

CAYMAN ISLANDS



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**A BILL FOR LAW TO AMEND THE PENAL CODE (2013 REVISION) IN
RELATION TO OFFENCES AGAINST THE ADMINISTRATION OF
LAWFUL AUTHORITY; AND FOR INCIDENTAL AND CONNECTED
PURPOSES**

MEMORANDUM OF OBJECTS AND REASONS

THE PENAL CODE (AMENDMENT) BILL, 2016

ARRANGEMENT OF CLAUSES

1. Short title
2. Amendment of section 3 of the Penal Code (2013 Revision) - definitions
3. Amendment of section 107 - conspiracy to defeat justice and interference with witnesses
4. Repeal of section 111 and replacement - offences relating to judicial proceedings
5. Repeal
- [6. Transitional provisions]

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A BILL FOR LAW TO AMEND THE PENAL CODE (2013 REVISION) IN RELATION TO OFFENCES AGAINST THE ADMINISTRATION OF LAWFUL AUTHORITY; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

1. The Law may be cited as the Penal Code (Amendment) Law, 2016. Short title

2. The Penal Code (2013 Revision), in this Law referred to as the “principal Law”, is amended in section 3 by inserting in its appropriate alphabetical sequence the following definition - Amendment of section 3 of the Penal Code (2013 Revision) - definitions

“ “summons” means a witness summons, writ of subpoena or any other process issued by a court for the purpose of securing the attendance of a witness in criminal or civil proceedings and “summoned” shall bear a corresponding meaning;”.

3. The principal Law is amended in section 107 as follows - Amendment of section 107 - conspiracy to defeat justice and interference with witnesses
 - (a) in subsection (1) -
 - (i) by repealing paragraph (d); and

(ii) by deleting the word “seven” and by substituting the word “five”; and

(b) in subsection (2), by deleting the word “four” and by substituting the word “two.”.

Repeal of section 111 and replacement-offences relating to judicial proceedings

4. The principal Law is amended by repealing section 111 and substituting the following section -

“Offences relating to judicial proceedings

111. (1) A person who, in any judicial proceedings-

(a) wilfully insults or shows disrespect to-

(i) the court;

(ii) to any judge or magistrate when exercising his functions in regard to such proceedings; or

(iii) any attorney appearing in, or any witness giving or intending to give evidence in, such proceeding or any party thereto; or

(b) wilfully interrupts, causes a disturbance or otherwise misconducts himself in the course of any such judicial proceedings,

(c) having been duly summoned to give evidence -

(i) fails to attend or to attend after adjournment of the court after being ordered to attend the adjourned hearing;

(ii) having attended, whether pursuant to a summons or voluntarily, refuses to be sworn or make an affirmation;

- (iii) having been sworn or affirmed, refuses without lawful excuse to answer a question or produce a document; or
- (iv) having given evidence, departs without obtaining the permission of the court or remains in court after being ordered to leave; or
- (d) attempts wrongfully to interfere with or influence a witness, either before or after he has given evidence, in connection with such evidence,

commits an offence and is liable on conviction in a court of competent jurisdiction to a term of imprisonment for four years.

(2) Subject to subsection (3), where it appears to the court that an offence against subsection (1)(a), (b) or (c) has been committed in view of the court, the court may cause the alleged offender to be remanded in custody until the rising of the court on the same day and then, or at any earlier time, take cognizance of the offence; and, if satisfied that the alleged offender has committed the offence, sentence the offender to a fine of five hundred dollars or, in default of payment, to imprisonment for six months.

(3) The court shall not make a determination of guilt pursuant to subsection (2) without first satisfying itself of the matters specified in section 12(1) of the Contempt of Court Law, 2016.

(4) This section is in addition to and not in derogation of the power of the Grand Court to punish for contempt of court.”.

The Penal Code (Amendment) Bill, 2016

- Repeal (2015 Revision) Transitional provisions
5. Section 39 of the Summary Jurisdiction Law (2015 Revision) is repealed.
6. [].

Made by the Legislative Assembly this day of , 2016.

Speaker

Clerk of the Legislative Assembly