

227. (1.) An information in the High Court for any offence may at any time, whether before or during the trial, be withdrawn by the prosecutor with the leave of the Court, but not otherwise.

Withdrawal of information.

(2.) An information so laid and withdrawn shall not operate as a bar to any further proceedings against the accused in respect of the same offence.

228. (1.) On the conviction of any person of an offence before the High Court, a minute or memorandum of the conviction shall thereupon be drawn up and preserved as a record of the Court, and a formal conviction under the seal of the Court may be drawn up at any time afterwards when it becomes necessary.

Drawing-up of conviction.

(2.) In the meantime the conviction and sentence may be carried into execution, and shall have the same force and effect in every respect as if the conviction had been formally drawn up under the seal of the Court.

229. (1.) No objection shall be taken or allowed to any information, summons, or warrant in any criminal proceeding before the High Court for any alleged defect therein in substance or in form, or for any variance between such information, summons, or warrant and the evidence adduced at the trial.

Defects of information, summons, or warrant.

(2.) The Court may at any stage of the trial amend the information in such manner as it thinks fit in respect of any such defect or variance.

230. Any witness at a criminal trial may, if the Court thinks fit and certifies accordingly, be paid out of the Samoan Treasury such allowance for his expenses and loss of time as is so certified, subject, however, to such rules of Court as may be made in that behalf.

Payment of witnesses.

231. (1.) If on any criminal trial the Court thinks that the charge, though proved, is in the particular case of so trifling a nature or was committed under such circumstances that no punishment should be imposed, the Court may convict the accused and discharge him without sentence, either unconditionally or on such conditions as the Court thinks fit to impose.

Conviction without sentence.

(2.) If any person who is so convicted and discharged on conditions commits any breach of those conditions, he shall be guilty of an offence punishable in the same manner as the offence of which he was so previously convicted.

232. (1.) When any person is released on bail under this Order he shall, with or without sureties as may be required, enter into a recognizance to His Majesty in such sum as may be required conditioned in such manner as may be appropriate to the particular case and as may be required.

Bail.

(2.) Every such recognizance may be put in suit in the High Court in the ordinary course of the civil jurisdiction of that Court in proceedings at the suit of His Majesty.

233. In any criminal prosecution in the High Court the Attorney-General for New Zealand may direct a stay of proceedings, and the proceedings shall be stayed accordingly.

Stay of proceedings by Attorney-General.

234. (1.) Any Judge or Commissioner of the High Court who is satisfied on the oath of any person that there is reasonable ground for believing that there is in any building, ship, receptacle, or place—

Search warrants.

(a.) Anything which there is reasonable ground to believe will afford evidence as to the commission of any offence; or

(b.) Anything in respect of which any offence has been or is suspected of having been committed; or

(c.) Anything which there is reasonable ground for believing to be intended to be used for the purpose of committing any offence—

may by warrant under his hand, authorize some constable or other officer of the Samoan Public Service to search such building, ship, receptacle, or place for any such thing, and to seize and bring it before the person by whom such warrant has been issued.

(2.) Every such warrant shall be executed by day (that is to say, after sunrise and before sunset), unless the warrant expressly authorizes the execution thereof by night.

(3.) Every such warrant may be executed by reasonable force if necessary.