

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE CRIMINAL PROCEDURE CODE  
(2011 REVISION) TO PROVIDE PENALTIES, AND INCREASE  
PENALTIES, FOR OFFENCES AGAINST PUBLIC ORDER; AND TO  
MAKE PROVISION FOR INCIDENTAL AND CONNECTED MATTERS**

**THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 2011**

**MEMORANDUM OF OBJECTS AND REASONS**

This Bill seeks to amend the First Schedule to the Criminal Procedure Code (2011 Revision) to increase the fines and custodial sentences in respect of various offences under the Penal Code (2010 Revision), namely -

- (a) unlawful assembly (section 69 of the Penal Code), from one year to three years;
- (b) riot (section 70), from two years to four years;
- (c) a refusal to accompany a constable exercising the power of search (section 82), from one hundred dollars to two thousand dollars;
- (d) affray (section 86), from two years to four years;
- (e) idle and disorderly persons (section 158), from a fine of five hundred dollars and imprisonment for three months to a fine of three thousand dollars and imprisonment for four years;
- (f) rogues and vagabonds (section 159), from one year to three years for a first offence and from two years to four years for a subsequent offence;
- (g) disorderly conduct (section 164), from one hundred dollars to two thousand dollars;
- (h) drunk and disorderly persons (section 165), from a fine of thirty dollars and imprisonment for thirty days to a fine of one thousand dollars and imprisonment for one year; and
- (i) the unauthorised wearing of a uniform (section 166), from a fine of one hundred dollars and imprisonment for three months to a fine of two thousand dollars and imprisonment for four years.

The Bill also varies the penalties for gang membership and participation in criminal activity in association with a gang, and prescribes the mode of trial of various new offences constituted under the Penal Code (for example, causing fear, harassment, threat to kill, gross indecency, and refusal to comply with a police officer's directions to disperse).

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ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Criminal Procedure Code (Amendment) Law, 2011.

Short title and commencement

(2) This Law comes into force immediately after the Penal Code (Amendment) Law, 2011 comes into force.

2. The Criminal Procedure Code (2011 Revision) is amended in the First Schedule as follows -

Amendment of First Schedule to the Criminal Procedure Code (2011 Revision) - mode of trial and arrestable offences

- (a) in that part of column 5 relating to section 69 by deleting the words "One year" and substituting the words "Three years";
- (b) in that part of column 5 relating to section 70 by deleting the word "Two" and substituting the word "Four";
- (c) in that part of column 5 relating to section 82 by deleting "\$100" and substituting "\$2,000";
- (d) in that part of column 5 relating to section 86 by deleting the word "Two" and substituting the word "Four";

- (e) by deleting the items in the columns relating to section 88 and substituting the following items -

“C	A	88	Causing fear, or provocation of violence	Three years
C	A	88	Causing fear, or provocation of violence by night	Four years”;

- (f) by inserting, after section 88, the following sections, namely, sections 88A, 88B and 88C to which the following shall apply -
- (i) the nature of the respective offences shall be -
    - (A) in relation to section 88A, “Intentional harassment, alarm or distress”;
    - (B) in relation to section 88B, “Harassment, alarm or distress”;
    - (C) in relation to section 88C, “Threat to kill”;
  - (ii) the mode of trial shall be Category B;
  - (iii) each of the respective offences shall be an arrestable offence; and
  - (iv) the maximum punishment shall be -
    - (A) in relation to sections 88A and 88B, imprisonment for three years or, if the offence is committed by night, imprisonment for four years;
    - (B) in relation to section 88C, imprisonment for ten years;
- (g) by inserting, after section 134, section 134A to which the following shall apply -
- (i) the nature of the offence shall be “Gross indecency”;
  - (ii) the mode of trial shall be Category B;
  - (iii) the offence shall be an arrestable offence; and
  - (iv) the maximum punishment shall be imprisonment for twelve years;
- (h) in that part of column 5 relating to section 158 by deleting “Three months \$500” and substituting “Four years \$2,000”;
- (i) in those parts of column 5 relating to section 159(1) -
- (i) by deleting the words “One year” and substituting the words “Three years”; and
  - (ii) by deleting the word “Two” and substituting the word “Four”;
- (j) in that part of column 5 relating to section 164 by deleting “\$100” and substituting “\$2,000”;

- (k) in that part of column 5 relating to section 165 by deleting “Thirty days \$30” and substituting “One year \$1,000”;
- (l) in that part of column 5 relating to section 166 by deleting “Three months \$100” and substituting “Four years \$2,000”;
- (m) in that part of column 5 relating to section 231 by deleting “Twenty years subject to a minimum term of imprisonment of ten years....\$100,000” and substituting “Twenty years \$500,000”;
- (n) in that part of column 5 relating to section 232 by deleting “Twenty years subject to a minimum term of imprisonment of ten years....\$100,000” and substituting “Twenty years \$500,000”;  
and
- (o) by inserting, after section 232, the following sections, namely, sections 232C(2) and 232D(3) to which the following shall apply -
  - (i) the nature of the respective offences shall be -
    - (A) in relation to section 232C(2), “Refusal to comply with a direction; resisting removal”; and
    - (B) in relation to section 232D(3), “Failure to comply with an order; obstruction of police officer”;
  - (ii) the mode of trial shall be Category B;
  - (iii) each of the respective offences shall be an arrestable offence; and
  - (iv) the maximum punishment shall be a fine of \$3,000 and imprisonment for four years.

Passed by the Legislative Assembly the            day of            , 2011.

Speaker.

Clerk of the Legislative Assembly.