



SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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PART B - ACTS

3. The Criminal Procedure and Evidence (Amendment) Act, 2000 S1

THE CRIMINAL PROCEDURE AND EVIDENCE (AMENDMENT) ACT, 2000
(Act No. 3 of 2000)



I ASSENT

MSWATI III
KING OF SWAZILAND

12th July 2000

AN ACT
entitled

An Act to amend the Criminal Procedure and Evidence Act, 1938.

ENACTED by the King and the Parliament of Swaziland.

Short title and commencement

1. This Act may be cited as the Criminal Procedure and Evidence (Amendment) Act, 2000 and shall be read as one with the Criminal Procedure and Evidence Act, 1938 (hereinafter in this Act called the "Principal Act"), and shall come into force on the date of publication in the Government Gazette.

Application

2. This Act shall apply to all criminal proceedings before any court irrespective of whether or not such criminal proceedings commenced before or after the date of publication referred to in section 1.

Amendment of section 291

3. Section 291 of the principal Act is amended by the addition of a new section 291 *bis*, as follows-

"Sentence, or re-trial, in all courts, where the presiding officer is unable to pass sentence.

291 (1) *bis.* Notwithstanding any law to the contrary -

- (a) if sentence is not passed upon an accused forthwith upon conviction in any court;
or
- (b) if, by reason of any decision or order of a superior court on appeal, review or otherwise, it is necessary to add to or vary any sentence passed in a lower court or to pass sentence afresh in such court,

any judicial officer of that court may, in the absence of the judicial officer who convicted the accused or passed the sentence, as the case may be, and after consideration of the evidence recorded and in the presence of the accused, within a reasonable time -

(i) pass sentence on the accused; or

(ii) take such other steps as the judicial officer who convicted or passed sentence, that is to say the absent judicial officer, could lawfully have taken in the proceedings in question if he had not been absent.

(2) "Absence" in this section means absence by reason of disability, removal from Swaziland, death, desertion or any similar happening."