

THE TRIAL INDICTMENTS (AMENDMENT) ACT, 2008

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ARRANGEMENT OF SECTIONS.

*Section.*

1. Amendment of section 15 of the Trial on Indictments Act.
2. Replacement of section 54 of the principal Act.
3. Repeal of section 109 of principal Act.

# **THE TRIAL ON INDICTMENTS (AMENDMENT) ACT, 2008.**

## **An Act to amend the Trial on Indictments Act.**

DATE OF ASSENT: 31st October, 2008.

*Date of Commencement:* 5th December, 2008.

BE IT ENACTED by Parliament as follows:

### **1. Amendment of section 15 of the Trial on Indictments Act.**

The Trial on Indictments Act in this Act referred to as the “principal Act” is amended in sub-section (2) of section 15 as follows—

(a) by substituting for paragraph (b) the following new paragraphs—

“(b) the offence of terrorism and any other offence punishable by more than ten years imprisonment under the Anti-Terrorism Act, 2002;

(ba) the offence of cattle rustling contrary to section 266 of the Penal Code Act”;

(b) by substituting for paragraph (c) the following new paragraph—

“(c) offences under the Firearms Act, punishable by more than ten years imprisonment”;

(c) by the repeal of paragraph (d);

(d) by substituting for paragraph (e) the following new paragraph—

“(e) rape, contrary to section 123 of the Penal Code Act;” and

(e) by inserting after paragraph (e) the following new paragraph—

“(ea) aggravated defilement contrary to section 129 (3) and (4) of the Penal Code Act;”.

### **2. Replacement of section 54 of the principal Act.**

For section 54 of the principal Act there is substituted the following new section—

#### **“Trial of accused in his or her absence.**

54. (1) Except with his or her consent, the trial of any person shall not take place in the absence of that person unless the person so conducts himself or herself as to render the continuance of the proceedings in the presence of that

person impracticable and the court makes an order for the person to be removed and the trial to proceed in the absence of that person.

(2) Where the court decides to try the accused person in his or her absence under subsection (1) of this section, it shall make such provision as in its discretion appears sufficient for informing the accused of what has passed at the trial and for making his or her defence”.

**3. Repeal of section 109 of principal Act.**

Section 109 of the principal Act is repealed.