1) Service of a summons on a person who is absent when he is adjudged to pay a penalty (Form No. 30A) may be effected by sending it to him by ordinary post in a letter addressed to him at his last known or usual place of abode.

(2) The Registrar shall keep a register in which particulars of all summonses posted under sub-rule 1 shall be entered in the manner prescribed by form No. 51. The entries in the register for each day shall be signed by the Registrar, or by an officer deputed by him in writing to keep the register, and they shall be *prima facie* evidence of service.

9C. Where a private prosecutor or an accused person desires service of any document to be effected he shall apply to the Registrar for such service at the same time as he files or applies for the issue of the document of which, or a copy whereof, service is required, and shall thereupon pay to the Registrar in respect of the intended service a fee

equivalent to that chargeable under the Rules of Court in respect of service of civil process involving claims exceeding twenty-five pounds."

4. Appendix A to the principal Rules is hereby amended by the insertion, immediately after Form No. 30, of Form No. 30A and, immediately after Form No. 50, of Form No. 51 as set out in the Appendix to these Rules, the "Index to Forms" appearing in the principal Rules being amended accordingly.

APPENDIX.
CRIMINAL FORM No. 30A.
SUMMONS TO DEFAULTER.—(Rule 9B.)

In the District Court of

Case No.

Before :

To

Whereas you were on the _____ day of _____ 19 _____, convicted of _____

	£	s.	p.	in the above-mentioned case and you were adjudged to pay the sum of
Fine				pound(s) shilling(s)
Compensation				and piastre(s)
Costs				as shown in the margin hereof, and
				in default of such payment it was
Total				ordered that you be imprisoned for
				the space of _____ :

This is to give you notice that, unless the aforesaid sum(s) be sooner paid by you to me at the Registry of this Court, you are hereby summoned to appear before this Court sitting at _____ on _____ day the _____ day of _____ 19 _____, at the hour of _____ in the forenoon, to be interrogated as to your means of payment and to show cause why you should not be committed to prison in default of payment of the aforesaid sum(s).

If you fail either to pay or to appear personally before the Court in obedience to this summons you will be liable to arrest and imprisonment without further notice.

Dated the _____ day of _____ 19 _____
(L.S.)

Registrar.

N.B.—When this summons is served by a Police bailiff he has authority to collect the penalty and pay the same into the Registry of this Court.

CRIMINAL FORM No. 51.
FORM OF REGISTER.—(Rule 9B.)

- (1) Number of Case
- (2) Date of issue of summons
- (3) Date of posting
- (4) Name and address of accused
- (5) Date of return of summons
- (6) Remarks.

Given under the hand and official seal of the Governor and the hand of the Chief Justice at this 24th day of August, 1954.

(M.P. 1080/51.)

ERIC HALLINAN,
Chief Justice.