

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE EVIDENCE LAW (2011
REVISION) TO MAKE PROVISION FOR THE GIVING OF EVIDENCE
THROUGH TELEVISION LINKS AT TRIALS OF OFFENCES THAT
ARE TRIABLE ONLY SUMMARILY; AND FOR INCIDENTAL AND
CONNECTED PURPOSES**

THE EVIDENCE (AMENDMENT) BILL, 2017

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Evidence Law (2011 Revision) to make further provision for the giving of evidence through television links.

Section 37 of the principal Law enables witnesses to give evidence through video links in specified circumstances (for example, if the witness is outside the Cayman Islands). The section also sets out the types of proceedings at which video link evidence can be given and these include summary trials of Category B offences (that is, offences which are triable upon indictment but which, with the consent of the prosecution and the person charged, may be tried summarily).

Given the many instances in which essential witnesses are overseas when a matter comes to trial and the need to deal expeditiously with summary offences, this Bill seeks to extend the provisions of section 37 of the principal Law in order to enable evidence to be given through television links at summary trials of Category C offences (that is, offences that are triable only summarily).

The Bill also contains transitional provisions relating to pending matters.

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ENACTED by the Legislature of the Cayman Islands.

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| 1. | This Law may be cited as the Evidence (Amendment) Law, 2017. | Short title |
| 2. | The Evidence Law (2011 Revision) is amended in section 37(2) by inserting after paragraph (c) the following paragraph -
“(ca) summary trials of Category C offences;”. | Amendment of section 37 of the Evidence Law (2011 Revision) - evidence through television links |
| 3. | (1) Where, at the date of commencement of this Law, any trial or any proceedings in respect of an offence are pending before a court, the trial or proceedings shall, on and after that date, be dealt with in all respects under the new Law (irrespective of when the offence was committed) and the provisions of the new Law are to apply accordingly. | Transitional provisions |

(2) In this section -

(2011 Revision) “new Law” means the Evidence Law (2011 Revision) as amended by this Law.

Passed by the Legislative Assembly the day of , 2017.

Speaker.

Clerk of the Legislative Assembly.