

CAYMAN ISLANDS



Proceeds of Criminal Conduct Law

PROCEEDS OF CRIMINAL CONDUCT (DESIGNATED COUNTRIES) ORDER

(2003 Revision)

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PUBLISHING DETAILS

The Proceeds of Criminal Conduct (Designated Countries) Order, 1997 made the 25th March 1997 consolidated with the proceeds of Criminal Conduct (Designated Countries) (Further Designation of Countries) Order, 2001 made the 12th April, 2001.

Revised under the authority of the Law Revision Law (1999 Revision).

Consolidated and revised this 8th day of July, 2003.



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(DESIGNATED COUNTRIES) ORDER
(2003 Revision)

Arrangement of Paragraphs

Paragraph	Page
1. Citation	5
2. Definition	5
3. Designation of, and application to, countries	5
4. Institution of proceedings in a designated country	6
SCHEDULE	7

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Citation

1. This order may be cited as the Proceeds of Criminal Conduct (Designated Countries) Order (*2003 Revision*).

Definition

2. In this order —

“**designated country**” means a country or territory designated under paragraph 3(1) of this order.

Designation of, and application to, countries

3. (1) Each of the countries specified in the Schedule hereto is designated for the purposes of sections 41 and 42.
- (2) The authority appearing in the second column of the Schedule to this Order opposite the name of a designated country is the appropriate authority for the purposes of sections 2(1) and 41(1)(b).

Institution of proceedings in a designated country

4. Proceedings for an offence are instituted in a designated country for the purposes of section 41(1)(c) and paragraph 2(2)(a) of the Schedule to the principal Law when, under the law of the designated country, one of the steps specified in the third column of the Schedule to this order has been taken there in respect of alleged conduct by the defendant to which the Law applies.



SCHEDULE

sections 3 and 4

Designated country	Appropriate authority	Point at which proceedings for an offence are instituted
Argentina	Ministry of Foreign Affairs	When a judge has ordered that a person be detained for the purpose of testifying in connection with the commission of an offence
Australia	Attorney General's Department	(a) When an information has been laid before a justice of the peace; (b) when a person is charged with an offence after having been taken into custody without a warrant; or (c) when a bill of indictment is preferred, and where the application of this section of this column would result in there being more than one time for the institution of proceedings, they shall be taken to have been instituted at the earliest of those times.
Austria	Federal Ministry of Justice	When an application has been made to the relevant court for an external confiscation order
Belgium	Ministry of Foreign Affairs	When an application has been made to the relevant court for an external confiscation order
Brazil	Council for Financial Activities Control	When an application has been made to the relevant court for an external confiscation order
Canada	Minister of Justice	When an application has been made to the relevant court for an external confiscation order

Designated country	Appropriate authority	Point at which proceedings for an offence are instituted
Denmark	Ministry of Justice	When an application has been made to the relevant court for an external confiscation order
Finland	Ministry of Justice	When an application has been made to the relevant court for an external confiscation order
France	The officer, Ministry, department or other official body responsible for Justice	When an application has been made to the relevant court for an external confiscation order
Germany	Customs Criminal Investigation Office	When a person is notified that he is accused of an offence and will be brought before a court
Greece	Ministry of Justice	When an application has been made to the relevant court for an external confiscation order
Hong Kong	Department of Justice	(a) When a magistrate issues a warrant or summons; (b) when a person is charged with an offence; or (c) when an indictment is preferred, and where the application of this section of this column would result in there being more than one time for the institution of proceedings, they shall be taken to have been instituted at the earliest of those times.
Iceland	The officer, Ministry, department or other official body responsible for Justice	When an application has been made to the relevant court for an external confiscation order



Designated country	Appropriate authority	Point at which proceedings for an offence are instituted
Ireland	Department of Justice	When an application has been made to the relevant court for an external confiscation order
Italy	Ministry of Justice	(a) When a person is notified, in accordance with article 369 of the Italian Code of Criminal Procedure, that a prosecution against him is in process; or (b) when a proposal for the application of a preventative measure is laid before a court, and where the application of this section of this column would result in there being more than one time for the institution of proceedings, they shall be taken to have been instituted at the earliest of those times.
Japan	Ministry of Justice	When an application has been made to the relevant court for an external confiscation order
Luxembourg	The officer, Ministry, department or other official body responsible for Justice	When an application has been made to the relevant court for an external confiscation order
Mexico	Office of the Attorney General of the Republic	When the Ministerio Publico has established that there is probable cause to suspect that a person has committed an offence

Designated country	Appropriate authority	Point at which proceedings for an offence are instituted
Netherlands	Afdeling Internationale Rechtshulp	(a) When a pre-trial financial investigation has been initiated; (b) when the provisional measure has been ordered by an investigating magistrate; (c) when a public prosecutor has requested a pre-trial criminal investigation by an investigating magistrate to be instituted; or (d) when a public prosecutor has laid an indictment, and where the application of this section of this column would result in there being more than one time for the institution of proceedings, they shall be taken to have been instituted at the earliest of those times.
New Zealand	New Zealand Police Office of the Commissioner	When an application has been made to the relevant court for an external confiscation order
Norway	The officer, Ministry, department or other official body responsible for Justice	When an application has been made to the relevant court for an external confiscation order
Portugal	The officer, Ministry, department or other official body responsible for Justice	When an application has been made to the relevant court for an external confiscation order
Singapore	Attorney General's Chambers	When an application has been made to the relevant court for an external confiscation order



Designated country	Appropriate authority	Point at which proceedings for an offence are instituted
Spain	Ministerio de Justicia, Madrid	When, by virtue of a judicial resolution, it is decided to proceed against a person for an offence
Sweden	Ministry of Foreign Affairs	When a public prosecutor has established that there are reasonable grounds to suspect that a person has committed an offence and accordingly the prosecutor is obliged under the Code of Judicial Procedure to notify the person of the suspicion
Switzerland	Office federal de la police	When proceedings for an offence are brought before an examining magistrate
Turkey	Ministry of Justice	When an application has been made to the relevant court for an external confiscation order
United Kingdom	Secretary of State for the Home Department	(a) When a justice of the peace issues a summons or warrant under section 1 of the Magistrates' Courts Act, 1980 [UK Act] in respect of that offence; (b) when a person is charged with the offence after being taken into custody without warrant; or (c) when a bill of indictment is preferred under section 2 of the Administration of Justice (Miscellaneous Provisions) Act, 1933 [UK Act] in a case falling within subsection (2)(b) of that section; and where the application of this section of this column would result in there being more than one time for the institution of proceedings, they shall be taken to have been instituted at the earliest of those times.

Designated country	Appropriate authority	Point at which proceedings for an offence are instituted
United States of America	Director of the Office of International Affairs of the Criminal Division of the Department of Justice	When an indictment, information or complaint has been filed against a person in respect of an offence.

**Publication in consolidated and revised form authorised by the Governor in Cabinet
this 8th day of July, 2003.**

Carmena Watler
Clerk of Cabinet

