L.N. 225 of 2023

ATTORNEY GENERAL ORDINANCE
(CAP. 90)

STATE ADVOCATE ACT
(CAP. 603)

Prosecution of Offences (Transitory Provisions) (Amendment) Regulations, 2023

IN EXERCISE of the powers conferred by article 3(c) of the Attorney General Ordinance and by article 1 of the State Advocate Act, the Minister responsible for justice has made the following regulations:-

Citation and commencement.

S.L. 90.01.
S.L. 603.01.

1. (1) The title of these regulations is the Prosecution of Offences (Transitory Provisions) (Amendment) Regulations, 2023 and these regulations shall be read and construed as one with the Prosecution of Offences (Transitory Provisions) Regulations hereinafter referred to as "the principal regulations".

(2) These regulations shall come into force on the 1st October 2023.

Amends the Schedule to the principal regulations.

2. The Schedule to the principal regulations shall be amended as follows:

(a) immediately after item 1B thereof, there shall be added the following new item:

"1C. The Attorney General shall have the power to decide whether a prosecution is or is not to be instituted in the following categories of offences when the charges are to be filed in the Court of Magistrates as a court of criminal judicature or in the Court of Magistrates as a Court of criminal inquiry on or after the 1st October 2023:

(a) grievous bodily harm; grievous bodily harm with arms proper; other cases of grievous bodily harm; grievous bodily harm from which death ensues under sub-title II of Title VIII of Part II of Book First of the Criminal Code;

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(b) involuntary homicide; involuntary homicide in the course of theft or attempted theft under sub-title IV of Title VIII of Part II of Book First of the Criminal Code;

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(c) infanticide under sub-title VIII of Title VIII of Part II of Book First of the Criminal Code;

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(d) stalking involving fear of violence, serious alarm or distress under sub-title IX of Title VIII of Part II of Book First of the Criminal Code;

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(e) aggravated theft under sub-title I of Title IX of Part II of Book First of the Criminal Code;

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(f) offences against the National Interest (Enabling Powers) Act;

Cap. 365.

(g) offences against the Fisheries Conservation and Management Act;

Cap. 425.

(h) attempts or conspiracy to commit or complicity in the offences mentioned in paragraphs (a), (b), (c), (d), (e), (f) and (g) above."; and

(b) item 3 thereof shall be substituted by the following new item:

"3. (1) Without prejudice to the provisions of item 2, the Executive Police shall not on or after the 1st October 2020 institute or pursue any prosecution for the crimes listed in item 1 in the absence of a decision to prosecute having been taken by the Attorney General.

(2) Without prejudice to the provisions of item 2, the Executive Police shall not on or after the 1st October 2021 institute or pursue any prosecution for the crimes listed in item 1A in the absence of a decision to prosecute having been taken by the Attorney General.

(3) Without prejudice to the provisions of item 2, the Executive Police shall not on or after the 1st October 2022 institute or pursue any prosecution for the crimes listed in item 1B in the absence of a decision to prosecute having been taken by the Attorney General.

(4) Without prejudice to the provisions of item 2, the Executive Police shall not on or after the 1st October 2023 institute or pursue any prosecution for the crimes listed in item 1C in the absence of a decision to prosecute

having been taken by the Attorney General.".

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