

CAYMAN ISLANDS

LAW 19 of 1965

I assent,

J.A. CUMBER
Administrator

(L.S.)

22nd June, 1965

A LAW to regularise the taking of Finger Prints of any persons in custody for any Felony or Indictable Misdemeanour whether Accused or Convicted and the use of such Finger Prints in Judicial Proceedings.

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Enacted by the Legislature of the Cayman Islands.

1—This Law may be cited as the Finger Prints Law, 1964, and shall come into operation on such day as the Administrator shall appoint by Government Notice published in the Cayman Islands.

Short title and
commencement.

2—In this Law and any Rules made thereunder “Authorised Officer” means any member of the Cayman Islands Police Force of or above the rank of Sergeant, or any Prison Officer appointed as such by the Administrator, or any Sub Officer of the Jamaica Constabulary.

Definitions.

“Finger Print Authority” means the Finger Print Bureau of the Criminal Investigation Department of the Jamaica Constabulary.

“Finger Print Form” means a piece of paper or cardboard as used by the Finger Print Bureau of the Criminal Investigation Department of the Jamaica Constabulary.

Authorised
Officer may take
finger prints.

3—Any Authorised Officer may from time to time take the finger prints of any person in lawful custody, whether accused of, or convicted of, any offence, as listed in the Schedule to this Law.

Recording of
finger prints
on conviction.

4—If the person whose finger prints are taken is convicted of any such offence his conviction and sentence shall be recorded in the space provided on the Finger Print Form. If he is acquitted the Finger Print Form shall be destroyed.

Finger Print
Bureau.

5—All finger print forms taken shall be sent for preservation, comparison and indexing to the Finger Print Bureau of the Criminal Investigation Department of the Jamaica Constabulary, which shall be the Finger Print Authority for the Cayman Islands.

Finger Print
Form admissible
in evidence.

6—(1) Where the finger prints on a Finger Print Form or on any other form taken and used in judicial proceedings subsequent to the passing of this Law purport to have been taken and the entries thereon purport to have been made by an Authorised Officer the Finger Print Forms and such other finger prints shall be admissible in evidence without proof and shall be prima facie evidence of the conviction and sentence of the person whose finger prints are impressed thereon.

(2) Any additional information may be recorded

4 - All finger prints taken under the said Law shall be made by pressing the external filament of the fingers and thumbs of both hands first upon an ink plate, and then upon a Finger Print Form, so as to leave a clear print print of the skin surface.

5 - The Finger Print Form shall be as issued by the Finger Print Bureau of the Criminal Investigation Department of the Jamaica Constabulary, and the person whose Finger Prints are taken, if able to write, shall sign the Form in the space provided for the purpose.

6 - If any person, when required so to do by an Authorised Officer, refuses to have his Finger Prints taken or to sign the Finger Print Form, he shall be guilty of a breach of these rules.

7 - The Certificate mentioned in Section 7 of the said Law shall be in the form as in Section 5 to these Rules.

8 - When a person has been finger printed, photographed or measured under these rules, all finger print impressions, photographs (both negative and copies) and records of measurements so taken shall, unless he is convicted, be destroyed upon the conclusion of the proceedings taken against him.

9 - These rules may apply to any person in custody whom the proper officer of Police (that is to say, any officer or police being of a rank not lower than that of Sergeant of any class or being in charge of a Police Station) has reasonable grounds for suspecting to have committed an offence to which the said Law applies.

Rules for the Carrying into Effect the Purposes of the Finger Prints Law, 1964.

I, the Administrator in Executive Council in exercise of the powers conferred by Section 8 of the Finger Prints Law, 1964, and of every power hereunto enabling do hereby make the Rules set out hereunder for carrying into effect the purposes of the said Law.

Made in Executive Council this 14th day of April 1965

J.A. CUMBER
Administrator

The Finger Prints Law, 1964.
The Cayman Islands Finger Prints,
Photography and Measurement Rules, 1964.

1. - These Rules may be cited as the Cayman Islands Finger Prints, Photography and Measurements Rules, 1964, and shall come into operation on the coming into force of the Finger Prints Law, 1964.

2. - Subject as hereinafter mentioned and without prejudice to any other powers in that behalf, a person to whom these rules apply may be finger printed, photographed and measured by any Constable authorised in writing by the Chief of Police, or by any Prison Officer.

3 - The measurements to be taken may include -

- (a) the height when standing;
- (b) the size and relative position of every scar and distinctive mark upon any part of the body.

on a Finger Print Form but the Finger Print Form shall not be evidence of such additional information.

7—For the purpose of proving a previous conviction of a person convicted of any offence, as listed in the Schedule to this Law, a Certificate as issued by the Finger Print Authority and purporting to be signed by the Officer in charge of the Finger Print Bureau of the Criminal Investigation Department of the Jamaica Constabulary, shall be admissible in evidence without proof, and shall be prima facie evidence that the finger prints to which the Certificate relates are the finger prints of the same person and also of the previous convictions and sentences recorded on the Certificate.

Proof of previous conviction by finger prints.

8—The Administrator in Executive Council may make rules generally for carrying into effect the purposes of this Law. Any person who acts in contravention of any of the provisions of this Law or any rules made under this Law shall be liable on summary conviction before the Stipendiary Magistrate to a fine not exceeding ten pounds, or to imprisonment not exceeding two months.

Rules.

SCHEDULE

1. Any felony
2. Any indictable misdemeanour not specified elsewhere in this Schedule.
3. Any offence against section 41, 46 or 47 of the Criminal Justice (Administration) Law, Chapter 83, Jamaica.

SECTION 41. Where a person is convicted on indictment of a crime, and a previous conviction of a crime is proved against him upon trial of the said indictments who within 7 years of the expiration of the last sentence for such crimes:

- (1) is charged with getting his livelihood by dishonest means and it appears to the Court that there are reasonable grounds to believe the same to be true;
- (2) on being charged with any offence punishable on indictment or summary conviction, gives a false, or refuses to give his name and address;
- (3) is found in any place under such circumstances as to satisfy the Court that he was about to commit or aid in the commission, or was waiting for an opportunity to commit or aid in the commission of any offence;
- (4) is found in or upon any place of business place or premises attached thereto etc., or in any garden, pleasure ground, orchard etc., without being able to give a satisfactory account of himself.

SECTION 46. The occupier or keeper of any lodging house, place of public entertainment or resort, or place where spirituous liquors and compounds are sold, who knowingly lodges or harbours reputed thieves, or permits them to assemble or to deposit stolen goods on his premises.

SECTION 47. Assaults on any officer of any Court of Justice while executing process, or any Justice in the execution of his duty.

4. Any offence contrary to Sections 15 and 16 of the Deportation (British Subjects) Law, 1941.

SECTION 15. (1). If a person in respect of whom a restriction order is in force leaves or attempts to leave

(2) Any person found in a street, highway, path or public place in possession of any stick, stone, bludgeon, iron bar or weapon of any kind.

(3) Any person making use of any words or gestures likely to lead to a breach of the peace.

SECTION 43 (1). Any person who assaults, obstructs, hinders, resists, or uses any threatening or abusive or calumnious language, or incites, aids or abets any other person to assault, obstruct, hinder or resist any Member of the Police Force.

(2) Any person who escapes from lawful custody.

Passed the Assembly this 7th day of April, 1964.

J.A. CUMBER
President

SYBIL McLAUGHLIN
Clerk of the Legislative Assembly

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paragraphs (a), (b), (c), (d) and (e) of this section,

shall be guilty of an offence and shall be liable on summary conviction before the Stipendiary Magistrate, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

7. Any offence against the Gambling Law, Chapter 137.

8. Any offence against the Obeah Law, Chapter 266.

9. Any of the following offences against the Motor Vehicles Law, 1961.

SECTION 15. Dangerous and reckless driving.

SECTION 18. Driving motor vehicle under the influence of drinks or drugs.

SECTION 26. The taking and driving away any motor vehicle without the owner's consent.

SECTION 27. (a) Forging, or with fraudulent intent, altering, using, or allowing to be used any licence, registration marks or plates.

10. Any offence against the Unlawful Possession of Property Law, 1953.

11. Any of the following offences against the Cayman Islands Police Force Law, 1961.

SECTION 28 (1) Any person who while present at any assembly of three or more persons refuses or delays to disperse or re-assemble after being ordered to disperse by a Member of the Police Force.

or enters or attempts to enter any area in contravention of the provisions of the order, or wilfully neglects or refuses to report himself as ordered, or having in pursuance of permission given as hereinbefore provided, left or entered any place, wilfully fails to observe any condition attached to such permission, he shall be liable on summary conviction to imprisonment not exceeding six months with or without hard labour or a fine not exceeding fifty pounds or both such imprisonment and fine, and to be again removed under the original order, and the provisions of sections 11, 12 and 13 of this Law shall apply accordingly.

(2) If a person in respect of whom a deportation order is in force returns or attempts to return to the Islands in contravention of the provisions of the order, or having entered the Islands in pursuance of permission given as hereinbefore provided, wilfully fails to observe any condition attached to such permission, he shall be liable on summary conviction to imprisonment for a period not exceeding six months with or without hard labour or a fine not exceeding fifty pounds or both such imprisonment and fine, and to be again deported under the original order, and the provisions of sections 11, 12 and 13 of this Law shall apply accordingly.

(3) Nothing in this section shall prevent the making of a restriction order or a deportation order in accordance with the provisions of this Law in consequence of a conviction for an offence under this Law.

SECTION 16. Any person who, without lawful excuse knowingly harbours or conceals any person who -

(a) is within the Islands or an area thereof

in contravention of the terms of a deportation order or restriction order; or

- (b) having entered the Islands or any area thereof in pursuance of permission given as hereinbefore provided, has wilfully failed to observe any condition attached to such permission,

shall on summary conviction be liable to a fine not exceeding fifty pounds.

5. Any offence contrary to the provisions of the Aliens Law, 1961, or any Regulations made thereunder.

6. Any offence contrary to Section 15(2) and Section 30 of the Immigration Restriction (British Subjects) Law, 1961.

SECTION 15. (2) A British Subject who fails to comply with any condition attached to the grant of leave to land or who is found in the Cayman Islands at any time after the expiration of the period limited by any such condition shall be deemed to be a prohibited immigrant and may be dealt with as such.

SECTION 30. Any person who -

- (a) for the purpose of entering the Cayman Islands or of remaining therein, in contravention of this Law or any other Law, or of assisting any other person so to enter or so to remain, fabricates or falsifies any passport, certificate or other document, or utters, uses, or attempts to use any passport, certificate or other document which has not been issued by lawful authority or which though issued by lawful authority he

is not entitled to use, or any fabricated or falsified passport, certificate or other document, knowing it to be fabricated or falsified; or

- (b) makes a statement which to his knowledge is untrue in a declaration required to be made by an applicant for the issue of a passport or of a certificate of identity; or
- (c) obstructs, hinders or opposes any immigration officer or constable in the execution of his duty under this Law; or
- (d) without lawful excuse knowingly harbours or conceals any other person who is within the Cayman Islands in contravention of the provisions of this Law, or who having entered the Cayman Islands in pursuance of leave granted as hereinbefore provided, has wilfully failed to observe any condition attached to the grant of such leave; or
- (e) fails to comply with or contravenes the conditions under which leave to land or remain in the Cayman Islands has been granted to him or under which any certificate or other document has been issued to him under this Law; or
- (f) being a prohibited immigrant, lands in the Cayman Islands without previously obtaining leave of an immigration officer as hereinbefore provided; or
- (g) aids or abets any other person in the commission of any of the offences set out in