

CAYMAN ISLANDS



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**A BILL FOR A LAW TO VARY THE LAW RELATING TO
CONFISCATION ORDERS, RESTRAINT ORDERS AND CHARGING
ORDERS; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

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

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the law relating to confiscation orders, restraint orders and charging orders made by the Grand Court.

The Bill provides that costs shall not be awarded against the Attorney-General in cases where the Grand Court refuses his application for a confiscation order, restraint order, charging order or other related order, or in cases where the Grand Court has varied or discharged a restraint order or a charging order. The amendments relate to external orders as well as local orders.

The Bill also enables the submission to the Grand Court of documents other than affidavits, in support of an application for an external restraint order or an external charging order.

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**A BILL FOR 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.”.

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 day of , 2004.

Speaker.

Clerk of the Legislative Assembly.