

CHAPTER 17.

SUMMARY REVIEW.

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title.
2. Monthly lists to be sent to the Chief Justice.
3. Chief Justice may require lists at any period.
4. Certified copy of proceedings, etc., to be furnished in certain cases.
5. Lists to operate as appeals.
6. Liberation of prisoner on bail or recognisances.

CHAPTER 17.

SUMMARY REVIEW.

An Ordinance to provide for the more speedy remedying of errors committed by Magistrates in the exercise of their jurisdiction in criminal matters.

14 of 1901.
16 of 1913.
3 of 1930.
21 of 1932.
32 of 1946.

[1ST AUGUST, 1901.]

1. This Ordinance may be cited, for all purposes, as the Summary Review Ordinance, and shall apply to the Colony and Protectorate.

Short title.

2. At the expiration of every month, every Magistrate shall forward to the Chief Justice, on such form as the Chief Justice may from time to time direct, a complete list of all criminal cases which shall have been decided by the Magistrate during such month, setting out the name of the defendant, the offence with which he was charged and, if convicted, the date of such conviction, the Statute, Ordinance, rule, or order under which the conviction was made, the amount of the penalty or the term of imprisonment, as the case may be, and the place of the prisoner's detention.

Monthly lists to be sent to the Chief Justice.

3. It shall be lawful for the Chief Justice to direct at any time that any Magistrate shall furnish such lists at periods of less than one month.

Chief Justice may require lists at any periods.

4. It shall also be lawful for the Chief Justice to direct that any Magistrate shall furnish certified copies of the minutes of proceedings and notes of evidence in any criminal case relating

Certified copy of proceedings etc. to be furnished in certain cases.

to a specified offence when such case has resulted in the conviction of the accused. In every such case the certified copy of the minutes of proceedings shall be furnished as soon as may be after the conclusion of the trial.

Lists to
operate as
appeals.

5. Every list or certified copy of the minutes of proceedings and notes of evidence transmitted to the Chief Justice, in pursuance of this Ordinance, shall operate as an appeal on behalf of every convicted person whose name is included therein; and the Chief Justice or a Judge of the Supreme Court, without hearing any argument, may—

(a) reverse or amend any judgment which shall have been given contrary to law; or

(b) set such judgment aside and order an entry to be made in the minutes of the Magistrate's Court that, in his judgment, the person convicted ought not to have been convicted; or

(c) subject to any enactment fixing a minimum punishment, reduce the amount of any fine or penalty or the period of any imprisonment which shall appear to him to be excessive, although it may not be contrary to law; or

(d) order further particulars to be given by the Magistrate, and pending the delivery of such particulars, order any person who has been imprisoned to be liberated on bail or on his own recognizances; or

(e) make such other order as justice may require; and give all necessary and proper consequential directions, including directions for the release of a person imprisoned or the repayment of any fine or other money paid by any person:

Provided always, that where a person convicted shall have appealed to the Supreme Court pursuant to the provisions of the Appeals from Magistrates Courts Ordinance, the Chief Justice or a Judge of the Supreme Court shall not exercise the powers by this Ordinance conferred on him, but the case shall be determined by the Supreme Court.

Cap. 16.

Liberation of
prisoner on
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nizances.

6. Pending the decision of the Supreme Court upon a case referred to it, it shall be lawful for the Chief Justice to order a person who shall have been convicted and imprisoned by a Magistrate to be liberated on bail, or on his own recognizances.