

STATEMENT BY JEROME FITZGERALD MP

HOUSE OF ASSEMBLY NASSAU 9TH JANUARY 2013

Mr. Speaker,

I was appointed Minister of Education, Science and Technology on May 10th 2012.

As a consequence, I was also selected by certain Minister's to Act on their behalf when they were off Island. From May 2012 I have acted as the Acting Attorney General, the Minister of Foreign Affairs and Immigration and the Minister of Youth Sports Culture whenever those Ministers were off Island.

With regard the matter of Mr. and Mrs. Hayes, the attorney General was off Island on the 28th November 2012 and I was appointed Acting Attorney General.

Article 78 of the Constitution empowers the Attorney General with the power "to discontinue, at any stage before judgment is delivered any such criminal proceeding..."

Article 78 (4) of the Constitution states that "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 person or authority."

Mr. Speaker

It is an unfettered power and no one can direct the Attorney General. This power is routinely exercised by the office of the Attorney General.

In the matter of the C.O.P v Hayes I exercised the power reposed in me by Article 78 (1) (c).

After reviewing the file and satisfying myself that there was sufficient written advice on the file for the granting of a Nolle, I came to a conclusion that was consistent with the decision of any Attorney General when faced with such written advice.

I am therefore precluded from discussing or disclosing any other matters pertaining to the exercise of the powers set out in Article 78, which in this case I deemed in the "public interest" and as I stated in an earlier press statement also as a matter of national security. This article is designed to protect persons precisely as in this case.

Thank You.