

CAYMAN ISLANDS



Evidence Act

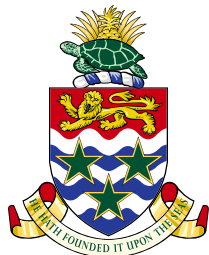
CRIMINAL EVIDENCE RULES

(2001 Revision)

Supplement No. 3 published with Gazette No. 4 of 12th February, 2001.

PUBLISHING DETAILS

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CRIMINAL EVIDENCE RULES
(2001 Revision)

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CRIMINAL EVIDENCE RULES

(2001 Revision)

Citation

1. These Rules may be cited as the Criminal Evidence Rules (*2001 Revision*).

Definition

2. In these rules —

“**written statement**” means a written statement to be tendered in evidence under section 26 of the *Evidence Law (1995 Revision)*.

Form of written statement

3. Written statements and notice thereof to an accused person shall be in the forms prescribed in the Schedule.

Notice to accused of his right to object

4. When a copy of a written statement is given to or served upon any party to the proceedings, a copy of the statement and of any exhibit which accompanies it shall be given to the Clerk of the Court as soon as practicable thereafter, and where a copy of any such statement is given or served by or on behalf of the prosecutor, the accused shall be given notice of his right to object to the statement being tendered in evidence.

Identification of exhibits

5. Where a written statement refers to any document or object as an exhibit, that document or object shall, so far as practicable, be identified by means of a label or other mark signed by the maker of the statement so as to associate the same with the statement to the satisfaction of the court.

Written statement inadmissible in part

6. Where it appears to the court that any part of a written statement is inadmissible the court shall cause such parts to be underlined in red and mark the statement in red with the words “ruled inadmissible” and shall take such steps, as may be necessary, to prevent such parts from being brought to the knowledge of the jury.

Name and address of deponent to be read in court

7. The name and address of the maker of a written statement shall be read aloud in court unless the court otherwise specifically directs.

Statement to be read, etc., by or on behalf of the party tendering the same

8. Where, under section 26(5) of the *Evidence Law (1995 Revision)*, the whole or any part of a written statement is read aloud in court or an oral account is given of a part which is not read aloud, the statement shall be read or the account given by or on behalf of the party who has tendered the statement.

Authentication of written statements at preliminary enquiry

9. Written statements included in the proceedings of a preliminary enquiry shall be authenticated by the signature of the magistrate.

Admissions to be recorded

10. Where, under section 27 of the *Evidence Law (1995 Revision)*, a fact is admitted orally in court by or on behalf of the prosecutor or defendant, the court shall cause the admission to be written down and signed by or on behalf of the party making the admission unless it has been so written down and signed at an earlier stage in the proceedings.

SCHEDULE**Section 26(1)****FORMS****EVIDENCE LAW****(1995 Revision)****STATEMENT OF WITNESS****(Intituled in the Case)**

Name of Witness

Age of witness (if over 18 years enter “over 18”)

Occupation of witness

Address

This statement (consisting of pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything in the truth of which I do not believe.

Dated the day of , 20 .

(Signed) A.B.

OR A.B. being unable to read the above statement I, C.D. of read it to him before he signed it.

Dated the day of , 20 .

(Signed) C.D.**NOTICE TO DEFENDANT-PROOF BY WRITTEN STATEMENT**

(Intituled in the Case)

To A.B. of

On the day of , 20 the Court sitting at will hear evidence relating to the following charges against you:

Written statements have been made by the witnesses named below and copies of their statements are enclosed. Each of the statements will be tendered in evidence unless you want the witness to give oral evidence, in which case you should inform me as soon as possible. If you do not so inform me within four days of the receipt of this notice you will lose your right to prevent the statements being tendered in evidence unless the Court otherwise orders. A form of reply is enclosed for your convenience.

Dated the day of 20 .

Signed C.D. (on behalf of the prosecutor)

Form of reply

To prosecutor

I, A.B. refer to your notice dated and give you notice that I require the personal attendance of the following witnesses:

Dated the day of 20 .

Signed A.B.

**Publication in consolidated and revised form authorised by the Governor in Council
this 31st day of October, 2000.**

Carmena Watler
Clerk of Executive Council