



## BERMUDA

### POLICE AND CRIMINAL EVIDENCE AMENDMENT ACT 2016

2016 : 18

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 2016.

#### **Inserts section 36A**

2 After section 36 of the Police and Criminal Evidence Act 2006 ("the principal Act") insert—

#### **"Guidance: formal police cautions**

36A (1) The Director of Public Prosecutions may issue guidance for the purpose of enabling an officer of the rank of inspector or above to decide whether to issue a formal police caution to a person.

(2) The Director of Public Prosecutions may from time to time revise guidance issued under this section.

(3) Such officers shall have regard to guidance under this section in deciding whether to issue a formal police caution.

(4) The Director of Public Prosecutions shall publish in such manner as he thinks fit—

- (a) any guidance issued under this section; and
- (b) any revisions made to such guidance.

(5) Guidance under this section may make different provision for different cases, circumstances or areas.

(6) The Statutory Instruments Act 1977 shall not apply to any guidance issued and published under this section.”

**Repeal of section 36A on commencement of section 36**

3 Section 36A of the principal Act, as inserted by section 2 of this Act, is repealed on the coming into operation of section 36 of the principal Act.

**Amends section 36**

4 (1) In section 36 of the principal Act—

- (a) in subsection (3), delete “are to” and substitute “shall”;
- (b) at the end insert—

“(6) The Statutory Instruments Act 1977 shall not apply to any guidance issued and published under this section.”

(2) This section comes into operation on the same date as section 36 of the principal Act.

**Commencement**

5 This Act comes into operation on such date as the Minister responsible for justice appoints by notice in the Gazette.

[Assent Date: 31 March 2016]