

CAYMAN ISLANDS



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**THE PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT)
(FOREIGN OFFENCES) LAW, 1998**

Law 18 of 1998

CAYMAN ISLANDS

**PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT) (FOREIGN
OFFENCES) LAW 1998**

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Amendment of section 30 - registration of external confiscation orders.
4. Amendment of section 33 - representation of government of a designated country.
5. Amendment of the Schedule - modifications to the Law when applied to external confiscation orders and related proceedings.

CAYMAN ISLANDS

Law 18 of 1998.

I Assent

JOHN OWEN

Governor.

Date: 14 January, 1999

**A LAW TO AMEND THE PROCEEDS OF CRIMINAL CONDUCT LAW,
1996 TO AMEND THE PROVISIONS GOVERNING THE
REGISTRATION OF EXTERNAL CONFISCATION ORDERS, TO
REQUIRE REQUESTS FOR ASSISTANCE TO BE ACCOMPANIED BY
STATEMENTS OF FACTS, AND TO AMEND THE DEFINITION OF
CONDUCT TO WHICH THE PART OF THE LAW RELATING TO
EXTERNAL CONFISCATION ORDERS APPLIES; AND FOR
INCIDENTAL AND CONNECTED PURPOSES.**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Proceeds of Criminal Conduct (Amendment) (Foreign Offences) Law, 1998. Short title
2. In this Law, unless the context requires otherwise, “the principal Law” means the Proceeds of Criminal Conduct Law, 1996. Interpretation
3. Section 30 of the principal Law is amended by repealing subsection (3) and substituting the following subsection- Amendment of section 30 - registration of external confiscation orders

“(3) The Grand Court shall not register an external confiscation order made in a designated country-

 - (a) where the Attorney-General has issued a certificate to the effect that the application to register the order is contrary to the public interest of the Islands; or

- (b) where the facts described in the statement made under section 33(a) or in the affidavit made under paragraph 8 of the Schedule do not amount to criminal conduct.”.

Amendment of section 33 - representation of government of a designated country

4. Section 33 is repealed and the following section is substituted-

“33. A request for assistance sent to the Attorney-General by the appropriate authority of a designated country shall-

- (a) be accompanied by a statement of the facts, either alleged or proved, in respect of which proceedings have been, or are about to be, instituted which have resulted, or may result, in an external confiscation order being made; and
- (b) unless the contrary is shown, be deemed to constitute the authority of the government of that country for the Attorney-General to act on its behalf in any proceedings in the Grand Court under section 30 or any other provision of this Law as applied by section 29(2).”.

Amendment of the Schedule - modifications to the Law when applied to external confiscation orders and related proceedings

5. The Schedule to the principal Law is amended in paragraph 3(1) by repealing subparagraph (b) and substituting the following subparagraph-

- “(b) references to conduct to which this Schedule applies are references to conduct which constitutes an offence to which this Law applies or would constitute such an offence if it had occurred in the Islands, other than drug trafficking offences; and”.

Passed by the Legislative Assembly the 18th day of November, 1998.

MABRY S KIRKCONNELL

Speaker.

GEORGETTE MYRIE

Clerk of the Legislative Assembly.