

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND LAWS SO AS TO TRANSFER FROM
THE ATTORNEY GENERAL TO THE DIRECTOR OF PUBLIC
PROSECUTIONS STATUTORY DUTIES THAT RELATE TO
PROSECUTORIAL FUNCTIONS; AND FOR INCIDENTAL AND
CONNECTED PURPOSES**

**THE DIRECTOR OF PUBLIC PROSECUTIONS (MISCELLANEOUS
AMENDMENTS) BILL, 2012**

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to make a number of changes to various laws as a consequence of the introduction of the Office of Director of Public Prosecutions.

Before the Cayman Islands Constitution Order 2009, prosecutorial functions were vested in the Attorney General. Under the Constitution of the Cayman Islands as enacted by that Order, those functions now come under the Director of Public Prosecutions appointed under section 57 of the Constitution. It has therefore become necessary to amend the legislation set out in the Schedule to this Bill in order to ensure that a proper division of functions is established.

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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Director of Public Prosecutions (Miscellaneous Amendments) Law, 2012. Short title

2. The laws specified in Column 1 of the Schedule are amended in the provisions indicated in Column 2 by deleting “Attorney-General” or “Attorney General”, as the case may be, and substituting “Director of Public Prosecutions” and as otherwise stated. General amendments to laws

SCHEDULE

(Section 2)

GENERAL AMENDMENTS TO LAWS

Column 1: Names of laws Amended	Column 2: Provisions Amended and Extent of Amendment <i>(All provisions are sections unless otherwise indicated)</i>
Anti-Corruption Law, 2008 (Law 11 of 2008)	4(5) and (7); 22(3); 28(1), (2) and (6); 30(1); 31(1); in 39(2) delete “Attorney-General’s consent” and substitute “consent of the Director of Public Prosecutions”; 43
Bail Law (2010 Revision)	14(3)
Builders Law, 2007 (Law 4 of 2007)	35
Building Societies Law (2010 Revision)	47(2) (b) and (e)
Children Law, 2003 (Law 4 of 2003)	32D(a)
Complaints Commissioner Law (2006 Revision)	paragraphs 3 and 7 of the Second Schedule; in paragraph 8 of the Second Schedule, after “Attorney-General” insert “or Director of Public Prosecutions”
Computer Misuse Law, 2000 (Law 8 of 2000)	11(1) and (2)
Confidential Relationships (Preservation) Law (2009 Revision)	7
Coroners Law (1995 Revision)	11; in the Schedule, in the “FORM OF INQUISITION”

Criminal Evidence (Witness Anonymity) Law, 2010 (Law 11 of 2010)	7(1)(b); 24(1)
Criminal Justice (International Cooperation) Law (2010 Revision)	4
Drug Rehabilitation Court Law, 2006 (Law 26 of 2006)	In 2(2) delete “Attorney-General” and substitute “Director of Public Prosecutions” and delete “Attorney-General’s chambers” and substitute “Office of the Director of Public Prosecutions”;10(2), (3)(b) and (4); 11(1), (2)(b) and (3)
Elections Law (2009 Revision)	71(5)
Employment Law, 2004 (Law 3 of 2004)	25(3)
Freedom of Information Law, 2007 (Law 10 of 2007)	20(1)(c) after “Attorney-General” insert “or Director of Public Prosecutions”
Genocide Law (1997 Revision)	3(3)
Health Insurance Law (2011 Revision)	11(3)
Justice Protection Law, 2008 (Law 16 of 2008)	2, in the definition of “Crown Prosecutor” delete “Attorney-General’s Chambers” and substitute “Office of the Director of Public Prosecutions”
Legal Practitioners Law (2010 Revision)	16(3), proviso, after “Clerk of Court” insert “and Director of Public Prosecutions”
Legislative Assembly (Immunities, Powers and Privileges) Law (1999	19

Revision)	
Local Companies (Control) Law (2007 Revision)	18
Merchant Shipping Law (2011 Revision)	436(3)(a) and (4)(a) and (b)
Misuse of Drugs Law (2010 Revision)	21(2); 25(6); 26(6); 27(2); 36
Monetary Authority Law (2011 Revision)	50(2)(g)(i)
Mutual Legal Assistance (United States of America) Law (1999 Revision)	5, insert after “Attorney-General”, wherever it occurs in the section and in the marginal note, “and Director of Public Prosecutions”
National Archive and Public Records Law (2010 Revision)	11(3)
Penal Code (2010 Revision)	58(6); 59(2); 155(2); proviso in 172; 265(4)
Price Gouging Control (Emergency Circumstances) Law, 2004 (Law 24 of 2004)	6
Proceeds of Crime Law, 2008 (Law 10 of 2008)	15(2)(b); 20(7); 23(5)(b); 25(1), (2), (3), (4) and (5); 26(1); 27(6); 28 (1)(b) and (c); 29(1)(b); 30(1) (b), (c) and (d); 31(1)(c); 35(b); 36(1)(b) and (2)(b); 37(1)(d) and (2)(b); 39(2)(ii); 40(1); 43(3); 44(1)(c)(i), (d)(i), (e)(i) and (2); 45(5); 46(1)(a); 47(1) and (2); 52(1); 55(2); 58(1); 63(1)(b); 67(1)(b) and (c); 77(1)(a); 80(1), (2) and (3); 82(1), (3) and (4)(b)(ii); 84(6); 86(2); 87(1), (3) and (4); 92(6); 94(2); 95(1) and (2)(b); 96(5)(b); 100(1), (3), (4) and (5); in 101(3)(b), delete “the Attorney General’s interest” and substitute “the

	interest of the Director of Public Prosecutions”; 101(4); 103(1); 104(1) and (2); 108(5) and (8); 109(1) and (3); 115(3); 118(1); in 132(9), delete “the Attorney-General’s right” and substitute “the right of the Director of Public Prosecutions”; 160(1), (2) and (5); 165(3); 179(2) and (5); 188(1) and (3)(a); 191; 192(1)(b) and (2); 198; Schedule 5, paragraphs 5(3)(a), (4)(a) and 8
Proliferation Financing (Prohibition) Law, 2010 (Law 23 of 2010)	25(b)
Public Health Law (2002 Revision)	61
Public Management and Finance Law (2010 Revision)	79, insert after “Attorney General”, wherever they occur in that section, “or Director of Public Prosecutions”
Public Service Management Law (2011 Revision)	In 2(1), in the definition of “Official Member”, delete “, the Attorney General or the Financial Secretary” and substitute “and the Attorney General”; in 63(1), (2) and (3) delete “and the Judicial and Legal Services Commission”
Securities Investment Business Law (2011 Revision)	17(2)(ix); 35(2)
Terrorism Law (2011 Revision)	Schedule 2, paragraph 5(4)(a) and 9(4)(b); Schedule 5, paragraph 15(3)
Trafficking in Persons (Prevention and Suppression) Law, 2007 (Law 13 of 2007)	Schedule, paragraphs 1(2) and (3) and 2(1) and (3)

Passed by the Legislative Assembly the day of , 2012.

Speaker.

Clerk of the Legislative Assembly.