

**CRIMINAL PROCEDURE (AMENDMENT) BILL, 2026**

**ARRANGEMENT OF SECTIONS**

Section:

1. Citation
2. Amendment of Act No. 6 of 2025
3. Amendment of section 258

**CRIMINAL PROCEDURE (AMENDMENT) BILL, 2026**

**A BILL ENTITLED**

**AN ACT** to amend the Criminal Procedure Act by introducing a new commencement date for section 258 to enhance the practical implementation of that section; and for connected matters.

[Act No.6 of 2025]

[ ]

**ENACTED** by the President and the National Assembly-

**1. Citation**

This Act may be cited as the Criminal Procedure (Amendment) Act, 2026.

**2. Amendment of Act No. 6 of 2025**

The Criminal Procedure Act No. 6 of 2025 (hereafter referred to as the “Principal Act”) is amended as set out in this Act.

**3. Amendment of section 258**

Section 258 of the Principal Act is amended by inserting two new subsections (5) and (6)-

“(5) This section shall commence on a date the Minister declares by Order published published in the *Gazette*.

“(6) The Order may include further provisions on the criteria for application under this section.”

## **OBJECTS AND REASONS**

The Criminal Procedure Act No. 6 of 2025 is a progressive and modern legislation that was passed to revise and consolidate the laws that regulate the procedure of trial in criminal cases in The Gambia. Part of the rationale for passing the Act resonates with the need to transit from the traditional style of criminal justice administration in The Gambia and embrace a more modern application that is consistent with best practice in criminal procedure administration in the 21<sup>st</sup> century.

The Act introduced modern reformatory measures and mechanisms such as suspended sentencing, community service and parole amongst others. Some of these provisions require corresponding actions from institutions of the Government which in turn have cost implications for effective implementation. Unfortunately, the funds needed to provide the institutions that are required to implement some of these provisions are not available at this time. However, the Government is still committed to ensuring that all the requisite institutions that are needed to give full effect to the effective implementation of the Act are established in the near future. As a result, it has become pertinent following the ruling of the High Court in two cases involving application for parole under section 258 of the Act to amend that provision and suspend its commencement to a time in the future when the facilities that are needed to give effect to its implementation have been provided.

This Bill therefore seeks to amend section 258 of the Criminal Procedure Act by introducing two new provisions that will stultify its application until all the facilities needed to effectively implement it are put in place. It is imperative to pass this Bill because of its impracticability owing to the absence of a Government facility and a rehabilitation programme in The Gambia for persons given parole as required to within the contemplation of that section.

-----

**HON. DAWDA. A. JALLOW**

**ATTORNEY GENERAL AND MINISTER OF JUSTICE**