

ACT NO. 2 OF 2021

I assent.

J. K. KONROTE

President

[12 February 2021]

AN ACT**TO AMEND THE CRIMINAL PROCEDURE ACT 2009**

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Criminal Procedure (Amendment) Act 2021.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Criminal Procedure Act 2009 is referred to as the “Principal Act”.

Section 129 amended

2. Section 129 of the Principal Act is amended by deleting “; and in any such case the Judge or Magistrate shall not be required to give any warning to the assessors relating to the absence of corroboration”.

Section 203 amended

3. Section 203 of the Principal Act is amended by—

- (a) in the heading, deleting “to be with assessors”;
- (b) in subsection (1), deleting “sitting with assessors as provided in this Part”;
and
- (c) deleting subsection (2).

Sections 204 to 212 deleted

- 4.** The Principal Act is amended by deleting sections 204 to 212.

Section 214 amended

- 5.** Section 214(7) of the Principal Act is amended by—

- (a) deleting paragraph (a); and
- (b) in paragraph (b), deleting “(provided that the assessors, if any, have been discharged)”.

Section 216 amended

- 6.** Section 216 of the Principal Act is amended by—

- (a) in subsection (1)(c), deleting “and the assessors”; and
- (b) in subsection (2), deleting “and assessors”.

Section 222 amended

- 7.** Section 222 of the Principal Act is amended by deleting “to choose assessors and”.

Sections 224 to 226 deleted

- 8.** The Principal Act is amended by deleting sections 224 to 226.

Section 227 amended

- 9.** Section 227 of the Principal Act is amended by deleting “When the assessors have been chosen and sworn, the” and substituting “The”.

Section 237 amended

- 10.** The Principal Act is amended by deleting section 237 and substituting the following—

“Judge to give judgment

237. When the case for the prosecution and defence is closed, the Judge shall give judgment.”.

Section 243 amended

- 11.** Section 243 of the Principal Act is amended by deleting paragraphs (b) to (d).

Section 287 amended

- 12.** Section 287 of the Principal Act is amended by—

- (a) deleting the heading and substituting “Expenses of complainants and witnesses”; and
- (b) deleting “assessor”.

Section 288 amended

- 13.** Section 288 of the Principal Act is amended by deleting “ may be conducted prior to the swearing in of the assessors but” and substituting “must only be conducted”.

Section 296 amended

- 14.** Section 296(1)(c)(ii) of the Principal Act is amended by deleting “, the assessors”.

Section 301 amended

- 15.** Section 301 of the Principal Act is amended after subsection (2) by inserting the following new subsection—

“(3) A court hearing any proceeding for which an assessor has been chosen and sworn prior to the commencement of the Criminal Procedure (Amendment) Act 2021 must apply the provisions of this Act as though the Criminal Procedure (Amendment) Act 2021 had not been enacted.”.

Consequential amendments

- 16.** The laws listed in the Schedule are amended as set out in the Schedule.

SCHEDULE
(Section 16)

CONSEQUENTIAL AMENDMENTS

Bail Act 2002

1. The Bail Act 2002 is amended in section 19(2)(c)(ii) by deleting “or assessors”.

Criminal Procedure Act (Allowances to Witnesses and Assessors) Rules 2016

2. The Criminal Procedure Act (Allowances to Witnesses and Assessors) Rules 2016 is amended by—

- (a) in rule 1(1) by deleting “Act (Allowances to Witnesses and Assessors)” and substituting “(Allowances to Witnesses)”;
- (b) in rule 2—
 - (i) deleting “and assessors attending trials at the High Court”; and
 - (ii) in paragraph (b), deleting “or assessor”; and
- (c) in the Schedule, deleting paragraph 1(a).

Income Tax (Exempt Income) Regulations 2016

3. The Income Tax (Exempt Income) Regulations 2016 is amended by deleting paragraph (21) of Part 3 of the Schedule and substituting the following—

“(21) An allowance paid in accordance with the Criminal Procedure (Allowances to Witnesses) Rules 2016 to a witness attending at a trial or enquiry before a Magistrates Court or the High Court, or summoned to appear before any Court exercising appellate jurisdiction.”.

Valuers Regulations 1989

4. The Valuers Regulations 1989 is amended in regulation 9(2) by deleting “Criminal Procedure Code (Allowances to Witnesses and Assessors) Rules 2010” and substituting “Criminal Procedure (Allowances to Witnesses) Rules 2016”.

Passed by the Parliament of the Republic of Fiji this 11th day of February 2021.