

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE PRISONS LAW (LAW 14 OF
1975) TO ALLOW FOR THE TEMPORARY REMOVAL OF PRISONERS
FROM PRISON FOR THE PURPOSE OF INTERVIEW OR INQUIRIES;
AND FOR INCIDENTAL AND CONNECTED PURPOSES**

THE PRISONS (AMENDMENT) BILL, 2018

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to amend the Prisons Law (Law 14 of 1975) so as to allow the transfer of prisoners from prison to police stations, the premises of other law enforcement agencies or other locations for the purpose of interview or inquiries and for incidental and connected matters.

Clause 1 provides the short title of the legislation.

Clause 2 provides for the transfer of prisoners from prison to police stations, the premises of other law enforcement agencies or other locations for the purpose of interview or inquiries. It also provides for the making of regulations relating to the transfer of prisoners.

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A BILL FOR A LAW TO AMEND THE PRISONS LAW (LAW 14 OF 1975) TO ALLOW FOR THE TEMPORARY REMOVAL OF PRISONERS FROM PRISON FOR THE PURPOSE OF INTERVIEW OR INQUIRIES; AND FOR INCIDENTAL AND CONNECTED PURPOSES

Enacted by the Legislature of the Cayman Islands.

1. This Law may be cited as the Prisons (Amendment) Law, 2018.

Short title

2. The Prisons Law, 1975 is amended by inserting after section 30 the following section -

Insertion of section 30A in the Prisons Law (Law 14 of 1975) - transfer of prisoners for interview, inquiries, etc.

“Transfer of prisoners for interview, inquiries, etc.

30A.(1) The Director may in writing authorize the temporary transfer of a prisoner from a prison to a police station, the premises of any other law enforcement agency, or other location -

- (a) to enable the prisoner -
 - (i) to answer a charge;
 - (ii) to be dealt with for an offence for which he is placed on probation or conditionally discharged, or for which a suspended sentence was passed;
 - (iii) to appear as a prosecution witness;
 - (iv) to help recover stolen property, hidden

(2017 Revision)

- firearms or explosives;
 - (v) to identify premises in connection with criminal investigations;
 - (vi) to be interviewed in connection with the investigation of a Category A or Category B offence as defined in section 5 of the Criminal Procedure Code (2017 Revision); or
 - (vii) to take part in an identification parade; or
 - (b) where it is otherwise necessary in the interest of justice or for the purpose of a public inquiry.
- (2) Where a prisoner is transferred under subsection (1) to any place referred to in that subsection -
- (a) the period during which he is absent from the prison shall count towards his sentence as if he were continuously being held in prison; and
 - (b) he shall not be transferred to any other place without the prior written consent of the Director.
- (3) The Cabinet may make regulations relating to the transfer of prisoners under this section for the purpose of law enforcement.
- (4) Before the regulations referred to in subsection (3) are made, the Director may, after consultation with the Director of Public Prosecutions and the Commissioner of Police, determine the terms and conditions governing the transfer of prisoners under this section.”.

Passed by the Legislative Assembly the day of , 2018.

Speaker.

Clerk of the Legislative Assembly.