

CAYMAN ISLANDS



Criminal Records (Spent Convictions) Law

CRIMINAL RECORDS (SPENT CONVICTIONS) (APPLICATION FOR EXPUNGEMENT) REGULATIONS, 2018

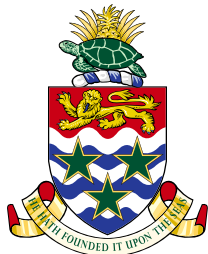
(SL 21 of 2018)

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**CRIMINAL RECORDS (SPENT CONVICTIONS)
(APPLICATION FOR EXPUNGEMENT)
REGULATIONS, 2018**
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Arrangement of Regulations

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CAYMAN ISLANDS



Criminal Records (Spent Convictions) Law

**CRIMINAL RECORDS (SPENT CONVICTIONS)
(APPLICATION FOR EXPUNGEMENT)
REGULATIONS, 2018
(SL 21 of 2018)**

In exercise of the powers contained in section 49 of the Criminal Records (Spent Convictions) Law (2018 Revision) the Cabinet makes the following Regulations —

Citation

1. These Regulations may be cited as the Criminal Records (Spent Convictions) (Application for Expungement) Regulations, 2018.

Application for expungement of criminal record

2. (1) Where pursuant to section 15A of the Law, a person wishes to make an application for the expungement of a criminal record, that person may apply to the Board in the manner set out in Form 1 of the Schedule.
(2) The application shall be accompanied by a non-refundable application fee of \$25.00.

Factors relevant to the administration of justice

3. For the purposes of section 16(1)(c) of the Law, in determining whether the expunging of an applicant's record would bring the administration of justice into disrepute, the Board may consider, among other things, whether —
 - (a) the commission of the offence constituted a threat to the public safety or security of the Islands;



- (b) the offence constituted an offence under Part IV (Offences Against the *Administration of Lawful Authority*) of the *Penal Code (2018 Revision)* and that offence is a “Category A offence” as defined in section 23 of that Code;
- (c) the offence resulted in serious personal injury;
- (d) the commission of the offence caused serious physical injury or psychological harm to another person;
- (e) the commission of the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, gender, age, mental or physical disability, sexual orientation, or any other similar factor;
- (f) the offence was a service offence, that is —
 - (i) an offence committed by a constable appointed under the *Police Law (2017 Revision)*; or
 - (ii) an offence that amounts to a betrayal of the standards that the person concerned is bound to uphold, whether or not the offence is committed in the course of duty;
- (g) the offence constituted a fraudulent transaction relating to contracts and trade and any of the following apply —
 - (i) the value of the fraud committed exceeded fifty thousand dollars;
 - (ii) the offence adversely affected, or had the potential to adversely affect, the stability of the Cayman Islands economy, financial system or investor confidence;
 - (iii) the offence involved a small or large number of victims;
 - (iv) in committing the offence, the applicant took advantage of the high regard in which the applicant was held in the community;
- (h) the commission of the offence involved cruelty or resulted in harm to a child or vulnerable person;
- (i) the applicant has a criminal record outside the Islands for an offence that, if it were committed in the Islands, would have been an offence under the *Penal Code (2018 Revision)* and that offence would have been a “Category A offence” as defined in section 23 of that Code; or
- (j) the applicant’s criminal record demonstrates a pattern of criminal activity or a pattern of increasing gravity of offending.

Grant or refusal of application

4. (1) Where the Board is satisfied that an applicant’s criminal record should be expunged, the Board shall issue the applicant a Certificate of Expungement set out in Form 2 of the Schedule.



- (2) Where the Board is not satisfied that an applicant's criminal record should be expunged, the Board shall notify the applicant in writing of the Board's decision stating —
 - (a) the reasons for the decision; and
 - (b) that the applicant has a right to seek judicial review of the Board's decision pursuant to section 48 of the Law.

Declaration of expungement

- 5.** (1) Where pursuant to section 15 of the Law, a person's criminal record is expunged by operation of law and that person wishes a declaration of that expungement, that person may apply to the Board in the manner set out in Form 3 of the Schedule for a Declaration of Expungement.
- (2) The application shall be accompanied by a non-refundable application fee of \$25.00.
- (3) Where the Board is satisfied that an applicant's criminal record has been expunged by operation of law pursuant to section 15 of the Law, the Board shall issue the applicant a Declaration of Expungement as set out in Form 4 of the Schedule.
- (4) Where the Board is not satisfied that an applicant's criminal record has been expunged by operation of law pursuant to section 15 of the Law, the Board shall notify the applicant in writing of the Board's decision stating —
 - (a) the reasons for the decision; and
 - (b) that the applicant has a right to seek judicial review of the Board's decision pursuant to section 48 of the Law.

SCHEDULE

(regulations 2, 4 and 5)

FORMS

FORM 1

APPLICATION FOR EXPUNGEMENT OF RECORD THE CRIMINAL RECORDS (SPENT CONVICTIONS) LAW (2018 REVISION)

THE CRIMINAL RECORDS (SPENT CONVICTIONS) (APPLICATION FOR EXPUNGEMENT) REGULATIONS, 2018

1. Surname	
2. Given Names	
3. Aliases or any other names by which you may be known	
4. Contact numbers	
5. Email Address	
6. Date of Birth	
7. Country of Birth and current Nationality	
8. Residential Address	
9. Previous residential addresses in the last 5 years	
10. Postal address	

11. Occupation				
12. Address of employer				
13. Where possible, please provide as much information below in respect of your convictions.				
Offence(s) for which convicted	Sentence Received	Date and place convicted (City & Country)	Convicting Court	Number of years crime-free following the expiry of the sentence
14. Offence(s) for which you are requesting expungement: Please note that pursuant to section 42 of the Law, "a person shall not be eligible to	Offence 1:			



obtain more than two expungements unless the convictions are for multiple offences for which concurrent sentences were imposed, in which case those sentences shall be considered to be one conviction.”	Offence 2:
15. Have you been arrested for or charged with any offences following the expiry of the above referenced sentence(s)?	Yes/No
16. If you answered yes to question 15, please provide details:	
17. References (Optional)	
1. I, (referee's full name in BLOCK LETTERS) _____ of (current address) _____ have known the applicant personally for _____ years and I support his/her application for Expungement of Record. Occupation: _____ Referee's telephone number: _____ Signature of referee: _____ <i>Please note that a letter of reference may also be submitted.</i>	

2. I, (referee's full name in BLOCK LETTERS)_____

of (current address)_____

have known the applicant personally for _____ years and I support his/her
application for Expungement of Record.

Occupation: _____

Referee's _____ telephone

number: _____ Signature of

referee: _____

Please note that a letter of reference may also be submitted.

18. Statement of Consent

I (name of applicant or parents if applicant is under 18 years of age)_____ do hereby give my consent to inquiries being made by the Expungement Board of the Cayman Islands which are relevant to determining:

- a. whether I am eligible to make this application;
- b. whether the provisions of Section 13 of the Criminal Records (Spent Convictions) Law, (2018
Revision) apply to my application; and,
- c. whether approving an expungement of my criminal record would bring the administration of justice into disrepute.

Signed: _____



19. Declaration (if applicant is 18 years of age or over)

I, (full name) _____
declare that to the best of my knowledge the information given in this application is correct. I promise to inform the Expungement Board in writing of any change in circumstance which may affect the accuracy of the information given while the application is being processed.

Signature: _____ Date: _____

20. Declaration (if applicant is under 18 years of age)

I/we, _____ (full name of _____

declare that to the best of my/our knowledge the information given in this application is correct. I/we promise to inform the Expungement Board in writing of any change in circumstance which may affect the accuracy of the information given while the application is being processed.

Signature: _____ Date: _____

Signature: _____ Date: _____

FORM 2**CERTIFICATE OF EXPUNGEMENT OF CRIMINAL RECORD
PURSUANT TO SECTION 6(2) OF THE CRIMINAL RECORDS (SPENT
CONVICTIONS) LAW (2018 REVISION)**

The Expungement Board, pursuant to section 6(2) of the Criminal Records (Spent Convictions) Law (2018 Revision) hereby expunges the following convictions in respect of -

(Insert name of applicant)(Insert date of birth)

Conviction –

Conviction –

[Affix Seal of the Board]

**CHAIRPERSON,
BOARD**

**SECRETARY, EXPUNGEMENT
EXPUNGEMENT BOARD**



FORM 3

**APPLICATION FOR DECLARATION OF EXPUNGEMENT THE CRIMINAL
RECORDS (SPENT CONVICTIONS) LAW (2018 REVISION)**

**THE CRIMINAL RECORDS (SPENT CONVICTIONS) (APPLICATION FOR
EXPUNGEMENT) REGULATIONS, 2018**

1.Surname	
2.Given Names	
3.Aliases or any other names by which you may be known	
4.Contact numbers	
5.Email Address	
6. Date of Birth	
7.Country of Birth and current Nationality	
8.Residential Address	
9.Previous residential addresses in the last 5 years	
10. Postal address	
11.Occupation	
12.Address of employer	

13. Where possible, please provide as much information below in respect of your convictions.				
Offence(s) for which convicted	Sentence Received	Date and place convicted (City & Country)	Convicting Court	Number of years crime-free following the expiry of the sentence
14. Offence(s) for which you are requesting a Declaration	Offence 1:			
	Offence 2:			



15.Statement of Consent

I (full name)_____

do hereby give my consent to inquiries being made by the Expungement Board of the Cayman Islands which are relevant to determining:

- (i) whether I am eligible to make this application; and
- (ii) whether the provisions of Section 15 of the Criminal Records (Spent Convictions) Law, (2018 Revision) apply to my application.

Signed:_____

16.Declaration

I, (full name) _____ declare that to the best of my knowledge the information given in this application is correct. I promise to inform the Expungement Board in writing of any change in circumstance which may affect the accuracy of the information given while the application is being processed.

Signature: _____ Date: _____

21. Declaration (if applicant is under 18 years of age)

I/we, (full name of parents)_____

declare that to the best of my/our knowledge the information given in this application is correct. I/we promise to inform the Expungement Board in writing of any change in circumstance which may affect the accuracy of the information given while the application is being processed.

Signature: _____ Date: _____

Signature: _____ Date: _____

FORM 4**DECLARATION OF EXPUNGEMENT BY OPERATION OF LAW
PURSUANT TO SECTION 15 OF THE CRIMINAL RECORDS (SPENT
CONVICTIONS) LAW (2018 REVISION)**

Pursuant to section 15 of the Criminal Records (Spent Convictions) Law (2018 Revision)
it is hereby declared that the following convictions in respect of -

(Insert name of applicant)(Insert date of birth)

Conviction –

Conviction –

have been automatically expunged.

[Affix Seal of the Board]

**CHAIRPERSON,
EXPUNGEMENT BOARD
BOARD**

**SECRETARY,
EXPUNGEMENT**

Made in Cabinet the 5th day of June, 2018.

Kim Bullings
Clerk of the Cabinet.

