JAMAICA

No. *16* – 2009

I assent,

[L.S.]

(Sgd.) P. L. Allen

Governor-General

10th December, 2009

AN ACT to Amend the Customs Act.

[11th December, 2009]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Customs (Amendment) Act, 2009, and shall be read and construed as one with the Customs Act (hereinafter referred to as the principal Act) and all amendments thereto.

<small>Short title and construction.</small>

Insertion of new section 253A in principal Act.

2. The principal Act is amended by inserting next after section 253 the following as section 253A—

"Admissibility of certain documents.

253A.—(1) Subsection (2) applies where the prosecution establishes, to the satisfaction of the Court, that—

(a) facts are contained in any book, document, computer equipment or electronic recording device found in the possession of a defendant or on any premises owned or occupied by the defendant;

(b) the owner of the book, maker of the document or a person who entered the information in the book, document, computer equipment or electronic recording device is unable or unwilling to appear before the Court in order to prove the contents thereof; and

(c) the facts are within the knowledge of the defendant or were within his means to know.

(2) Notwithstanding any provision of law to the contrary, the evidential burden shall lie on the defendant to disprove any fact to which subsection (1) relates in any case in which direct oral evidence would have been admissible.".

Passed in the House of Representatives this 22nd day of September, 2009.

DELROY CHUCK
Speaker.

Passed in the Senate this 23rd day of October, 2009.

OSWALD G. HARDING, OJ, CD, QC
President.

*This printed impression has been carefully
compared by me with the Act which has passed
the House of Representatives and Senate, and
has been found by me to be a true and correct
printed copy of the said Act.*

Clerk to the Houses of Parliament.