

CAYMAN ISLANDS



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THE COURT OF APPEAL (AMENDMENT) LAW, 2010
(LAW 35 OF 2010)

THE COURT OF APPEAL (AMENDMENT) LAW, 2010

ARRANGEMENT OF SECTIONS

1. Short title
2. Amendment of section 28 of the Court of Appeal Law (2006 Revision) - appeal by Attorney General or complainant
3. Amendment of principal Law to substitute the office of Director of Public Prosecutions for the office of Attorney General
4. Savings and transitional

CAYMAN ISLANDS

Law 35 of 2010.

I Assent

Duncan Taylor

Governor.

Date: 24th September, 2010

**A LAW TO AMEND THE COURT OF APPEAL LAW (2006 REVISION)
IN ORDER TO PROVIDE FOR AN APPEAL FROM THE DECISION OF
THE GRAND COURT TO ACQUIT WHERE A NO CASE SUBMISSION
IS UPHELD OR WHERE THE CASE IS WITHDRAWN FROM THE
JURY; THE INSTITUTION OF CRIMINAL APPEALS BY THE
DIRECTOR OF PUBLIC PROSECUTIONS RATHER THAN BY THE
ATTORNEY GENERAL; AND FOR INCIDENTAL AND CONNECTED
PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Court of Appeal (Amendment) Law, 2010.
2. The Court of Appeal Law (2006 Revision), in this Law referred to as the “principal Law”, is amended in section 28 by repealing subsection (1) and substituting the following subsection -
 - “ (1) Where an accused person tried on indictment is -
 - (a) discharged or acquitted by a trial judge sitting alone or by a jury (where such a jury has been directed to do so by the trial judge) including where the judgment or verdict of acquittal is as a result of a decision by the trial judge to uphold a no case submission or withdraw the case from the jury; or

Short title

Amendment of section
28 of the Court of
Appeal Law (2006
Revision) - appeal by
Attorney General or
complainant

- (b) convicted of an offence other than the one with which he is charged,

the Director of Public Prosecutions or the complainant may appeal to the Court of Appeal against the judgment of the Grand Court on any ground of appeal that the decision of the trial judge is erroneous on a point of law.”.

Amendment of principal Law to substitute the office of Director of Public Prosecutions for the office of Attorney General

3. The principal Law is amended by deleting the words “Attorney General” wherever they appear and substituting the words “Director of Public Prosecutions”.

Savings and transitional provisions

4. (1) Every proceeding commenced under the former Law and partly dealt with by the Court of Appeal when the new Law comes into force, is to be continued and dealt with in all respects as if the new Law had not come into force.

(2) Every proceeding commenced under the former Law and not wholly or partly dealt with by the Court of Appeal when the new Law comes into force, is to be taken to be a proceeding commenced under the new Law and the provisions of the new Law are to apply accordingly.

- (3) In this section -

(2006 Revision)

“former Law” means the Court of Appeal Law (2006 Revision) in force immediately before the date of commencement of this Law; and

“new Law” means the Court of Appeal Law (2006 Revision) as amended by this Law.

Passed by the Legislative Assembly the 15th day of September, 2010.

Mary J. Lawrence J.P.

Speaker.

Zena Merren-Chin

Clerk of the Legislative Assembly.