

CAYMAN ISLANDS



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**THE JUDICATURE (AMENDMENT) LAW, 2002
(LAW 6 OF 2002)**

THE JUDICATURE (AMENDMENT) LAW, 2002

ARRANGEMENT OF SECTIONS

1. Short title.
2. Amendment of section 2 of the Judicature Law (1995 Revision) - definitions.
3. Amendment of section 10 - panel of jurors for court sessions.
4. Repeal of section 12 and substitution - allowance to jurors.
5. Amendment of section 16 - number of jurors in criminal cases.
6. Amendment of section 20 - discharge of jury before verdict.

CAYMAN ISLANDS

Law 6 of 2002.

I Assent

P.J. Smith

Governor.

Date: 19 April, 2002

A LAW TO AMEND THE JUDICATURE LAW (1995 REVISION) TO ENSURE THAT EMPLOYERS PAY EMPLOYEES FOR THEIR NORMAL EMPLOYMENT DURING THE PERIOD IN WHICH EMPLOYEES ARE SERVING ON A JURY; TO PROVIDE FOR THE PAYMENT OF AN ALLOWANCE TO EMPLOYERS IN CERTAIN CIRCUMSTANCES; TO INCREASE THE PANEL OF JURORS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

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| 1. This Law may be cited as the Judicature (Amendment) Law, 2002. | Short title |
| 2. The Judicature Law (1995 Revision), in this Law referred to as "the principal Law", is amended in section 2 by repealing the definition "money laundering offence". | Amendment of section 2 of the Judicature Law (1995 Revision) - definitions |
| 3. The principal Law is amended in section 10 -
(a) by repealing the words "thirty six" and substituting the words "seventy two"; and
(b) by repealing the words "seventy two" and substituting the words "one hundred and twenty four". | Amendment of section 10 - panel of jurors for court sessions |
| 4. The principal Law is amended by repealing section 12 and substituting the following -

"Payment of jurors 12. (1) Upon receiving a summons to report for jury duty, an employee shall on the next day he is engaged in his employment show the summons to his immediate supervisor and the employee shall | Repeal of section 12 and substitution - allowance to jurors |

thereupon be excused from his employment for the day or days required of him in serving as a juror.

(2) Each juror shall be entitled to an allowance of fifty dollars per day for his attendance at court together with a travelling allowance not exceeding one dollar for each mile travelled in order to attend and the Clerk of the Court shall issue to each juror a warrant, countersigned by the court, authorising the Treasury to pay to each juror the amount so due to him.

(3) Notwithstanding the excused absence provided for in subsection (1), a juror who is an employee shall be entitled to his usual compensation received from his employment; and an employer who refuses to pay an employee in accordance with this subsection or who terminates the employment of an employee on the grounds that the employee is serving on a jury commits an offence and is liable to be dealt with in accordance with section 27 of the Grand Court Law (1995 Revision).

(4) Where a juror has been serving for a period exceeding two months and his employer suffers financial loss because of such juror's absence from his employment the employer may apply to the Accountant General for an allowance to compensate him for such loss or a part of such loss; and the Accountant General after obtaining such information from the employer as he considers necessary, shall issue to the employer a warrant, countersigned by the Clerk of the Court, authorising the Treasury to pay to such employer the amount so due to him.

(5) When an employee receives the allowance of fifty dollars referred to in subsection (2) the Clerk of the Court shall notify his employer of such payment and the employee shall pay that allowance to his employer or, where the employee's daily employment compensation is less than fifty dollars, such part of such allowance as is equal to such daily employment compensation; and an employee who refuses or fails to pay his employer such allowance commits an

offence.”.

5. The principal Law is amended in section 16 -

Amendment of section
16 - number of jurors in
criminal cases

- (a) by repealing subsection (1a);
- (b) by inserting the following subsection after subsection (2) -

“(2a)Notwithstanding subsection (2), on any trials on indictment which, in the opinion of the trial judge, will be complex the trial judge may order that twelve jurors shall form the array.”; and

- (c) in subsection (3), by repealing the words “or in the case of money laundering offences, five,” and substituting the words “or in the case of a criminal trial referred to in subsection (2a), five”.

6. The principal Law is amended in section 20 (1)(b) by repealing the words “or in the case of a money laundering offence, five” and substituting the words “or in the case of a criminal trial referred to in section 16 (2a), five”.

Amendment of section
20- discharge of jury
before verdict

Passed by the Legislative Assembly the 15th day of April, 2002.

JULIANNA O’ CONNOR- CONNOLLY

Speaker.

WENDY LAUER EBANKS

Clerk of the Legislative Assembly.