

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

CRIMINAL CODE AMENDMENT ACT 2013

WHEREAS it is expedient to amend the Criminal Code Act 1907;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Criminal Code Amendment Act 2013.

Amends section 540

2 Section 540 of the Criminal Code Act 1907 is amended by repealing section 540 and substituting the following—

“Power of Chief Justice to make rules regulating proceedings on trial of indictable offences

540 (1) The Chief Justice may make general rules, not inconsistent with this Act, for regulating the proceedings on the trial of persons charged with indictable offences.

(2) Rules made under this section are subject to the negative resolution procedure.”.

CRIMINAL CODE AMENDMENT BILL 2013

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Criminal Code Act 1907 (the “Criminal Code”) to clarify section 540 which sets out the power to make general rules regulating proceedings for indictable offences.

Clause 1 of the Bill is self-explanatory.

Clause 2 of the Bill repeals and replaces section 540 of the Criminal Code to clarify that it is the Chief Justice (not the Supreme Court) who will make rules under this section. Rules of Court made by the Chief Justice under this section shall be subject to the negative resolution procedure.