

LAWS OF PITCAIRN, HENDERSON, DUCIE
AND OENO ISLANDS

Revised Edition 2002

CHAPTER XXXIII

**PUBLIC DEFENDER IN CRIMINAL
PROCEEDINGS**

An ordinance to provide for the office of Public Defender in
criminal proceedings

No. 3 of 2002

[28 March 2002]

1. This ordinance may be cited as the Public Defender in
Criminal Proceedings Ordinance.

Citation

2. In this ordinance

Interpretation

“Court” means any Magistrate’s Court, the Supreme
Court or the Court of Appeal in its appellate
jurisdiction;

“Public Defender” means the Public Defender in
Criminal Proceedings appointed under section 3.

3.—(1) There is hereby established a public office to be
known as the Public Defender in Criminal Proceedings.

Establishment of
office of Public
Defender

(2) The Governor shall, after consultation with the Chief
Justice, appoint a suitable person, who has been admitted
to practise as a legal practitioner pursuant to the Legal
Practitioners Ordinance, to be the Public Defender for such
term and upon such conditions as the Governor may think fit.

cap.10

(3) The Public Defender shall have, subject to this
ordinance, independent status and authority and may be
removed or suspended from such office by the Governor only
by reason of incapacity or misconduct and after consultation
with the Chief Justice.

(4) The Public Defender shall have the same right of
audience and the same right of protection and immunity from
suit in civil and criminal causes as are conferred by section
19 of the Judicature (Courts) Ordinance.

cap. 2

4.—(1) The Public Defender shall be entitled to accept
instructions from and to appear as counsel for the defendant in
a prosecution or other proceeding for any criminal offence in
any Court. The Public Defender shall be remunerated therefor
in accordance with the Legal Aid (Criminal Proceedings)
Ordinance, provided that a certificate for legal aid is granted to
the defendant under section 3 whereupon the Public Defender

Powers and functions
of Public Defender

cap. 9

shall be deemed to have been assigned to represent him or her under section 9.

(2) The Public Defender shall have an advisory function on behalf of defendants in relation to criminal proceedings, whether potential or in being, concerning the practice and procedure and the administration or organisation of the business of the Courts. Every decision or matter significantly affecting the rights or interests of those defendants shall be referred by the Chief Justice or the Governor, as the case may be, to the Public Defender for advice.

(3) The Public Defender may, in any criminal proceeding in which the defendant is not legally represented, be appointed by the Chief Justice to appear as *amicus curiae* to argue any question of difficulty or importance or other point touching upon the public interest, in order to assist the Court in determining it. The provisions of subsection (1) as to remuneration shall apply to an appointment under this subsection.

(4) The Public Defender shall have such other powers or functions as the Governor may from time to time, after consultation with the Chief Justice, specify in writing to him or her.

5. The Governor may make such rules, upon the advice of the Chief Justice, as seem to him or her necessary for the implementation of the provisions of this ordinance

Rules