

Section 115 of the Constitution provides as follows:

115-(1) The President may:

- (a) grant to a person convicted of an offence under the law of the State a pardon or a conditional pardon;*
- (b) grant to such a person a respite, either indefinitely or for a specific period or the execution of the punishment imposed for the offence;*
- (c) substitute a less severe form of punishment for the punishment imposed;*
- or*
- (d) remit the whole or part of :*
 - i. the punishment imposed; or*
 - ii. a penalty or forfeiture otherwise due to the State in respect of the offence.*

(2) This subsection establishes a Commission on the Prerogative of mercy consisting of:

- (a) the Attorney-General who is to be its chairperson; and*
- (b) 2 other members appointed by the President, acting in his or her own judgment.*

(3) In the exercise of his or her powers under subsection (1), the President acts on the advice of the Commission.

(4) If a person is sentenced to death for an offence otherwise than by a court martial the Commission must:

- (a) consider a report on the case prepared by:*
 - (i) the judge who presided at the trial; or*
 - (ii) if the report cannot be obtained from that judge – the Chief Justice*
- (b) consider such other information derived from the record of the case or elsewhere as is available to the Commission; and*
- (c) advise the President whether or not to exercise his or her power under the subsection (1).*