

CAYMAN ISLANDS



Supplement No. 2 published with Gazette No. 22 dated
25 October, 1999.

**THE MISUSE OF DRUGS (AMENDMENT) (MARITIME
INTERNATIONAL CO-OPERATION) LAW, 1999**

(Law 13 of 1999)

The Misuse of Drugs (Amendment) (Maritime International Co-operation) Law, 1999

The Misuse of Drugs (Amendment) (Maritime International Co-operation) Law, 1999

CAYMAN ISLANDS

Law 13 of 1999.

I Assent

P.J. SMITH

Governor.

11 October, 1999

**A LAW TO AMEND THE MISUSE OF DRUGS LAW (1999 REVISION)
IN ORDER TO IMPLEMENT CERTAIN PROVISIONS OF AN
AGREEMENT MADE ON BEHALF OF THE ISLANDS AUTHORISING
A DESIGNATED CONVENTION STATE TO EXERCISE IN RELATION
TO A SHIP IN THE TERRITORIAL SEAS OF THE ISLANDS
ENFORCEMENT POWERS; AND FOR INCIDENTAL AND
CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Misuse of Drugs (Amendment) (Maritime International Co-operation) Law, 1999. Short title

2. The Misuse of Drugs Law (1999 Revision) is amended by inserting the following sections after section 21- Amendment of the
Misuse of Drugs Law
(1995 Revision)

“Pursuit into territorial waters 21A.(1) Subject to the provisions of this section, a law enforcement official on board a law enforcement vessel of a designated Convention state may exercise in the internal waters and the territorial sea of the Islands the powers specified in paragraphs 2, 3 and 4 of the Fourth Schedule in relation to-

- (a) (i) any ship, when so authorised by a law enforcement official of the Islands who is embarked on a law enforcement

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vessel of the designated Convention state;

- (ii) a ship which is reasonably suspected of engaging in the commission of a drug trafficking offence outside the landward limits of the territorial sea and is pursued into the territorial sea of the Islands by the law enforcement vessel of the designated Convention state; or
- (iii) a ship (other than a Cayman ship) which is suspected of engaging in the commission of a drug trafficking offence.

(2) A law enforcement official may only seize and detain a ship where a search under subsection (1) reveals evidence that the ship is being used for the commission of a drug trafficking offence.

(3) A law enforcement vessel of a designated Convention state shall not exercise the powers specified in subsection (1) unless a law enforcement vessel of the Islands is not immediately available to exercise the powers specified in this section in relation to the ship suspected of engaging in a drug trafficking offence.

(4) A law enforcement official of the designated Convention state shall, before exercising the powers under this section-

- (a) give advance notice of his proposed action in relation to the ship to an enforcement officer of the Islands; or
- (b) where it is not practical to give advance notice, notify an enforcement officer of the Islands of any action taken in relation to the ship at the earliest opportunity after the action has been taken.

(5) Where a law enforcement official of a Convention state exercises any of the powers conferred on him by this section-

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- (a) the provisions of paragraphs 5, 6, 7, and 8 of the Fourth Schedule shall apply to him; and
- (b) the Governor in Council may waive the right of the Islands to its primary jurisdiction and may authorise the enforcement of the law of the designated Convention state against the ship, its cargo or any person on board the ship.

(6) An enforcement officer of the Islands may exercise in the territorial sea of a designated Convention state any of the powers given to a law enforcement official under this section subject to the same conditions applicable to the exercise of those powers by a law enforcement official.

(7) For the purposes of this section-

- (a) “designated Convention state” means a state which is a party to the Vienna Convention and which has been designated for the purposes of this Law by an order by the Governor in Council;
- (b) “law enforcement official” means an official of a class selected by a designated Convention state to carry out the powers specified in this section and which is designated in an order made under paragraph (a); and
- (c) “law enforcement vessel” of a designated Convention state means a warship or other non-commercial ship of that state-
 - (i) which is authorised to be in the government’s service of that state for the purposes of enforcement under this Law;
 - (ii) on which law enforcement officials of that state are embarked; and
 - (iii) which is clearly marked and identifiable as a law enforcement vessel,and includes any boat or aircraft embarked on that ship.

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Offences
relating to
section 21A

21B (1) A person is guilty of an offence if he-

- (a) intentionally obstructs a law enforcement official in the performance of any of his functions under section 21A;
- (b) fails without reasonable excuse to comply with a requirement made by a law enforcement official in the performance of those functions; or
- (c) in purporting to give information required by an official for the performance of those functions-
 - (i) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular; or
 - (ii) intentionally fails to disclose a material particular.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine of \$10,000.”.

Passed by the Legislative Assembly the 28th day of June, 1999.

MABRY S. KIRKCONNELL

Speaker.

GEORGETTE MYRIE

Clerk of the Legislative Assembly.

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