

AS AMENDED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

POLICE AND CRIMINAL EVIDENCE AMENDMENT ACT 2012

WHEREAS it is expedient to amend the Police and Criminal Evidence Act 2006;

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 Police and Criminal Evidence Amendment Act 2012.

Amends section 32

2 Section 32 of the Police and Criminal Evidence Act 2006 (in this Act referred to as "the principal Act") is amended by inserting the following subsection next after subsection (6)—

"(7) Subsection (6) is subject to section 51(12) (which provides for the calculation of certain periods, where a person has been granted bail under this Part, by reference to time when the person is in police detention only)."

Amends section 51

3 Section 51(12) of the principal Act is amended by inserting "and any time during which he was on bail shall not be so included", next after the word "Act".

POLICE AND CRIMINAL EVIDENCE AMENDMENT BILL 2012

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Police and Criminal Evidence Act 2006. The purpose of this amendment is to put beyond doubt that the Police and Criminal Evidence (PACE) detention clock stops when a detainee is released on bail and restarts when the detainee answers bail. This amendment has been prompted by the passing of the UK Police (Detention and Bail) Act 2011 which amends the UK Police and Criminal Evidence Act 1984, to the same effect. We have therefore amended analogous sections of our Police and Criminal Evidence Act 2006, to the same effect.

Clause 1 is the citation.

Clause 2 amends section 32 of the Police and Criminal Evidence Act 2006 (hereafter referred to as “the principal Act”) by inserting a new subsection (7). Section 32(6) deals with a person who returns to a police station to answer bail for an offence for which he was granted bail or for an offence of failure to answer a police bail. The new subsection (7) makes the conditions relating to the duration of his detention under the PACE detention clock in subsection (6), subject to section 51(12).

Clause 3 amends section 51 of the principal Act in subsection (12) to put it beyond doubt that any time during which the detainee was on bail shall not be included in calculating the cumulative period of detention under the PACE detention clock.