

CAYMAN ISLANDS



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THE CRIMINAL PROCEDURE CODE (AMENDMENT) LAW, 1998
(Law 16 of 1998)

CAYMAN ISLANDS

Law 16 of 1998.

I Assent

JOHN OWEN

Governor.

19th November, 1998

THE CRIMINAL PROCEDURE CODE (AMENDMENT) LAW, 1998

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Criminal Procedure Code (Amendment) Law, 1998. Short title
2. The Criminal Procedure Code (1995 Revision) is referred to in this Law as "the principal Law". Definition
3. Section 6 of the principal Law is amended in subsection (2)- Amendment of section 6
- sentences which the
courts may impose
 - (a) by repealing "two" and substituting "four"; and
 - (b) by repealing "one thousand" and substituting "two thousand".
4. The First Schedule to the principal Law is amended- Amendment of the First
Schedule - mode of trial
and arrestable offences
 - (a) in column 5 opposite section 64(1), by repealing "One year" and "\$250" and substituting "Five years" and "\$5,000" respectively;
 - (b) by inserting, after section 76, section 76A to which the following shall apply-
 - (i) the nature of the offence shall be "vandalising the flag of the Islands";
 - (ii) the mode of trial shall be Category B;
 - (iii) it shall be an arrestable offence; and

- (iv) the maximum punishment shall be 4 years;
- (c) in column 5 opposite section 78, by repealing "Five years" and "\$1000" and substituting "Ten years" and "\$10,000" respectively;
- (d) in column 5 opposite section 79, by repealing "nine months" and "\$200" and substituting "Two years" and "\$2,000" respectively;
- (e) by inserting, after section 79, section 80 to which the following shall apply-
 - (i) the nature of the offence shall be "refusal to accompany a constable";
 - (ii) the mode of trial shall be Category C;
 - (iii) it shall not be an arrestable offence; and
 - (iv) the maximum punishment shall be \$100;
- (f) in column 5 opposite section 88, by repealing "Three years" and substituting "Five years" and by inserting "\$5,000";
- (g) in column 5 opposite section 89, by repealing "Three years" and substituting "Five years" and by inserting "\$5,000";
- (h) in column 5 opposite section 90, by repealing "Six months" and substituting "One year";
- (i) in column 5 opposite section 91, by repealing "One year" and substituting "Two years";
- (j) in column 5 opposite section 93(1) by repealing "Two years" and substituting "Three years" and opposite section 93(2) by repealing "Three years" and substituting "Four years";
- (k) in column 5 opposite section 95 by repealing "One year" and substituting "Two years";
- (l) in column 5 opposite section 97 by repealing "Three years" and substituting "Four years";
- (m) in columns 3 and 4 by repealing "105" and "conspiracy to defeat justice" respectively and by inserting-
 - (i) in column 3 "105(1) and 105(2)";
 - (ii) in column 4 "defeating the course of justice"; and
 - (iii) in column 5 opposite 105(2) "Seven years";
- (n) in column 5 opposite section 109 by repealing "Three years" and substituting "Five years";
- (o) in column 5 opposite section 130 (1) by repealing "Seven years" and substituting "Ten years";
- (p) in column 5 opposite section 131 by repealing "One year" and substituting "Three years";
- (q) in column 5 opposite section 142 (1) by repealing "Three years" and substituting "Ten years";

- (r) in column 3 by repealing section "143(1) and (2)" and substituting "143(4) and (5)" and by repealing in column 5 opposite "Five years" and substituting "Ten years and Four years" respectively;
- (s) in column 4 opposite section 201 by inserting before "grievous bodily harm" the words "Wounding or causing";
- (t) by inserting after section 201 section 201A to which the following shall apply-
 - (i) The nature of the offence shall be "wounding or inflicting grievous bodily harm";
 - (ii) the mode of trial shall be Category B;
 - (iii) it shall be an arrestable offence; and
 - (iv) the maximum punishment shall be Seven years;
- (u) by repealing all items in the columns relating to section 206;
- (v) in column 5 opposite section 209 by repealing "Six months" and substituting "Two years" and by inserting thereafter "\$2,000";
- (w) in column 5 opposite section 210 by repealing "Six months" and substituting "Two years" and by inserting thereafter "\$2,000";
- (x) in column 5 opposite section 233 by repealing "Five years" and substituting "Two years" and by inserting thereafter "\$2,000";
- (y) by inserting, after 236(1), sections 236A, 236B, 236C and 236E to which the following shall apply-
 - (i) the nature of the offences shall be-
 - (A) in relation to 236A, "evasion of liability by deception";
 - (B) in relation to 236B, "obtaining services by deception";
 - (C) in relation to 236C, "obtaining a money transfer by deception"; and
 - (D) in relation to 236E, "dishonestly retaining a wrongful credit";
 - (ii) the mode of trial shall be Category B in relation to section 236A and 236B and A in relation to 236C and 236E;
 - (iii) they shall be arrestable offences; and
 - (iv) the maximum punishment shall be-
 - (A) in relation to 236A, Five years;
 - (B) in relation to 236B, Four years;
 - (C) in relation to 236C and 236E, Ten years;
- (z) in column 1 relating to section 238(1) by repealing "B" and substituting "C";
- (aa) by inserting in column 4 opposite section 250 the words "destroying or damaging property other than by fire" and by inserting opposite thereto in column 5 the words "Ten years";

- (bb) by inserting, after section 250, section 250A to which the following shall apply-
 - (i) the nature of the offence shall be "threats to damage or destroy property";
 - (ii) the mode of trial shall be Category B;
 - (iii) it shall be an arrestable offence; and
 - (iv) the maximum punishment shall be Ten years;
- (cc) by repealing all items in the columns relating to sections 257 and 260;
- (dd) in column 5 opposite -
 - (i) section 261(1) by repealing "\$50" and substituting "\$1,000" and by inserting thereafter "One year"; and
 - (ii) section 261(2) by repealing "Six months" and substituting "Two years" and inserting thereafter "\$2,000" and by repealing "Two years" and substituting "Three years" and inserting thereafter "\$3,000";
- (ee) in column 5 opposite section 262 by repealing "One year" and substituting "Four years";
- (ff) in column 5 opposite section 263 by repealing "Six months" and substituting "Two years";
- (gg) in column 5 opposite section 270 by repealing "Life imprisonment" and substituting "Ten years";
- (hh) (i) by repealing "279" and substituting "279 (1)" and in column 5 opposite thereto by repealing "Seven years" and substituting "Ten years"; and
 - (ii) by inserting after section 279 (1), section 279 (2) to which the following shall apply-
 - (A) nature of the offence shall be "uttering a forged bank note or currency note";
 - (B) the mode of trial shall be Category A;
 - (C) it shall be an arrestable offence; and
 - (D) the maximum punishment shall be Ten years;
- (ii) in column 5 opposite section 280 by repealing "Seven years" and substituting "Ten years";
- (jj) in column 5 opposite section 281 by repealing "Seven years" and substituting "Ten years";
- (kk) in column 5 opposite section 283 by repealing "Three years" and substituting "Five years";
- (ll) in column 5 opposite section 285 by repealing "Life Imprisonment" and substituting "Ten years";
- (mm) by repealing in columns 3, 4 and 5 the words "288", "clipping" and "Seven years" respectively and inserting the following-

- (i) in column 3 "288(1)" and "288(2)";
- (ii) in column 4 "Impairing coin"; and
- (iii) in column 5, opposite section 288(1), "Fourteen years" and opposite 288(2) "Seven years";
- (nn) in column 5 opposite section 303 by repealing "Three years" and substituting "life imprisonment"; and
- (oo) in column 5 opposite section 308 by repealing "Three years" and substituting "Ten years".

Passed by the Legislative Assembly the 9th day of October, 1998.

MABRY S. KIRKCONNELL

Speaker.

GEORGETTE MYRIE

Clerk of the Legislative Assembly.