INTERIM GOVERNMENT OF THE REPUBLIC OF FIJI ISLANDS

CRIMINAL PROCEDURE CODE (AMENDMENT) (NO. 2) PROMULGATION 2007
(PROMULGATION NO. 33 OF 2007)

In exercise of the powers conferred upon the Interim Government, and upon the exercise of my own deliberate judgment as President of the Republic of the Fiji Islands as to what is best and good for the people of Fiji, and by the executive authority of the State in accordance with section 85 of the Constitution and such other powers as may appertain, and with the advice of Cabinet, I Josefa Ilolovatu Uluivuda, make this Promulgation—

TO AMEND THE CRIMINAL PROCEDURE CODE (CAP. 21)

Short title

1. This Promulgation may be cited as the Criminal Procedure Code (Amendment) (No. 2) Promulgation 2007.

Section 2 amended

2. The Criminal Procedure Code (Cap. 21) ("the Code") is amended in section 2 by adding the following definition—

""Commissioner of the Fiji Independent Commission Against Corruption" has the same meaning as the term "Commissioner" in section 2 of the Fiji Independent Commission Against Corruption Promulgation 2007, and reference to the Fiji Independent Commission Against Corruption shall be construed accordingly."

Section 72 Amended

3. The Code is amended in section 72 by renumbering the existing provision as subsection (1), and by adding the following subsection—

"(2) The Commissioner of the Fiji Independent Commission Against Corruption may by notice in writing authorize any legal officer employed or engaged by or for the Fiji Independent Commission Against Corruption to be a State Counsel and may authorize any such officer to exercise all or any of the functions vested in the Commissioner under this Code or any other written law."

Section 73 Amended

4. The Code is amended in section 73—
   (a) by renumbering the existing provision as subsection (1);
   (b) in subsection (1), by adding ", other than a case to which subsection (2) applies" after "case"; and
   (c) by adding the following subsection—

"(2) The Commissioner of the Fiji Independent Commission Against Corruption may appoint any legal practitioner or any legal officer employed or engaged by the Fiji Independent Commission Against Corruption to be a public prosecutor for the purposes of any case brought or being conducted in the name of the Commissioner under this Code or any other written law."
Section 76 Amended

5. The Code is amended in section 76—
   (a) by renumbering the existing provision as subsection (1);
   (b) in subsection (1), by adding “appointed by the Director of Public Prosecutions under section 73(1)” after “prosecutor”; and
   (c) by adding the following subsection—

   “(2) Every public prosecutor appointed by the Commissioner of the Fiji Independent Commission Against Corruption under section 73(2) shall be subject to the express directions of the Commissioner.”.

Given under my hand this 27th day of September 2007.

J.L. ULUIVUDA
President of the Republic of the Fiji Islands