

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE BAIL LAW, (1997 REVISION) TO
CREATE A CATEGORY OF NON-BAILABLE OFFENCES; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

THE BAIL (AMENDMENT) BILL, 2005

MEMORANDUM OF OBJECTS AND REASONS

This Bill would amend section 17 of the Bail Law (1997 Revision) in order to reduce the frequency with which bail is granted to persons accused of serious offences. The amendment places emphasis on crimes that are violent, pervasive and of a socially disruptive nature.

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CREATE A CATEGORY OF NON-BAILABLE OFFENCES; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Bail (Amendment) Law, 2005.

Short title

2. The Bail Law (1997 Revision) is amended by repealing section 17 and substituting the following:

Repeal and substitution
of section 17 of the Bail
Law (1997 Revision)

Persons entitled to bail

17. (1) Subject to subsection (2), a person is entitled to bail under this Part if he has been-

- (a) accused of an offence but not convicted of the offence;
- (b) convicted of an offence and the case has been adjourned by the court to enable enquiries or a report to be made to assist the court to deal with him for the offence; or
- (c) convicted of an offence under the Misuse of Drugs Law (2000 Revision) and is appearing or has been brought before a court under section 54 or 57 of that Law.

(2) A person accused or convicted of any of the following offences is not entitled to bail:

- (a) murder;
- (b) manslaughter;
- (c) rape, or any other offence of a sexual nature against a person, punishable by

- imprisonment for four years or more;
- (d) arson;
- (e) wounding or causing grievous bodily harm;
- (f) wounding or inflicting grievous bodily harm
- (g) burglary;
- (h) robbery;
- (i) extortion;
- (j) kidnapping;
- (k) abduction;
- (l) wrongful confinement;
- (m) bomb hoax;
- (n) aiding a prisoner to escape;
- (o) any offence against the Firearms Law (1998 Revision) punishable by imprisonment for four years or more;
- (p) any offence against the Misuse of Drugs Law (2000 Revision), (other than the offence of consuming), punishable by imprisonment for four years or more;
- (q) any offence against the Terrorism Law 2003 punishable by imprisonment for four years or more;
- (r) conspiracy to commit any of the offences listed in paragraphs (a) to (q); and
- (s) attempt to commit any of the offences listed in paragraphs (a) to (q).

Passed by the Legislative Assembly the day of 2005.

Speaker

Clerk of the Legislative Assembly.