

THE REPUBLIC OF KIRIBATI
(No. 18 of 1996)

I assent,

Beretitenti
Assented: 21st November 1996

AN ACT TO AMEND THE CRIMINAL PROCEDURE CODE ORDINANCE
(CAP 17)

Commencement:
1996

MADE by the Maneaba ni Maungatabu and Assented to by the Beretitenti.

Short Title

1. This Act may be cited as the Criminal Procedure Code (Amendment) Act 1996.

Interpretation

2. In this Act –

“The Principal Act” means the Criminal Procedure Code Ordinance (Cap 17).

Insertion of New Section 126A

3. The Principal Act is amended by inserting between Section 126 and Section 127, a new Section 126A as follows –

“Proof by Formal Admission

126A. (1) Subject to the provisions of this section, any fact relevant to any criminal proceedings may be admitted for the purpose of those proceedings by or on behalf of the prosecutor or defendant, and the admission by any party of any such fact under this section shall as against that party be conclusive evidence in those proceedings of the fact admitted.

(2) An admission under this section –

- (a) may be made before or at the proceedings;
- (b) if made otherwise than in court, shall be in writing;
- (c) if made in writing by an individual, shall purport to be signed by the person making it and, if so made by a body corporate, shall purport to be signed by a director or manager, or the secretary or clerk, or some other similar officer of the body corporate;
- (d) if made on behalf of a defendant who is an individual, shall be made by his counsel;
- (e) if made at any stage before the trial by a defendant who is an individual, must be approved by his counsel (whether at the time it was made or subsequently) before or at the proceedings in question.

(3) An admission under this section for the purpose of proceedings relating to any matter shall be treated as an admission for the purpose of any subsequent criminal proceedings relating to that matter (including any appeal or retrial).

(4) An admission under this section may with the leave of the court be withdrawn in the proceedings for the purpose of which it is made or any subsequent criminal proceedings relating to the same matter.”

CRIMINAL PROCEDURE CODE (AMENDMENT) ACT 1996

EXPLANATORY MEMORANDUM

1. The object of this Act is to amend the Criminal Procedure Code (Cap 17) in order to bring the Law relating to Formal Admissions in Criminal Cases into line with modern practice in Criminal Cases.
2. Currently the Common Law prevents a Defendant in a Criminal Case from formally admitting any facts in the Proceedings short of plea of guilty. This means that the Prosecution in some cases must prove facts which are not disputed by the Defendant thus causing an unnecessary waste of the Courts time and expense for the Prosecution.
3. The Amendments would bring the Law of Kiribati on this matter into conformity with the majority of other Common Law Jurisdiction.
4. The Amendment is considered desirable in the interest of streamlining the law of Criminal Procedure.

Michael N Takabwebe
The Attorney General
1996