

CAYMAN ISLANDS



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**THE PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT) LAW,
2004**

(LAW 25 OF 2004)

CAYMAN ISLANDS

Law 25 of 2004.

I Assent

B. H. Dinwiddy

Governor.

16 November, 2004

**A LAW TO VARY THE LAW RELATING TO CONFISCATION
ORDERS, RESTRAINT ORDERS AND CHARGING ORDERS; 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) Law, 2004. Short title

2. The Proceeds of Criminal Conduct Law (2004 Revision) is amended by inserting after section 40 the following section - Insertion of section 40A
in the Proceeds of
Criminal Conduct Law
(2004 Revision) - costs

“Costs

40A. Notwithstanding the provisions of any Law or rule of court, costs shall not be awarded against the Attorney-General -

- (a) where, pursuant to the provisions of this Law or any other Law -
 - (i) the Attorney-General has applied by written notice to the Grand Court for the grant or enforcement of a confiscation order;
 - (ii) the Attorney-General has made an application for a restraint order, a charging order or a related order; or
 - (iii) the Attorney-General, on behalf of the

government of a designated country, has made an application for a restraint order, a charging order or a related order,

and the Grand Court determines that it will not make the confiscation order, restraint order, charging order or related order; or

- (b) where the Grand Court has varied or discharged a restraint order or a charging order made under this Law,

unless it is shown to the satisfaction of the Grand Court that the Attorney-General's application in relation to the confiscation order, restraint order, charging order or related order, was made in bad faith or was frivolous or vexatious.”.

Amendment of Schedule to the Proceeds of Criminal Conduct Law (2004 Revision) – modifications to the Law when applied to external confiscation orders and related proceedings

3. The Schedule to the Proceeds of Criminal Conduct Law (2004 Revision) is amended in paragraph 8, by repealing the words “an affidavit by the appropriate authority of the designated country deposing to –”, and substituting the words “an affidavit, a declaration or any other written statement by the appropriate authority of the designated country deposing to or specifying –”.

Passed by the Legislative Assembly the 1st day of November, 2004.

LINFORD A. PIERSON

Speaker.

WENDY LAUER EBANKS

Clerk of the Legislative Assembly.