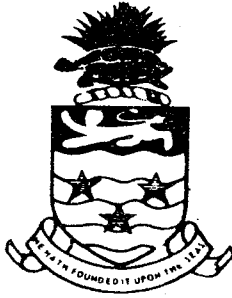


CAYMAN ISLANDS



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**THE CONFIDENTIAL RELATIONSHIPS
(PRESERVATION) (AMENDMENT) LAW, 1979
(Law 26 of 1979)**

Date of operation:
Notice of non-disallowance published in Gazette of 1979

CAYMAN ISLANDS

**THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION)
(AMENDMENT) LAW, 1979**

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Amendment of section 2 of the Confidential Relationships (Preservation) Law
Law 16 of 1976
3. Amendment of section 3 of the principal Law
4. Addition of a new section 3A to the principal Law
5. Amendment of section 4 of the principal Law
6. Repeal of section 5 of the principal Law

CAYMAN ISLANDS

Law 26 of 1979

I assent

T. RUSSELL
Governor

2nd October, 1979

L.S.

**A LAW to amend the Confidential Relationships (Preservation) Law
(Law 16 of 1976)**

ENACTED by the Legislature of the Cayman Islands.

Short title.

1. This Law may be cited as the Confidential Relationships (Preservation) (Amendment) Law, 1979.

Amendment of
section 2 of the
Confidential
Relationships
(Preservation)
Law, Law 16 of
1976

2. Section 2 of the Confidential Relationships (Preservation) Law (hereinafter referred to as the principal Law) is hereby amended by deleting the definition "entitled to possession of confidential information".

Amendment of
section 3 of the
principal Law.

3. Section 3 of the principal Law is hereby amended as follows —

(a) in subsection (1) thereof, by the substitution for the word "This" at the beginning thereof, of the words "Subject to subsection (2), this"; and

(b) by the repeal of subsection (2) and the substitution of the following new subsection therefor —

"(2) This Law has no application to the seeking, divulging, or obtaining, of confidential information —

(a) in compliance with the directions of the Grand Court pursuant to section 3A;

(b) by or to –

- (i) any professional person acting in the normal course of business or with the consent, express or implied, of the relevant principal;
- (ii) a constable of the rank of Inspector or above investigating an offence committed or alleged to have been committed within the jurisdiction;
- (iii) a constable of the rank of Inspector or above, specifically authorised by the Governor in that behalf, investigating an offence committed or alleged to have been committed outside the Islands which offence, if committed in the Islands, would be an offence against its laws; or
- (iv) the Financial Secretary, the Inspector or, in relation to particular information specified by the Governor, such other person as the Governor may authorise;
- (v) a bank in any proceedings, cause or matter when and to the extent to which it is reasonably necessary for the protection of the bank's interest, either as against its customers or as against third parties in respect of transactions of the bank for, or with, its customer;
- (vi) the relevant professional person with the approval of the Financial Secretary when necessary for the protection of himself or any other person against crime; or

(c) in accordance with the provisions of this or any other Law.”.

Addition of a
new section
3A to the
principal Law:

4. The principal Law is hereby amended by the addition, immediately following section 3, of the following new section –

“Directions
regarding
the giving
in evidence
of confidential
information.

3A. (1) Whenever a person intends or is required to give in evidence in, or in connection with, any proceeding being tried, inquired into or determined by any court, tribunal or other authority (whether within or without the Islands) any confidential information within the meaning of this Law, he shall before so doing apply for directions and any adjournment necessary for that purpose may be granted.

(2) Application for directions under subsection (1) shall be made to, and be heard and determined by, a Judge of the Grand Court sitting alone and *in camera*. At least seven days' notice of any such application shall be given to the Attorney General and, if the Judge so orders, to any person in the Islands who is a party to the proceedings in question. The Attorney

General may appear as *amicus curiae* at the hearing of any such application and any party on whom notice has been served as aforesaid shall be entitled to be heard thereon, either personally or by counsel.

(3) Upon hearing an application under subsection (2) a Judge shall direct -

- (a) that the evidence be given; or
- (b) that the evidence shall not be given; or
- (c) that the evidence be given subject to conditions which he may specify whereby the confidentiality of the information is safeguarded.

(4) In order to safeguard the confidentiality of a statement, answer or testimony ordered to be given under subsection (3) (c) a Judge may order -

- (i) divulgence of the statement, answer or testimony to be restricted to certain named persons;
- (ii) evidence to be taken *in camera*; and
- (iii) reference to the names, addresses and descriptions of any particular persons to be by alphabetical letters, numbers or symbols representing such persons the key to which shall be restricted to persons named by him.

(5) Every person receiving confidential information by operation of subsection (2) is as fully bound by the provisions of this Law as if such information had been entrusted to him in confidence by a principal.

(6) In considering what order to make under this section a Judge shall have regard to -

- (a) whether such order would operate as a denial of the rights of any person in the enforcement of a just claim;
- (b) any offer of compensation or indemnity made to any person desiring to enforce a claim by any person having an interest in the preservation of secrecy under this Law;
- (c) in any criminal case, the requirements of the interests of justice.

(7) In this section, unless the context otherwise requires -

"court" bears the meaning ascribed to it in

Law 13 of 1978.

section 2 of the Evidence Law;

“given in evidence” and its cognates means make a statement, answer an interrogatory or testify during or for the purposes of any proceeding;

“proceeding” means any court proceeding, civil or criminal and includes a preliminary or interlocutory matter leading to or arising out of a proceeding.”

Amendment of
section 4 of
the principal
Law.

5. Subsection (1) of section 4 of the principal Law is hereby amended as follows —

- (i) in paragraph (a) (ii) thereof, by deleting the words “to any person not entitled to possession thereof”; and
- (ii) in paragraph (b) thereof, by deleting the words “to which he is not entitled”.

Repeal of
section
5 of the
principal Law.

6. Section 5 of the principal Law is hereby repealed.

Passed the Legislative Assembly this 6th day of September, 1979.

T. RUSSELL
President

ALINE WOOD
Acting Clerk of the Legislative Assembly