

S.P. 44/19



**St Helena
Government**

**A BILL FOR AN ORDINANCE
THE POLICE AND CRIMINAL EVIDENCE (AMENDMENT)
ORDINANCE, 2019**



ST HELENA

A BILL

FOR

AN ORDINANCE

to amend the Police and Criminal Evidence Ordinance, 2003, to establish a Criminal Records database and to permit the Governor in Council to make Regulations for the recording of specified offences; and for connected and incidental purposes.

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

Short title, commencement and interpretation

1. (1) This Ordinance may be cited as the Police and Criminal Evidence (Amendment) Ordinance, 2019, and comes into force on a date or dates fixed by the Governor by Order.

(2) An order under subsection (1) may—

- (a)* appoint different dates for different provisions or for different purposes of the same provision; and
- (b)* contain such transitional or consequential provisions as appear to the Governor to be necessary or convenient.

(3) In this Ordinance “the principal Ordinance” means the Police and Criminal Evidence Ordinance, 2003.

Insertion of section 62A – Criminal Records

2. The principal Ordinance is amended by inserting after section 62 the following section—

“Criminal Records

62A. (1) For purposes of this section—

“**Director of Police**” has the same meaning as that provided under the Police Service Ordinance, 1975; and

“**conviction**” includes a caution, reprimand and a written warning.

(2) The Director of Police must cause to be established and maintained a criminal records database in which a conviction for an imprisonable offence will be recorded.

- (3) The Governor in Council may make Regulations to provide for—
- (a) an exemption for a specified offence which is not imprisonable to be recorded in the criminal records database;
 - (b) an exemption for a specified offence which is imprisonable but which is not to be recorded in the criminal records database;
 - (c) the manner in which the criminal records database is to be implemented and maintained;
 - (d) the manner in which information may be requested from the criminal records database; and
 - (e) the manner in which information may be disclosed pursuant to a request made for information from the criminal records database.
- (4) The Governor in Council may by Order prescribe that the Regulations prescribed under subsection (3) may take effect retroactively and the date on which the Regulations take effect.

EXPLANATORY NOTE
(This note is not part of the Ordinance)

This Ordinance makes provision for the establishment of a Criminal Records Database and for the offences for which convictions will be recorded to be prescribed.