

EXECUTIVE COUNCIL TOP LINES – 31 MAY 2022

Council agreed that the Criminal Procedure (Amendment) Bill, 2022 and the Sexual Offences (Communication with a Child) Bill, 2022 should be published and presented to the next formal meeting of the Legislative Council.

Both these items were presented by the Minister for Safety, Security and Home Affairs.

The Criminal Procedure (Amendment) Bill, 2022 seeks to remove the £2,000 limit on the amount of compensation that can be ordered by the Courts to victims of crime. This limit is currently set in section 125 of the Criminal Procedure Ordinance, 1975.

Ministers noted that there have been a number of recent criminal cases where the Courts have not been able to award the appropriate level of compensation to victims who have suffered damage to property or who have had goods stolen that exceeded £2,000 in value. The Criminal Procedure (Amendment) Bill will give the Courts the appropriate powers to ensure that victims are properly compensated.

The Sexual Offences (Communication with a Child) Bill, 2022 seeks to address a gap in St Helena law where currently, sexual communication with a child is not an offence in itself. It was noted that with sexual communications, other offences are committed at the same time; for example trying to meet with a child or requesting indecent images. Whilst cases have been successfully prosecuted in these circumstances, there is the possibility that sexual communications alone, might not lead to prosecution and this is not acceptable.

The Bill therefore contains one offence of sexual communication with a child for which the maximum penalty is a term of 2 years imprisonment.

Ministers acknowledged that further work is needed to strengthen our laws to guard against sexual offences, noting that improved internet connectivity is likely to result in increased offending, if not addressed. If the Bill is approved, following presentation at the next Formal Legislative Council, Ministers will work with their relevant portfolios and

other key stakeholders to ensure that further work is undertaken to raise awareness in respect of these crimes, which will not be tolerated in our society.

Council also approved minor amendments to the Communication Networks and Services Policy that had previously been endorsed by Executive Council in October 2020; and, further agreed for the Communications Bill 2022 to be published and presented to the next formal meeting of the Legislative Council.

The amendments to the Policy and the Communications Bill, 2022 were presented by the Minister of Treasury, Infrastructure and Sustainable Development.

Ministers noted that the Policy was subject to full public consultation in 2020. This Policy provides for the inclusion of a universal service obligation in public electronic communication service licenses, which will ensure people and businesses on St Helena have access to services regardless of their geographical location and at a price that does not prohibit access; the introduction of consumer safeguards and quality of service standards within licence agreements; the introduction of price controls along with the introduction of a Cable Landing Licence and a Communications Regulator.

The minor amendments made and approved, covers changes to the provisions for temporary appointments of a Regulator and removal of the Regulator; removing references to to the Economic Development Committee to take into account the implementation of a new Ministerial Government.

The amended Policy will be published and will supersede the policy that was approved in 2020.

Ministers noted that the amended Policy informs the Communications Bill, 2022 which will replace the existing Telecommunications Ordinance. Ministers further noted that the Bill will create a robust but simple regulatory structure that will provide for detailed regulations to be made after the Bill has been passed by the Legislative Council.

Overall, the Bill makes improvements to the existing legislation and covers both telecommunications and electronic communications i.e. telephones, internet and other data transfer.

Executive Council

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