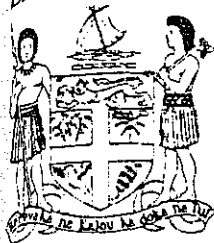


EXTRAORDINARY



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GOVERNMENT OF THE REPUBLIC OF FIJI DECREE NO. 22

ELECTABLE OFFENCES DECREE 1988

ARRANGEMENT OF SECTIONS

SECTION

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2. Interpretation
3. Right of election in the High Court
4. Committal for trial before the High Court at request of Director of Public Prosecutions
5. Cases in High Court to be remitted to Magistrate's Court
6. Criminal Procedure Code amended by this Decree
7. Coming into force

In exercise of the powers vested in me as President and Commander-in-Chief of the Republic of Fiji, I hereby make the following Decree—

Short title

1. This Decree may be cited as the Electable Offences Decree 1988.

Interpretation

2. In this Decree, unless the context otherwise requires—
"electable offences" means such offences that are prescribed in the Schedule hereto.

Right of trial in the High Court

3. No person charged with an offence under the Penal Code shall be entitled to elect to be tried before the High Court unless the offence with which he has been charged is an electable offence.

Committal for trial at request of Director of Public Prosecutions

4. Notwithstanding the provisions of the preceding section the Director of Public Prosecutions or any counsel instructed by him may request the Magistrates' Court before which an accused person is charged with a non-electable offence to proceed in the case by way of committal for trial before the High Court and in any such case the presiding magistrate shall deal with the offence as if it is an electable offence under this Decree:

Provided that no request shall be granted under this section except where it appears that the non-electable offence is likely to raise serious or difficult issues of law or fact or both.

Cases in High Court to be remitted to Magistrates' Court for hearing

5. Cases pending trial in the High Court and others under committal for trial at the date of this Decree and which are not triable in the High Court by reason of the provisions of this Decree shall by order under the hand of the Chief Justice be remitted to the Magistrates' Court for hearing and determination according to law.

Criminal Procedure Code amended by this Decree

6. To the extent that this Decree deals with the right of trial in the High Court of offences prescribed in the Schedule, the Criminal Procedure Code is amended and shall be read subject to this Decree.

Coming into force

7. This Decree shall be deemed to have come into force on the 16th day of February 1988.

Dated this 2nd day of March 1988.

PENAIA K. GANILAU
President and Commander-in-Chief

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