

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,529 of 21st December, 1989.



I ASSENT,

DEREK REFFELL,

GOVERNOR.

21st December, 1989.



GIBRALTAR.

No. 36 of 1989.

AN ACT to amend the Criminal Procedure Act.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Criminal Procedure . (Amendment) (No. 2) Act, 1989.

New Part.

2. The Criminal Procedure Act is amended by inserting after Part VII the following new Part-

"PART VIIA- DEFERMENT OF SENTENCE.

Power to defer sentence.

157A.(1) Subject to the provisions of this section, the Supreme Court or the Magistrates' Court may defer passing sentence on an offender for the purpose of enabling the Court to have regard in determining his sentence, to his conduct after conviction including, where appropriate, the making by him of reparation for his offence or to any change in his circumstances.

(2) Any deferment under this section shall be until such date as may be specified by the Court, not being more than six months after the date of the conviction; and where the passing of sentence has been deferred under this section it shall not be further deferred thereunder.

(3) The power conferred by this section shall be exercisable only if the offender consents and the Court is satisfied, having regard to the nature of the offence and the character and circumstances of the offender, that it would be in the interests of justice to exercise this power.

(4) A Court which under this section has deferred passing sentence on an offender may pass sentence on him before the expiration of the period of deferment if during that period he is convicted in Gibraltar of any offence.

(5) Where a Court which under this section has deferred passing sentence on an offender proposes to sentence him, whether on the date originally specified by the Court or by virtue of subsection (4) above before that date, it may issue a Summons requiring him to appear before the Court, or may issue a Warrant for his arrest.

(6) Notwithstanding section 112 of this Act, the Magistrates Court shall not be obliged to remand an offender in whose case it defers the passing of sentence under this section.

Criminal Procedure (Amendment) (No.2) Act, 1989

[No.36 of 1989.]

(7) Nothing in this section shall affect the power of the Supreme Court to bind over an offender to come up for judgment when called upon or the power of any Court to defer passing sentence for any purpose for which it may lawfully do so apart from this section."

Passed by the Gibraltar House of Assembly on the 12th day of December, 1989.

C. M. COOK,

Clerk to the Assembly.