

## CORRIGENDA

## STATUTE LAW OF THE BAHAMAS

## LAW REVISION OF 2000

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The publishers of the Law Revision of 2000 wish to draw attention to the following errors and omissions:

**1 THE CONSTITUTION OF THE COMMONWEALTH OF THE BAHAMAS**

- (a) The amendments in Act 12 of 2002, which is not yet in operation, were erroneously effected to the Constitution. Please note that the wording of Article 78 should be as follows:

“78. Functions of Attorney-General.

(1) The Attorney-General shall have power in any case which he considers it desirable so to do —

- (a) to institute and undertake criminal proceedings against any person before any court in respect of any offence against the law of The Bahamas;
- (b) to take over and continue any such criminal proceedings that may have been instituted by any other person or authority; and
- (c) to discontinue, at any stage before judgment is delivered, any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(2) The powers of the Attorney-General under paragraph (1) of this Article may be exercised by him in person or through other persons acting under and in accordance with his general or special instructions.

(3) The powers conferred upon the Attorney-General by sub-paragraphs (1)(b) and (c) of this Article shall be vested in him to the exclusion of any other person or authority:

Provided that, where any other person or authority has instituted criminal proceedings, nothing in this Article shall prevent the withdrawal of those proceedings by or at the instance of that person or authority at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(4) In the exercise of powers conferred upon him by this Article the Attorney-General shall not be subject to the direction or control of any other person or authority.

(5) For the purposes of this Article, any appeal from any determination in any criminal proceedings before any court or any case stated or question of law reserved for the purpose of any such proceedings to any other court shall be deemed to be part of those proceedings.”

- (b) The amendments in Act 13 of 2002, which is not yet in operation, were erroneously effected to the Constitution. Please note that Chapter VIA and Articles 92A to 92C inclusive are not yet part of the Constitution.

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- (c) When Act 13 of 2002 comes into operation, please note that Article 92A(4)(c) will read as follows:
- “(c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.”
- (d) When Act 13 of 2002 comes into operation, please note that the proviso to Article 92C(1) will read as follows:
- “Provided that the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, may permit a Director of Public Prosecutions who has attained the age of sixty-five years to continue in office until he has attained such later age, not exceeding sixty-eight years, as may (before the Director of Public Prosecutions has attained the age of sixty-five years) have been agreed between them.”
- (e) Article 107(3)(a) should read as follows:
- “(a) at the expiration of three years from the date of his appointment or such earlier time as may be specified in the instrument by which he was appointed;”