

THIRD SCHEDULE (Rule 9)

RECORD OF PROCEEDINGS OF A BOARD OF INQUIRY

1. The board assembled
 at (place):
 on (date):
 by order of Commander Defence Force
 for the purpose of
 2. President
 - Members:
 3. The following persons were in attendance during (the whole) (part) of the proceedings under rule 10 of the Defence (Board of Inquiry) Rules:
 4. They were represented by:
 5. The interpreter was:
 6. The board heard the evidence of the following witnesses whose evidence is recorded on the following pages;
 7. The documents, statements and exhibits listed below were examined by the board and (copies) are to be found on the following pages:
 8. The findings (opinion) (and recommendations) of the board are at pages:
- Dated:.....
- Signed:(President):
- (Member):
- (Member):

DEFENCE (EXECUTION OF SENTENCES OF DEATH) REGULATIONS

S.I. 57/1984

(SECTION 136)

[Commencement 20th September, 1984]

Citation.

1. These Regulations may be cited as the Defence (Execution of Sentences of Death) Regulations.

Interpretation.

2. In these Regulations, unless the context otherwise requires —

“civil prison” means a civil prison in The Bahamas

“officer” means a member of the Defence Force of above the rank of midshipman;

“officer in charge” has the same meaning as in the Defence (Imprisonment and Detention) Regulations;

“overseas establishment” means any establishment under the control of the authorities of a country or territory outside The Bahamas in which service sentences of imprisonment or detention may be wholly or partly served in accordance with arrangements made with those authorities;

“person under sentence” means a person sentenced to suffer death under the Act whose sentence has not been commuted; and

“warrant officer” has the same meaning as in the Defence (Regular Force Enlistment and Service) Regulations, and the Defence (Reserve) Regulations.

3. (1) After sentence has been passed, a person under sentence shall be detained in accordance with the following provisions of this regulation.

Custody of persons under sentence.

(2) During the whole or any part of the period between the passing and the carrying out of sentence a person under sentence may be detained in —

- (a) a civil prison;
- (b) an overseas establishment;
- (c) unit detention quarters; or
- (d) service custody:

Provided that —

- (i) a person under sentence shall be detained in unit detention quarters only until confirmation and promulgation of the sentence, whereupon he shall be transferred to a civil prison,
- (ii) a person under sentence shall be detained in an overseas establishment only until he can be transferred to a civil prison, and
- (iii) a person under sentence shall be detained in service custody only in accordance with subparagraphs (3) and (4) of this regulation and regulation 4.

- (3) The manner in which a person under sentence who —
- (a) is in an overseas establishment, unit detention quarters or in service custody, and
 - (b) has appealed, or desires to appeal to the Court of Appeal,

may be taken to, kept in custody at, and brought back from any place at which he is entitled to be present for the purposes of his appeal, or any place to which the Court of Appeal or a judge thereof may order him to be taken for the purposes of any proceedings of that court, shall be as follows —

- (i) he may be taken to, kept in custody at, and brought back from any such places as aforesaid in service custody, and
- (ii) he may be kept in custody at any such place as aforesaid in any manner ordered by the Court of Appeal or a judge thereof, or in service custody, a civil prison or a police station.

(4) No person under sentence shall be committed to unit detention quarters, service custody, a civil prison or an overseas establishment, nor removed from one place or establishment to another, save in pursuance of an order of Commander Defence Force or an officer authorised to act on his behalf made in the form specified in the Schedule to these Regulations or in a form substantially to the like effect.

Schedule.

Removal from one place or establishment to another.

4. At any time between the passing and carrying out of a sentence of death, a person under sentence may be removed in service custody from any such place or establishment as is referred to in paragraph (2) of regulation 3 to another such place or establishment in accordance with the directions of Commander Defence Force or an officer authorised to act on his behalf.

Treatment of persons under sentence.

5. (1) Where a person under sentence is in unit detention quarters, the following provisions shall apply —

- (a) he shall be deprived of every article which might be dangerous or inexpedient to leave in his possession;
- (b) he shall be confined in a separate cell and kept apart from all other persons under sentence of death, imprisonment or detention or in custody;

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- (c) he shall be kept by day and by night in the constant charge of two officers, warrant officers or non-commissioned officers;
 - (d) he shall be subject to the Defence (Imprisonment and Detention) Regulations made under the Act, other than those relating to work and training, except in so far as they are inconsistent with the provisions for these Regulations;
 - (e) he shall not be required to perform any duties other than to keep clean person and cell;
 - (f) he shall be allowed daily physical exercise;
 - (g) he shall be granted facilities to correspond with his relatives, friends and legal advisors;
 - (h) he shall be permitted to smoke;
 - (i) he shall be visited once daily by the officer in charge and once daily by a medical practitioner;
 - (j) he may be visited at any time by any person authorised to visit him by written order of the officer in charge;
 - (k) he may be visited by such of his relatives, friends and legal advisors as he desires to see and as are authorised to visit him by written order of the officer in charge;
 - (l) he may be visited at any time by a minister of his own creed or denomination or, if he so desires, a minister of another creed or denomination;
 - (m) except as herein before provided, he shall not be visited by any person other than a member of the staff of the unit detention quarters;
 - (n) all visits shall take place in the sight of a member of unit detention quarters;
 - (o) any visit shall take place in the hearing of a member of the staff of unit detention quarters if the officer in charge so orders, but he shall not so order in the case of a visit by a minister, a near relative or a legal advisor unless in his opinion it is essential to do so.

(2) Where a person under sentence is detained in a civil prison, he shall while in that prison be confined and dealt with in the same manner as a person confined under a sentence of death passed by a civil court.

(3) Where a person under sentence is in service custody he shall be given so far as practicable the treatment set out in subparagraph (1).

(4) Where a person under sentence is detained in an overseas establishment, he shall be given the treatment and privileges for which provision has been made by arrangements with the country or territory concerned.

Arrangements for carrying out sentence of death. Schedule.

6. (1) Immediately after promulgation of a sentence of death, the person under sentence shall be removed to a civil prison so that the sentence can be carried out in accordance with the Capital Punishment Procedure Act, and an order signed by Commander Defence Force in the form set out in the Schedule shall be deemed to be a certificate for the purposes of section 2 of that Act.

(2) In section 3 of the Capital Punishment Procedure Act (Chapter 94) the term “the presiding judge” shall include the National Security Council established under section 8 of the Defence Act, or any officer authorised to act on its behalf, and subsequent sections shall be construed accordingly.

SCHEDULE (Regulations 3 and 6)

ORDER FOR COMMITTAL OF A PERSON SENTENCED BY COURT-MARTIAL TO SUFFER DEATH

To the Governor, Superintendent, officer in charge or other person in charge of.....¹(1)

WHEREAS Pay No Rank

Name Unit

was by a court-martial held at convicted of the offence(s) of and, by sentence passed on the day of 19 sentenced to suffer death in the manner authorised by law/which sentence has been duly confirmed and promulgated/²(2);

NOW, therefore, in pursuance of Sections 119 and 136 of the Defence Act, and of the Defence (Execution of Sentences of Death) Regulations, I hereby order you to receive the said person into your custody/until further order³(3) / to undergo sentence according to law⁴(4).

¹ Insert the name of the prison, unit detention quarters, unit or overseas establishment.
² Delete if the sentence has not been confirmed and promulgated. A person shall not be committed to a civil prison until confirmation and promulgation.
³ Strike out if the person is being committed to a civil prison.
⁴ Strike out if the person is being committed to unit detention quarters, service custody or an overseas establishment.

Signed at this day of 19

(Signature)

Commander Defence Force ⁵(5)

Rank and Appointment ⁶(5)

Officer authorised to act for Commander Defence Force ⁷(5).

**DEFENCE (SUMMARY JURISDICTION AND
PUNISHMENT) REGULATIONS**

S.I. 52/1984
S.I. 45/1988

(SECTION 136)

[Commencement 20th September, 1984]

1. These Regulations may be cited as the Defence (Summary Jurisdiction and Punishment) Regulations. Citation.
2. In these Regulations, unless the context otherwise requires — Interpretation.
 - “authorised officer” means the officer to whom some or all of the functions of commanding officer have been delegated in accordance with regulation 10(1);
 - “craft” means any ship or boat;
 - “detachment” means a part of a unit which is so separated from the unit to which it belongs that the commanding officer of that unit cannot effectively exercise his disciplinary powers as commanding officer over that part;
 - “officer” means any member of the Defence Force of or above the rank of midshipman;
 - “punishment warrant” means a warrant in the form prescribed by Part VII of the First Schedule to the Defence Rules of Procedure (Part I);
 - “sub-unit” means any body, craft, established or group of members of the Defence Force created as a sub-unit by Commander Defence Force;

⁵ Strike out if inappropriate.

⁶ Strike out if inappropriate.

⁷ Strike out if inappropriate.