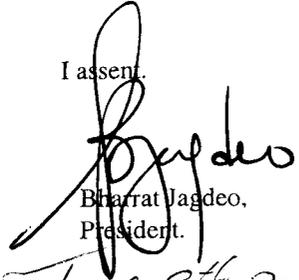




ACT No. 38 of 2009

MUTUAL ASSISTANCE IN CRIMINAL MATTERS ACT 2009

I assent.


Bharrat Jagdeo,
President.

June 9th, 2010

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SCHEDULE Request for Assistance Made by Commonwealth Countries

AN ACT –

- (a) to give effect to the scheme relating to Mutual Assistance in Criminal Matters within the Commonwealth; and
- (b) to provide for mutual assistance in criminal matters between Guyana and countries that have a treaty with Guyana concerning such assistance.

A.D. 2009

Enacted by the Parliament of Guyana:-

PART I
PRELIMINARY

Short title. 1. This Act may be cited as the Mutual Assistance in Criminal Matters Act 2009.

Interpretation. 2. (1) In this Act -

“accept”, in relation to a request, means to decide to grant the request;

“central authority” –

- (a) in relation to Guyana, means the person specified in or (as the case may be) designated under section 3;
- (b) in relation to any other country, means the person designated by that country for the purpose of transmitting and receiving requests for mutual international assistance in criminal matters;

“Commonwealth country” means –

- (a) any country specified in Article 47 (3) of the Constitution; and
- (b) every constituent part of such a country, including a colony, territory, dependency, or protectorate, which administers its own laws relating to international cooperation;

“criminal matter” –

- (a) in Part 2 means –
 - (i) an investigation certified by the central authority for Guyana to have commenced; or

- (ii) proceedings certified by the central authority for Guyana to be criminal proceedings which have been instituted,
in Guyana in respect of an offence committed, or suspected on reasonable grounds to have been committed, against the law of Guyana;
- (b) in Part 3, in relation to a Commonwealth country, means –
 - (i) an investigation certified by the central authority for that country to have commenced; or
 - (ii) proceedings certified by the central authority for that country to be criminal proceedings which have been instituted,
in that country in respect of an offence committed, or suspected on reasonable grounds to have been committed, against the law of that country; and
- (c) in each of Parts 2 and 3 includes –
 - (i) forfeiture proceedings;
 - (ii) proceedings to restrain dealings with property;
 - (iii) proceedings for the confiscation of property; and
 - (iv) proceedings for the imposition of pecuniary penalties, calculated by reference to the value of property, arising out of criminal proceedings,
whether such proceedings be characterised as criminal or civil proceedings;

“dealings”, in relation to any property, includes –

- (a) receiving or acquiring the property;
- (b) concealing or disguising the property;
- (c) converting or disposing of the property;
- (d) moving the property;
- (e) using the property to borrow money or as security of any kind;
- (f) where a debt is owed to the person holding the property, making a payment to any person in reduction of the debt;

“document” includes –

- (a) anything on which there is writing;
- (b) a map, drawing, or photograph;

- (c) a thing from which sounds or visual images are capable, with or without the aid of a device, of being reproduced;
- (d) a copy, reproduction, or duplicate of a document described in any of paragraphs (a) to (c); and
- (e) any part of a document described in any of paragraphs (a) to (d);

“interest”, in relation to any property, means –

- (a) legal or equitable estate or interest in the property; or
- (b) a right, power, or privilege in connection with the property,

whether present, future, vested, or contingent;

“investigation” includes any inquiry;

“judicial records” means judgments, orders, and decisions of courts, and other records held by judicial authorities;

“Minister” means the Minister responsible for Home Affairs;

“offence of a political character”, in relation to a request transmitted to the central authority for Guyana, -

- (a) means an offence committed in the course of and incidental to an uprising or other violent political disturbance; but
- (b) excludes any offence within the scope of a treaty –
 - (i) to which both the requesting country and Guyana is a party; and
 - (ii) that imposes on the parties to it an obligation to extradite or prosecute a person accused of the commission of the offence, or to afford mutual assistance in criminal matters relating to the offence;

“official records” means documents held by government departments, government agencies, prosecution authorities, or other public authorities;

“proceeds”, in relation to an offence, -

- (a) means any property derived or obtained directly or indirectly from the commission of that offence;
- (b) includes on a proportional basis, property into which any property derived or obtained directly or indirectly from the commission of that offence was converted, transformed, or intermingled; and
- (c) includes income, capital, and other economic gains derived or realised from the proceeds described in paragraph (a) or (b) at any time since the commission of that offence;

“proceedings” -

- (a) means any procedure conducted by or under the supervision of a judge, magistrate, or judicial officer, however described, in relation to any alleged or proven offence; and
- (b) includes a preliminary or final determination of facts;

“property” -

- (a) means movable or immovable property of every description, whether situated in Guyana or elsewhere, and whether tangible or intangible;
- (b) includes any interest in such property; and
- (c) for the avoidance of doubt, includes money and choses in action;

“relevant proceedings” means proceedings under this or any other Act arising directly or indirectly from a request for assistance under this Act by a Commonwealth country;

“requesting country”, in relation to a request, means the country that made the request;

“restraining order” means an order restraining dealings with identified property;

“scheme relating to Mutual Assistance in Criminal Matters within the Commonwealth” means the scheme of that name adopted by Commonwealth Law Ministers at their meeting in Harare in July to

August, 1986 and endorsed by the Commonwealth Heads of Government at their meeting in Vancouver in October, 1987;

“serious offence”, in relation to a request for assistance made by any country, means an offence against the law of that country –

- (a) punishable by death;
- (b) punishable by a sentence of imprisonment of twelve months or more;
- (c) the proceeds of which are, or are likely to be, worth not less than the equivalent of \$1,000,000 or such other amount as may be prescribed; or
- (d) relating to taxation;

“thing”, for the avoidance of doubt, includes any document, liquid, substance, or matter;

“transmitted”, in relation to a request, means –

- (a) in Part 2, transmitted by the central authority for Guyana to the central authority for the country from which assistance is requested; and
- (b) in Part 3, transmitted by the central authority for a Commonwealth country to the central authority for Guyana;

“treaty” includes a convention, protocol, agreement, or arrangement.

(2) A reference in this Act to the law of a country includes a reference to the law in force in any part of that country.

(3) For the purposes of this Act, a ship or aircraft of or registered in any country is deemed to be part of that country.

(4) For the purposes of this Act, a person is deemed to have been charged with a serious offence in any country, if an information or indictment has been laid or filed in that country against the person for the offence, whether or not either of the following has been issued -

- (a) a summons to require the attendance of that person to answer to the information or indictment; or
- (b) a warrant for the apprehension of that person.

(5) Where, in any country, -

- (a) a person is convicted by a court of a serious offence; and

- (b) with the person's consent another serious offence, of which that person has not been found guilty is taken into account by the court in passing sentence for the offence referred to in paragraph (a),

that person shall, for the purposes of this Act, be deemed to have been convicted by the court of the offence so taken into account, on the date on which the sentence was so passed.

Central
authority for
Guyana.

3. (1) Subject to subsection (2), the Minister is the central authority for Guyana.

(2) The Minister may by order designate any person as the central authority for Guyana.

Application of
Act to
Commonwealth
countries.

4. (1) The Minister may by order direct that the application of this Act in relation to a particular Commonwealth country shall be subject to such limitations, conditions, exceptions, or qualifications as are specified in the order and in that event this Act shall apply accordingly.

(2) The Minister may by order amend or revoke an order made under this section.

Relationship
with
extradition.

5. Nothing in this Act authorises the extradition, or the arrest or detention with a view to extradition, of any person.

Non-derogation
from other
forms of co-
operation.

6. Nothing in this Act derogates from existing forms, or prevents the development of other forms, of cooperation (whether formal or informal) in respect of criminal matters between Guyana or any enforcement agency or prosecuting authority in Guyana, on the one hand, and the International Criminal Police Organisation (INTERPOL) or any other country or any enforcement agency or prosecuting authority outside Guyana, on the other hand.

PART 2

REQUESTS BY GUYANA TO COMMONWEALTH COUNTRIES FOR ASSISTANCE

Assistance in
obtaining
evidence.

7. (1) This section applies where there are reasonable grounds to believe that evidence or information relevant to a criminal matter may be obtained if, in a Commonwealth country –

- (a) evidence is taken from a person;
- (b) information is provided;

- (c) any of the following is subjected to any examination or test —
 - (i) a person;
 - (ii) a sample, specimen, or other item from or provided by a person; or
 - (iii) remains that are or may be human;
- (d) judicial records or official records are produced, copied, or examined;
- (e) any record or document is produced, copied, or examined;
- (f) samples of any thing are taken, examined, or tested; or
- (g) any building, place, or thing is viewed or photographed.

(2) Where this section applies, a request may be transmitted requesting the Commonwealth country to assist in obtaining that evidence or information.

Assistance in locating or identifying persons.

8. (1) This section applies where there are reasonable grounds to believe that a person is in a Commonwealth country and —

- (a) is or might be concerned in or affected by any criminal matter; or
- (b) could give evidence or assistance relevant to any criminal matter.

(2) Where this section applies, a request may be transmitted requesting the Commonwealth country to assist —

- (a) in locating that person; or
- (b) if that person's identity is unknown, in identifying and locating that person.

Assistance in locating or identifying things.

9. Where there are reasonable grounds to believe that a thing is in a Commonwealth country and would, if produced, be relevant to any criminal matter, a request may be transmitted requesting the country to assist in locating and identifying that thing.

Assistance in obtaining thing by search and seizure if necessary.

10. Where there are reasonable grounds to believe that a thing is in a Commonwealth country and would, if produced, be relevant to any criminal matter, a request may be transmitted requesting the country to assist in obtaining that thing, by search and seizure if necessary.

Assistance in arranging attendance of person.

11. Where there are reasonable grounds to believe that a person in a Commonwealth country could give evidence or assistance relevant to a criminal matter, a request may be transmitted requesting the country to assist in arranging the attendance of the person in Guyana to give that evidence or assistance.

Assistance by
transferring
prisoner.

12. (1) Where there are reasonable grounds to believe that a person who is a prisoner in a Commonwealth country could give evidence or assistance relevant to a criminal matter, a request may be transmitted requesting the country to transfer the prisoner to Guyana to give that evidence or assistance.

(2) If a prisoner is transferred to Guyana from a Commonwealth country in connection with a request under subsection (1) subject to a condition with respect to the prisoner's custody, release, or return, or any other matter, the central authority for Guyana shall take the necessary steps to ensure that the condition is observed, except to the extent that the Commonwealth country waives its observance.

(3) Where any condition requires that a prisoner be kept in custody while in Guyana, -

- (a) the prisoner shall, while in Guyana or travelling to or from Guyana following that request, be kept in custody; and
- (b) the custody shall be deemed lawful.

(4) Nothing in this section shall be construed to give rights to a prisoner.

(5) In this section, "prisoner" in relation to a Commonwealth country, means a person who -

- (a) is being held in custody pending trial for or sentence for an offence against the law of that country;
- (b) is under sentence of imprisonment for an offence against the law of that country; or
- (c) is subject to any limitation on that person's personal liberty according to the law of that country.

Assistance in
serving
documents.

13. Where, for the purposes of or in connection with a criminal matter, it is necessary or desirable to serve any document on a person or an authority in a Commonwealth country, a request may be transmitted requesting the country to effect the service.

Assistance in
tracing
property.

14. (1) This section applies where -

- (a) in Guyana a person -
 - (i) has been charged with or convicted of a serious offence; or
 - (ii) is suspected on reasonable grounds of having committed such an offence; and
- (b) proceeds of that offence are suspected on reasonable grounds to be in a Commonwealth country.

(2) Where this section applies, a request may be transmitted requesting the Commonwealth country to assist in identifying, locating, or assessing the value or amount of, the property constituting those proceeds.

Assistance in relation to other orders.

15. (1) This section applies where –

- (a) in Guyana –
 - (i) an order has been made restraining dealings with identified property which is, or is suspected on reasonable grounds of being, proceeds of a serious offence;
 - (ii) an order has been made confiscating or forfeiting proceeds of a serious offence; or
 - (iii) an order has been made imposing on a person a pecuniary penalty calculated by reference to the value of proceeds of a serious offence; and
- (b) property to which the order described in paragraph (a) (i) would apply, or which is available for the satisfaction of the order described in paragraph (a) (ii) or (iii), is suspected on reasonable grounds to be in a Commonwealth country.

(2) Where this section applies, a request may, subject to subsection (4), be transmitted requesting the Commonwealth country –

- (a) to enforce the order concerned; and
- (b) to provide appropriate assistance to this end.

(3) Where a request under this section has been accepted, the central authority for Guyana shall inform the central authority for the Commonwealth country concerned if, subsequently, the order concerned is varied or ceases to have effect.

(4) No request may be made under this section if the amount specified in the order, or the total value of property required to satisfy the order, is less than \$1,000,000 or such other amount as may be prescribed.

Assistance in obtaining order in nature of restraining order.

16. (1) This section applies where –

- (a) in Guyana –
 - (i) a person has been or is likely to be charged with, or has been convicted of, a serious offence; and
 - (ii) an order has been or is likely to be made confiscating or forfeiting proceeds of the serious offence; and
- (b) any of the proceeds referred to in paragraph (a) (ii) are suspected on reasonable grounds to be in a Commonwealth country.

(2) Where this section applies, a request may be transmitted requesting that the Commonwealth country –

- (a) obtain an order restraining dealings with identified property believed to constitute those proceeds; and
- (b) provide appropriate assistance to this end.

Requests to be kept confidential.

17. (1) Except for the purpose of or in connection with furthering a request, no person shall, without the prior written consent of the central authority, disclose –

- (a) the fact that a request has been transmitted; or
- (b) the contents of the request.

(2) Every person who contravenes or fails to comply with subsection (1) commits an offence and is liable on summary conviction –

- (a) in the case of an individual, to a fine of \$1,000,000 and imprisonment for a term of 2 years; and
- (b) in the case of a person other than an individual, to a fine of \$10,000,000.

Restriction on use of evidence.

18. (1) No evidence or information obtained, given, or provided by any person, and no record or other thing obtained, as a result of any request under this Part may be used, by or on behalf of Guyana, except for a purpose specified in subsection (2).

(2) Subsection (1) refers to the following purposes –

- (a) the purpose of the criminal proceedings to which the request relates;
- (b) the purpose of any criminal proceedings arising from the investigation to which the request relates;
- (c) any other purpose for which the Commonwealth country carrying out the request has given consent.

Confidentiality and privilege for foreign documents.

19. (1) No person shall disclose to anyone a foreign document, its purport, or any part of its contents, except –

- (a) for –
 - (i) the purpose of the investigation or the criminal proceedings to which the request giving rise to the document relates; or
 - (ii) any other purpose for which the Commonwealth country carrying out the request has given consent; or
- (b) after the document is made public for a purpose referred to in paragraph (a).

(2) No person may be compelled in connection with any legal proceedings –

- (a) to produce a foreign document or a copy of it; or
- (b) to give evidence relating to any information that is contained in a foreign document.

(3) Every person who contravenes or fails to comply with subsection (1) commits an offence and is liable on summary conviction –

- (a) in the case of an individual, to a fine of \$1,000,000 and imprisonment for a term of 2 years; and
- (b) in the case of a person other than an individual, to a fine of \$10,000,000.

(4) In this section, “foreign document” means a document sent to the central authority for Guyana by a Commonwealth country as a result of a request under this Part.

Immunities and
privileges.

20. (1) Subject to subsection (2), a person who is in Guyana as a result of any request under section 11 or 12 –

- (a) is not liable to be detained, prosecuted, or punished in Guyana for any offence that is alleged to have been committed, or that was committed, before that person’s departure from the Commonwealth country concerned as a result of the request;
- (b) is not liable to any civil process or proceedings in respect of any act or omission that is alleged to have occurred, or that occurred, before that person’s departure from the Commonwealth country concerned as a result of the request;
- (c) may refuse to answer any questions or to produce any record or other thing if the refusal is based on the law of Guyana; and
- (d) shall not be compelled to give evidence, information, or assistance for the purposes of, or in connection with, any matter other than the criminal matter to which the request relates.

(2) Subsection (1) does not apply to a person –

- (a) if the person leaves Guyana and then returns otherwise than pursuant to the same or another request; or
- (b) where that person has been notified by the central authority for Guyana that his presence is no longer required for the purposes of the request, and that person remains in Guyana for longer than 15 days after the first date on which he had a reasonable opportunity to leave Guyana.

(3) For the purposes of subsection (1) (a), an offence shall be treated as having been committed only on the date when the conduct constituting the offence was complete, notwithstanding that the offence concerned may be a continuing offence.

PART 3
REQUESTS BY COMMONWEALTH COUNTRIES TO GUYANA FOR
ASSISTANCE

Interpretation
of this Part.

21. In this Part, -

“informal request” means a request transmitted orally in urgent circumstances;

“request” means a request for assistance in criminal matters transmitted by the central authority for a Commonwealth country to the central authority for Guyana.

Form of
requests.
Schedule

22. (1) The requirements in the Schedule apply to every request except an informal request.

(2) Where an informal request is made -

- (a) the central authority for Guyana shall acknowledge receipt of the request within 15 days of receiving it; and
- (b) the request shall be deemed to have been withdrawn unless a request in accordance with the Schedule is transmitted within 7 days or such other period as the central authority for Guyana specifies to the central authority for the requesting country.

Acceptance,
refusal, or
postponement
of requests.

23. (1) Subject to this section and section 24, the central authority for Guyana shall as soon as practicable accept and carry out a request made in accordance with this Act.

(2) A request shall be refused if the central authority for Guyana believes that -

- (a) the request relates to the prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character;
- (b) there are substantial grounds for believing that the request has been made with a view to prosecuting or punishing a person for an offence of a political character;

- (c) there are substantial grounds for believing that the request was made for the purpose of prosecuting, punishing, or otherwise causing prejudice to a person on account of the person's race, sex, religion, nationality, place of origin, or political opinions;
- (d) carrying out the request would be contrary to the Constitution of Guyana or would require steps to be taken that cannot lawfully be taken;
- (e) carrying out the request would require an individual to act, or refrain from acting, in a certain way and the individual is not willing to do so and cannot lawfully be compelled to do so;
- (f) carrying out the request would prejudice the security, international relations, or any substantial interest related to national security or other essential public policy of Guyana;
- (g) carrying out the request would unduly prejudice the safety of any person;
- (h) the request relates to conduct by a person which constitutes an offence in respect of which the person has already been convicted or acquitted by a court or tribunal in Guyana;
- (i) in the case of a request of the kind specified in section 31 (1) (a), the prisoner does not consent to the transfer; or
- (j) the request is for assistance of a kind that cannot be given under this Act.

(3) A request may be refused if the central authority for Guyana believes

that -

- (a) the request relates to the prosecution or punishment of a person in respect of conduct that, if it had occurred in Guyana, would not have constituted an offence against the law of Guyana;
- (b) the request relates to the prosecution or punishment of a person in respect of conduct that occurred, or is alleged to have occurred, outside the requesting country and similar conduct occurring outside Guyana in similar circumstances would not have constituted an offence against the law of Guyana;
- (c) the request relates to the prosecution or punishment of a person in respect of conduct where, if it had occurred in Guyana at the same time and had constituted an offence against the law of Guyana, the person responsible could no longer be prosecuted by reason of lapse of time or for any other reason;

- (c) there are substantial grounds for believing that the request was made for the purpose of prosecuting, punishing, or otherwise causing prejudice to a person on account of the person's race, sex, religion, nationality, place of origin, or political opinions;
- (d) carrying out the request would be contrary to the Constitution of Guyana or would require steps to be taken that cannot lawfully be taken;
- (e) carrying out the request would require an individual to act, or refrain from acting, in a certain way and the individual is not willing to do so and cannot lawfully be compelled to do so;
- (f) carrying out the request would prejudice the security, international relations, or any substantial interest related to national security or other essential public policy of Guyana;
- (g) carrying out the request would unduly prejudice the safety of any person;
- (h) the request relates to conduct by a person which constitutes an offence in respect of which the person has already been convicted or acquitted by a court or tribunal in Guyana;
- (i) in the case of a request of the kind specified in section 31 (1) (a), the prisoner does not consent to the transfer; or
- (j) the request is for assistance of a kind that cannot be given under this Act.

(3) A request may be refused if the central authority for Guyana believes

that –

- (a) the request relates to the prosecution or punishment of a person in respect of conduct that, if it had occurred in Guyana, would not have constituted an offence against the law of Guyana;
- (b) the request relates to the prosecution or punishment of a person in respect of conduct that occurred, or is alleged to have occurred, outside the requesting country and similar conduct occurring outside Guyana in similar circumstances would not have constituted an offence against the law of Guyana;
- (c) the request relates to the prosecution or punishment of a person in respect of conduct where, if it had occurred in Guyana at the same time and had constituted an offence against the law of Guyana, the person responsible could no longer be prosecuted by reason of lapse of time or for any other reason;

(b) in the absence of agreement on such conditions, may refuse to continue further with the request.

(2) Where under any treaty or under **section 38 (2)**, the expenses involved in Guyana providing the assistance requested are to be borne by the requesting country, any assistance provided shall be subject to the condition that the requesting country pays those expenses.

Notification of refusal or implementation of request.

25. (1) If a request other than an informal request is refused, the central authority for Guyana shall notify the central authority for the requesting country of this refusal and, subject to subsection (2), the grounds for it.

(2) The central authority for Guyana is not required to provide grounds for refusing a request of the kind specified in section 31 (1) (a).

(3) If a request is carried out, the central authority for Guyana shall, if so requested, notify the central authority for the requesting country of the date and place on and at which the request, or a specified part of the request, is carried out.

Assistance to country in obtaining evidence.

26. (1) This section applies where –

(a) a request is transmitted requesting assistance from Guyana in obtaining evidence or information relevant to a criminal matter in relation to the requesting country by any means specified in section 7 (1); and

(b) the request is accepted.

(2) Where this section applies, the central authority for Guyana shall –

(a) use its best endeavours to obtain the evidence or information requested; and

(b) shall inform the central authority for the requesting country of the outcome of those endeavours.

(3) On the application of the central authority for Guyana, any Court may issue a summons or subpoena in accordance with any applicable rules of court to compel a person to give evidence in the Court for the purposes of this section.

(4) The central authority for Guyana shall notify the requesting country of the date and place of any proceedings arising as a result of the request.

(5) The magistrate, judge, or other presiding officer at any such proceedings shall allow –

(a) the defendant (or accused) in the criminal matter and his legal representative;

(b) the legal representative of the central authority for Guyana;

(c) the legal representative of the requesting country; and

(d) any other person specified in the request.

to be present at the proceedings and to question the person whose evidence is sought.

- (6) A person from whom evidence is taken in Guyana following a request –
- (a) may refuse to answer a question if –
 - (i) the refusal is based on the law of Guyana;
 - (ii) to require the person to answer the question would be a breach of privilege recognised by the law of the requesting country; or
 - (iii) to answer the questions would constitute an offence by the person against the law of the requesting country; and
 - (b) shall not be compelled to give evidence or information for the purposes of, or in connection with, a criminal matter other than that to which the request relates.

(7) Where the request is to the effect that evidence or information be obtained by the means specified in section 7 (1) (d), copies of records not publicly available may be produced, copied, or examined only to the extent that they could be produced to, or examined by, enforcement agencies or prosecuting or judicial authorities in Guyana.

(8) The central authority may make regulations to prescribe practices and procedures for obtaining evidence or information for the purposes of this section.

Assistance to
country in
locating or
identifying
person.

27. (1) This section applies where a request is transmitted requesting assistance from Guyana in locating, or identifying and locating, a person believed to be in Guyana, who –

- (a) is or might be concerned in or affected by; or
 - (b) could give evidence or assistance relevant to,
- a criminal matter in relation to the requesting country, and the request is accepted.

(2) Where this section applies, the central authority for Guyana shall –

- (a) use its best endeavours to locate or identify the person concerned; and
- (b) inform the central authority for the requesting country of the outcome of those endeavours.

Assistance to
country in
locating or
identifying
thing.

28. (1) This section applies where –

- (a) a request is transmitted requesting assistance from Guyana in locating or identifying a thing in Guyana for the purposes of, or in connection with, a criminal matter in relation to the requesting country; and
- (b) the request is accepted.

Assistance to
country in
arranging
attendance of
person.

30. (1) This section applies where –
- (a) a request is transmitted requesting assistance from Guyana in arranging the attendance in the requesting country, of a person in Guyana, to give evidence or assistance relevant to any criminal matter in relation to that requesting country; and
 - (b) the request is accepted.
- (2) Where this section applies, the central authority for Guyana shall –
- (a) inquire whether or not the person concerned is willing to attend as requested;
 - (b) inform the central authority for requesting country as to the outcome of the inquiry; and
 - (c) if the person is willing to attend as requested, make appropriate arrangements to facilitate that attendance.

Assistance to
country in
transferring
prisoner.

31. (1) This section applies where –
- (a) a request is transmitted requesting Guyana to transfer a prisoner in Guyana to the requesting country to give evidence or assistance relevant to a criminal matter in relation to that requesting country; and
 - (b) the request is accepted.

(2) Where this section applies, the central authority for Guyana shall, after consulting the Attorney-General (unless the central authority is the Attorney-General), cause the prisoner to be transferred to the requesting country subject to any conditions considered appropriate by that central authority, including conditions with respect to the custody, release, or return of the prisoner.

(3) A period during which a prisoner is in custody in a requesting country, arising from a request, shall be deemed for all purposes to be time served in custody in Guyana.

- (4) In this section, “prisoner” means a person who –
- (a) is being held in custody pending trial for or sentence for an offence;
 - (b) is under imprisonment for an offence; or
 - (c) is subject to any limitation on the person’s personal liberty under any law.

Assistance to
country in
serving
documents.

32. (1) This section applies where –
- (a) a request is transmitted requesting assistance from Guyana in effecting the service of a document on a person in Guyana for the purposes of, or in connection with, a criminal matter in relation to the requesting country; and

