

JAMAICA

No. 2 - 2021

I assent,

[L.S.]

Sgd. P. L. Allen

*Governor-General.*

22<sup>nd</sup> day of February 2021

AN ACT to Amend the Evidence Act.

[ 22 February 2021 ]

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.—(1) This Act may be cited as the Evidence (Amendment) Act, Short title. 2021, and shall be read and construed as one with the Evidence Act (hereinafter referred to as the principal Act) and all amendments thereto.

Insertion of  
Part IV in  
principal Act.

**2.** The principal Act is amended by deleting the heading “Part IV. *Medical Evidence*”, substituting therefor the heading “Part IV. *Evidence of Things Seized*”, and inserting next thereafter the following section—

“ Evidence of  
things  
seized.

50.—(1) Where, by virtue of any law, any thing is seized (with or without a warrant) by a constable on the reasonable grounds that the thing—

- (a) has been obtained by the commission of an offence against any law;
- (b) has been used in the commission of an offence against any law; or
- (c) will afford evidence in respect of the commission of an offence against any law,

the constable may, as soon as is reasonably practicable after the seizure, take and retain either or both of the following—

- (a) a sample of the thing;
- (b) an image (whether in the form of a video, a photograph, or other digital image) of the thing.

(2) A sample or image taken under subsection (1), of a thing, shall, if accompanied by a certificate referred to in subsection (3), be admissible in evidence and shall have, in the absence of evidence to the contrary, the same probative force as the thing would have if the thing had been proved in the ordinary way.

(3) For the purposes of this section, in proceedings for the offence concerned, a signed certificate stating that the person signing—

- (a) took the sample or image pursuant to subsection (1);

- (b) is a constable, or took the sample or image under the direction of a constable above the rank of Superintendent; and
- (c) in the case of an image, certifies that the image is a true image of the thing,

shall be admissible in evidence and, in the absence of evidence to the contrary, is evidence of the statements contained in the certificate, unless the person charged with the offence requires that the person appearing to have signed the certificate be summoned as a witness, in which case that person shall be compellable to give evidence in the same manner as any other witness.

(4) The court having jurisdiction over the matter may, of its own motion or on the application of the prosecution or the person charged, require the person appearing to have signed the certificate to be summoned as a witness for the purposes of this section.

(5) This section is without prejudice to any specific requirements imposed under this Act, or any other law, in respect of evidence of a particular kind.”

Passed in the Honourable House of Representatives this 8th day of December, 2020.

M. DALRYMPLE PHILIBERT, MP  
*Speaker.*

Passed in the Senate this 15th day of January, 2021.

THOMAS TAVARES FINSON, OJ , CD, QC, JP  
*President.*

*This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.*

*Sgd. Valrie A. Curtis*  
*Clerk to the Houses of Parliament. Acty.*