

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE CRIMINAL PROCEDURE CODE
(2013 REVISION) TO MAKE PROVISION FOR TELECONFERENCING
FOR PURPOSES OF MENTION AND REMAND; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 2013

MEMORANDUM OF OBJECTS AND REASONS

This Bill introduces provisions that allow for teleconferencing in matters of mention and remand.

Clause 1 of the Bill provides the short title.

Clause 2 amends section 60 of the principal Law so as to make it inapplicable to matters relating to mention and remand, which matters will be regulated by section 60A.

Clause 3 inserts section 60A into the principal Law, which will allow mention for purposes of mention and remand to be done by live television link, unless the court orders otherwise in the interests of justice.

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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Criminal Procedure Code (Amendment) Bill, 2013.

Short title

2. The Criminal Procedure Code (2013 Revision) is amended in section 60 -

(a) in subsection (2), by repealing paragraph (b) and substituting the following paragraph -

Amendment of section 60 of the Criminal Procedure Code (2013 Revision) - accused person entitled to be present at trial and related proceedings and may be represented by a legal practitioner

“(b) except where section 60A applies, the court may, in its discretion -

(i) where an accused is confined in prison (whether on remand or otherwise); and

(ii) where the prosecutor and an accused so agree at any time during any proceedings relating to an offence other than a part in which the evidence of a witness is taken,

direct that the accused may appear by counsel or by live television link or any other means that allow the court and the accused to engage in simultaneous visual and oral communication.”; and

(b) in subsection (4) by deleting the words “the witness” and substituting the words “the accused or a witness”.

Insertion of section 60A - appearing by live television link, etc., for purpose of mention and remand

(2013 Revision)

3. The Criminal Procedure Code (2013 Revision) is amended by inserting after section 60 the following section -

“Appearing by live television link, etc., for purposes of mention and remand

60A. (1) Where an accused in custody or detention, whether in relation to the charge before the court or not, is required to appear before a court for purposes of mention and remand, the court shall, if there is a television link or other similar means referred to in section 60(2)(b) between the place of custody or detention and the court, conduct the proceedings by live television link unless -

- (a) the court, on its own motion, determines that attendance in person is otherwise necessary in the interests of justice; or
- (b) the court, upon the request of the accused, determines that attendance is otherwise necessary in the interests of justice.

(2) When an accused appears before a court by means of a live television link or other means referred to in section 60(2)(b), the court may, in relation to the charge, exercise any power in this Law and shall comply with the Bail Law (2010 Revision).

(3) The Rules Committee of the Grand Court may make such rules as appear to it to be necessary for the purposes of this section.”.

Passed by the Legislative Assembly the day of , 2013.

Speaker.

Clerk of the Legislative Assembly.