

CAYMAN ISLANDS



CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 2020

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A BILL FOR A LAW TO AMEND THE CRIMINAL PROCEDURE CODE (2019 REVISION) TO PROVIDE FOR THE SEIZURE OF PROPERTY USED IN AN OFFENCE; TO EMPOWER A COURT TO SEIZE PROPERTY THAT CORRESPONDS IN VALUE TO PROPERTY WHICH HAS BECOME UNAVAILABLE AT THE TIME AN ORDER FOR SEIZURE IS BEING CONSIDERED; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Portfolio of Legal Affairs (PLA)



Memorandum of OBJECTS AND REASONS

This Bill amends the Criminal Procedure Code (2019 Revision) (“the Law”) to provide for the seizure of property used in an offence, to empower a court to seize property that corresponds in value to property which has become unavailable at the time an order for seizure is being considered, and to provide for incidental and connected purposes.

Clause 1 provides the short title of the legislation.

Clause 2 amends section 192 of the Law by repealing subsection (2) and substituting subsections (2) and (2A).

The proposed subsection (2) empowers the court to order the seizure of any instruments, materials or things where there is reason to believe that they are —

- (a) provided or used, or intended to be provided or used, wholly or in part, for the commission of an offence; or
- (b) prepared or are being prepared with a view to the commission of an offence.

Further, the court may direct that the seized instruments, materials or things are dealt with in the same manner as property seized under section 192(1) of the Law.

The proposed subsection (2A) provides that where there is evidence that any instruments, materials or things referred to in the proposed subsection (2) are unavailable at the time an order under this section is being considered, the court may —

- (a) order the seizure of any property of corresponding value to the instruments, materials or things; and
- (b) direct that the property be held and dealt with in the same manner as property seized under section 192(1) of the Law.

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ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the Criminal Procedure Code (Amendment) Law, 2020.

Amendment of section 192 of the Criminal Procedure Code (2019 Revision) - seizure of property obtained by offence

2. The *Criminal Procedure Code (2019 Revision)* is amended in section 192 by repealing subsection (2) and substituting the following subsections —
- “(2) A court may order the seizure of any instruments, materials or things where there is reason to believe that they are —
- (a) provided or used, or intended to be provided or used, wholly or in part, for the commission of an offence; or

- (b) prepared or are being prepared with a view to the commission of an offence,

and may direct them to be held and dealt with in the same manner as property seized under subsection (1).

- (2A) Where there is evidence that any instruments, materials or things referred to in subsection (2) are unavailable at the time an order under this section is being considered, the court may —

- (a) order the seizure of any property of corresponding value to the instruments, materials or things; and
- (b) direct that the property be held and dealt with in the same manner as property seized under subsection (1).”.

Passed by the Legislative Assembly the day of , 2020.

Speaker

Clerk of the Legislative Assembly

