

Minutes of the Meeting of Executive Council held on Tuesday, 25th May 2021 at 8.30am in
the Council Chamber

Present: His Excellency the Governor (Dr Philip Rushbrook)
The Hon Chief Secretary (Mrs S O'Bey)
The Hon Financial Secretary (Mr D L Richards)
The Hon Attorney General (Mr A T Cansick)
The Hon C R Beard
The Hon C G Buckley
The Hon A A Green
The Hon L A Henry
The Hon D F Thomas

In attendance: Clerk of Councils (Mrs C C Johnson)
Head of Corporate Support (Mrs C A George)
Head of News (Mrs K Yon)

OPEN SESSION

104.1 Welcome

The Governor welcomed all to the meeting.

104.2 Police and Criminal Evidence (Amendment) Bill, 2021 (ExCo Memo 28/2021)

The Acting Chief of Police (CoP), Mr David Price and the Legislative Drafter, Ms Catherine Williams, were in attendance for this item of business.

The Chairman of the Social and Community Development Committee (SCDC) introduced the Memorandum asking Council to advise whether the Police and Criminal Evidence (Amendment) Bill, 2021 should be printed and published and tabled as Government business at a forthcoming formal meeting of the Legislative Council. A slightly revised Bill to replace the version which had been issued was circulated by the Attorney General.

The Chairman of SCDC explained that there was a degree of urgency for the Bill to proceed to a formal meeting of the Legislative Council as the Police had until recently believed they had the power to impose pre-charge bail with conditions. A recent decision of the Chief Magistrate had made clear this was not the case. It was emphasised that it was important to correct this for both the protection of victims and defendants.

One Member asked whether the SCDC Members had raised any concerns about the Bill at their meeting on the 19th May 2021; the Chairman of SCDC advised that this Bill had been supported by the majority of SCDC Members. The Hon Derek Thomas recalled that one SCDC member wanted the Bill to be issued for public consultation whilst another had expressed the view that the Police should not have the powers to impose pre-charge Bail, as this was not necessary in St Helena. In response to a query as to whether there would be a

segregation of powers between the duties of an arresting officer and an officer imposing bail, it was confirmed by the Acting Chief of Police that there would be a segregation.

Following discussion, Council advised and the Governor agreed, that the principles of the Bill were accepted and that the Police and Criminal Evidence (Amendment) Bill, 2021 should be printed and published and tabled as Government business at a forthcoming formal meeting of the Legislative Council subject to a meeting being arranged beforehand for Elected Members to go through the Bill clause by clause and also for a Certificate of Urgency to be arranged.

(Action: Hon Chairman of SCDC/Clerk of Councils)

There being no further business the Governor closed the meeting at 8.57am.

Post meeting note:-

The Attorney General advised that following caucus a new clause was added at the request of Members. Clause 5(28A)(2) was added to make it even more explicit that unless the conditions are met a suspect must be released without bail. The Bill was presented as Government Business at Legislative Council as amended.

P. Rushbrook

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Governor

18-6-21

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Date

W. Johnson
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Clerk of Councils
17.06.21