

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE PENAL CODE (2007 REVISION)
WITH RESPECT TO MALICIOUS INJURY TO PROPERTY; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

THE PENAL CODE (AMENDMENT) BILL, 2010
MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend Part X of the Penal Code (2007 Revision) relating to Malicious Injuries to Property in order to distinguish between minor offences (where the value of the destroyed or damaged property does not exceed three thousand dollars) and other offences committed under that subsection (where that value exceeds three thousand dollars).

This amendment would also have the effect of harmonizing section 267 of the Penal Code with the amendment currently being proposed to the First Schedule to the Criminal Procedure Code.

Clause 1 of the Bill provides the short title.

Clause 2 amends both subsections (1) and (4) of section 267.

Clause 3 saves rights and liabilities arising under section 267, as in force before its amendment by the Law for which this is the Bill.

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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Penal Code (Amendment) Law, 2010. Short title
2. The Penal Code (2007 Revision), in this Law referred to as the “principal Law”, is amended in section 267- Amendment of section 267 of the Penal Code (2007 Revision) – destroying or damaging property
 - (a) by repealing subsection (1) and substituting the following subsection-

“(1) A person who, without lawful excuse, destroys or damages any property belonging to another, intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged, is guilty of an offence and liable, where the value of the destruction or damage-

 - (a) does not exceed three thousand dollars, to a fine of five thousand dollars and imprisonment for five years; and
 - (b) exceeds three thousand dollars, to a fine of ten thousand dollars and to imprisonment for ten years.”;

and
 - (b) by repealing subsection (4) and substituting the following subsection-

“(4) A person convicted of arson under this section or of any offence under subsection (2) is liable to imprisonment for life.”.

Savings

3. The amendment by this Law of section 267 of the principal Law does not affect any rights or liabilities acquired, accrued or incurred before the date of commencement of this Law in respect of a person who contravened that section prior to that date, and proceedings in respect of such a contravention may be commenced or continued, and finally disposed of, as if this Law had not come into force.

Passed by the Legislative Assembly the day of , 2010.

Speaker.

Clerk of the Legislative Assembly.