



*EXTRAORDINARY*

**OFFICIAL GAZETTE**

**THE BAHAMAS**

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20<sup>th</sup> May, 2022

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# CRIMINAL PROCEDURE CODE (AMENDMENT) ACT, 2022

## Arrangement of Sections

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### Section

1.	Short title.....	2
2.	Amendment of section 2 of the principal Act.....	2
3.	Repeal and replacement of section 115 of the principal Act.....	2
4.	Amendment of section 148 of the principal Act.....	4
5.	Amendment of section 258 of the principal Act.....	4



No. 14 of 2022

# CRIMINAL PROCEDURE CODE (AMENDMENT) ACT, 2022

AN ACT TO AMEND THE CRIMINAL PROCEDURE CODE ACT

[Date of Assent – 20<sup>th</sup> May, 2022]

Enacted by the Parliament of The Bahamas

**1. Short title.**

This Act which amends the Criminal Procedure Code Act (*Ch.91*) may be cited as the Criminal Procedure Code (Amendment) Act, 2022.

**2. Amendment of section 2 of the principal Act.**

Section 2 of the principal Act is amended —

- (a) by the deletion of the term “live television link” and its corresponding definition; and
- (b) by the insertion in the appropriate alphabetical order of the following new term corresponding definition —

“**video link**” means a live television link, an internet link or any other arrangement that will allow the court and any of the parties involved, inclusive of the accused, the witnesses, any legal representatives, any court reporter and any interpreter or other person appointed to assist the accused or the witness, as the case may be, to engage in simultaneous visual and oral communication facilitated through the use of technology by the court.”.

**3. Repeal and replacement of section 115 of the principal Act.**

Section 115 of the principal Act is repealed and replaced as follows —

**“115. Accused persons may appear before the court by video link and may defend themselves by legal representatives.**

- (1) The right of every person accused of a criminal offence to defend himself before the court in person or by a legal representative, may be exercised by a trial by way of video link or by other means of simultaneous visual and oral communication in which he and his legal representative are able to see, hear and participate in the proceedings.
- (2) In accordance with subsection (1), a person accused of a criminal offence may be tried by way of video link –
  - (a) with the consent of the accused on such terms as the court thinks proper; or
  - (b) by the court's direction where the accused person has so conducted himself as to render continuance of the trial in the physical space of the court, impracticable,  
and where the interest of justice so requires.
- (3) For the purposes of this section, the consent of a person accused of a criminal offence to be tried by way of video link or other means of simultaneous visual and oral communication, shall be deemed to have been given —
  - (a) where he consents in writing to being so tried;
  - (b) where he is on bail for the offence for which he is being tried, and after being informed of the date for trial, fails to appear physically before the court:  
provided that the court will not permit him to be tried under subsection (3)(b) unless it is satisfied on evidence that the summons requesting his appearance before the court for trial on the date specified in the summons, was duly served on him or that the date of his trial was brought to his attention by other acceptable means.
- (4) Every person accused of a criminal offence, whether he is physically before the court or by way of video link, has the right to be defended by a legal representative.”.

**4. Amendment of section 148 of the principal Act.**

Section 148 of the principal Act is amended by the deletion of the words “live television link” wherever they appear and the substitution of the words “video link”.

**5. Amendment of section 258 of the principal Act.**

Section 258 of the principal Act is amended by the deletion of the words “live television link” wherever they appear and the substitution of the words “video link”.