

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE PENAL CODE (2005 REVISION)
WITH RESPECT TO MALICIOUS INJURY TO PROPERTY; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

THE PENAL CODE (AMENDMENT) BILL, 2006

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Penal Code (2005 Revision) to clarify the law relating to malicious injury to property.

Clause 1 of the Bill provides the short title.

Clause 2 repeals and replaces section 261 of the Penal Code (2005 Revision). The section as it now stands criminalizes destruction of or damage to property only where it is done with intent to endanger a person's life, or with reckless indifference as to such endangerment. In a previous form, the provisions of the Law relating to malicious destruction or damage criminalized such behaviour whether or not any threat to life is involved. The text to be substituted substantially restores the provisions in their earlier form.

Clause 3 saves liabilities under section 261 of the Penal Code (2005 Revision), as in force before its repeal by this legislation.

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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Penal Code (Amendment) Law, 2006.

Short title

2. The Penal Code (2005 Revision) is amended by repealing section 261 and substituting the following section –

Repeal and substitution
of section 261 of the
Penal Code (2005
Revision) – destroying
or damaging property

“Destroying or
damaging property

261. (1) A person who, without lawful excuse, destroys or damages any property belonging to another, intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged, commits an offence.

(2) A person who, without lawful excuse, destroys or damages any property, whether belonging to himself or another –

- (a) intending to destroy or damage any property, or being reckless as to whether any property would be destroyed or damaged; and
- (b) intending by the destruction or damage to endanger the life of another, or being

reckless as to whether the life of another
would thereby be endangered,

commits an offence.

(3) An offence committed under this section by
destroying or damaging property by fire shall be charged as
arson.

(4) A person convicted of arson under this section or
of any offence under subsection (2) is liable to
imprisonment for life, and a person convicted of any other
offence under this section is liable to a fine of ten thousand
dollars and to imprisonment for ten years.”.

Saving
(2005 Revision)

3. The repeal by this Law of section 261 of the Penal Code (2005 Revision)
does not affect any rights or liabilities acquired, accrued or incurred before the
date of commencement of this Law in respect of a person who contravened that
section prior to that date, and proceedings in respect of such a contravention may
be commenced or continued, and finally disposed of, as if this Law had not come
into force.

Passed by the Legislative Assembly the day of , 2006.

Speaker.

Clerk of the Legislative Assembly.