

CAYMAN ISLANDS



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**THE CRIMINAL PROCEDURE CODE
(AMENDMENT) LAW, 1984
(LAW 7 OF 1984)**

CAYMAN ISLANDS

Law 7 of 1984

I Assent

PETER LLOYD

Governor

10th July, 1984

**A LAW TO AMEND THE CRIMINAL PROCEDURE
CODE
(LAW 13 OF 1975)**

ENACTED by the Legislature of the Cayman Islands.

Short title.

1. This Law may be cited as the Criminal Procedure Code (Amendment) Law, 1984.

Amendment of s. 27 of Law 13 of 1975.

2. Section 27 of the Criminal Procedure Code, in this Law referred to as the Code, is amended by substituting "be bailed with or without security therefor" for "give bail" in the fourth and fifth lines of subsection (1).

Amendment of s. 66

3. Section 66 of the Code is amended by substituting —

- (a) "has established a prima facie case" for "case has been established" in the third and fourth lines;
- (b) "a prima facie case on the evidence presented has not been established" for "the prosecution has not established its case" in the fifth and sixth lines.

Amendment of s. 71.

4. Section 71 of the Code is amended by substituting a colon for the fullstop and by adding the following proviso —

"PROVIDED that no such order of discharge shall be

made in respect of any prosecution instituted under section 61 of the Traffic Law.”.

Insertion of new s.
105A.

5. The Code is amended by inserting the following new section immediately after section 105 —

“Restrictions on reports of committal proceedings.

105A.(1) Except as provided in this section, it shall not be lawful to publish in the Islands a written report, or to broadcast a report, of any committal proceedings containing any matter other than that permitted by subsection (6).

(2) Subject to subsection (3), the court shall on an application for the purpose made with reference to any such committal proceedings by the accused person or one of the accused persons, as the case may be, order that subsection (1) shall not apply to reports of those proceedings.

(3) Where in the case of two or more accused persons one of them objects to the making of an order under subsection (2), the court shall make the order only if it is satisfied after hearing the representations of the accused persons, that it is in the interests of justice to do so.

(4) An order under subsection (2) shall not apply to reports of proceedings under subsection (3) but any decision of the court to make or not to make such an order may be contained in reports published or broadcast before the time authorised by subsection (5).

(5) It shall not be unlawful under this section to publish or broadcast a report of committal proceedings containing any matter other than that permitted by subsection (6) —

(a) where the court determines not to commit the accused person, or determines to commit none of the accused persons, for trial, after it so determines; or

(b) where the court commits the accused person or any of the accused persons for trial, after the conclusion of his trial or as the case may be, the trial of the last to be tried,

and where at any time during a summary trial the court determines to commit the accused person or persons for trial under section 75, it shall not be unlawful under this section to publish or broadcast as part of a report of the summary trial, after the court so determines, a report of so much of the committal proceedings containing any such matter as takes place before such determination.

(6) The following matters may be contained in a report of committal proceedings published or broadcast without an order under subsection (2) before the time authorised by subsection (5) —

(a) the identity of the Court and the name of the magistrate;

(b) the names, addresses and occupations of the parties and witnesses, and the ages of the accused persons and witnesses;

(c) the offence or offences, or a summary of them, with which the accused person or persons is or are charged;

- (d) the names of counsel engaged in the proceedings;
 - (e) any decision of the court to commit the accused person or any of the accused persons for trial, the charge or charges, or a summary of them on which he or they is or are committed;
 - (f) where the committal proceedings are adjourned, the date and place to which they are adjourned;
 - (g) any arrangements as to bail on committal or adjournment;
 - (h) whether a legal aid certificate under the Poor Persons (Legal Aid) Law was granted to the accused persons or any of them.
- (7) If a report is published or broadcast in contravention of this section, the following persons —
- (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
 - (b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;
 - (c) in the case of a broadcast of a report, any body corporate which transmits or provides the programme in which the report is broadcast and any person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical, shall be

guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars.

(8) Subsection (1) shall be in addition to, and not in derogation from, the provisions of any other law with respect to the publication of reports and proceedings of courts.

(9) For the purposes of this section committal proceedings shall be deemed to include any proceedings in the court before it proceeds to hold the preliminary enquiry.

(10) In this section —
“broadcast” means broadcast by wireless telegraphy sounds or visual images intended for general reception;

“publish” in relation to a report, means publish the report or any part thereof, either by itself or as a part of a newspaper or periodical, for distribution to the public.

(11) Proceedings for an offence under this section shall not be instituted otherwise than by or with the consent of the Attorney General.”.

Amendment of s.160.

6. Section 160 of the Code is amended —

- (a) by substituting “the Clerk of the Court” for “a magistrate” in the third line;
- (b) by substituting “Clerk of the Court” for “magistrate” in —
 - (i) the fourth line;
 - (ii) the sixth line;
 - (iii) the ninth line.

Amendment of
Schedule I.

7. Schedule I of the Code is amended by substituting —

(a) "A A 218 Theft, or property
exceeding value of \$6,000 Ten years

B A 218 Theft, or property
of value \$6,000 or less Five years"
for the item relating to section 218 of the Penal
Code;

(b) "A A 257 Forgery (will etc.) Life Imp."
for items relating to subsections (1) and (2) of
section 257 of the Penal Code.

Passed the Legislative Assembly this 9th day of May, 1984.

PETER LLOYD
President

WENDY LAUER
Acting Clerk of the Legislative Assembly.