

**CAYMAN ISLANDS**



# **ANTI-CORRUPTION ACT**

**(2024 Revision)**

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CAYMAN ISLANDS



ANTI-CORRUPTION ACT  
(2024 Revision)

Arrangement of Sections

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## CAYMAN ISLANDS



# ANTI-CORRUPTION ACT

(2024 Revision)

## Part 1 - Preliminary

### Short title

1. This Act may be cited as the *Anti-Corruption Act (2024 Revision)*.

### Interpretation

2. In this Act —

“agent” includes —

- (a) a person who acts on behalf of another person with that other person’s actual or implied authority (in which case the other person is the principal);
- (b) a public officer (in which case the Government or Government entity of or for which the officer acts is the principal);
- (c) an employee (in which case the employer is the principal);
- (d) a legal practitioner acting on behalf of a client (in which case the client is the principal);
- (e) a partner (in which case the partnership is the principal);
- (f) an officer of a corporation or other organisation, whether or not employed by it (in which case the corporation or other organisation is the principal); and
- (g) a consultant to any person (in which case that person is the principal);

“**agent provocateur**” means a person authorised under sections 40 and 41 to commit certain acts or to make certain omissions which would otherwise be offences under this Act;

“**anti-corruption authority**” means a central public body responsible for receiving and (as permitted) requesting, analysing and disseminating disclosures of any information —

- (a) concerning corruption offences; or
  - (b) required by any law in order to counter corruption,
- and includes a law enforcement agency;

“**associate**”, in relation to a person, means —

- (a) any person who is a nominee or an employee of such person;
- (b) any person who manages the affairs of such person;
- (c) any firm of which such person, or any nominee of that person, is a partner or a person in charge or in control of its business or affairs;
- (d) any corporation within the meaning of the *Companies Act (2023 Revision)* of which such person, or any nominee of that person, is a director or is in charge or in control of its business or affairs, or in which such person, alone or together with any nominee of that person, has or have a controlling interest, or shares to the total value of not less than thirty per centum of the total issued capital of the corporation; or
- (e) the trustee of any trust, where —
  - (i) the trust has been created by such person; or
  - (ii) the total value of the assets contributed by such person to the trust at any time, whether before or after the creation of the trust, amounts, at any time, to not less than twenty per centum of the total value of the assets of the trust;

“**bank**” has the meaning assigned by the *Banks and Trust Companies Act (2021 Revision)* or any other financial institution established or licensed under any other written law or any co-operative society registered or deemed to have been registered under the *Co-operative Societies Act (2020 Revision)*;

“**body armour**” means a garment or item designed, intended or adapted for the purpose of protecting the body from an item or object used to, or adapted to, stab, pierce, puncture or otherwise wound the body;

“**business**” means any business, profession, trade, calling, manufacture or undertaking of any kind carried on in the Islands or elsewhere for profit;

“**chief officer**” means —

- (a) in the case of a ministry, the Permanent Secretary of that ministry;
- (b) (i) in the case of the Portfolio of Legal Affairs, such public officer in the Portfolio as may be designated by the Governor; and





- (ii) in the case of the Portfolio of the Civil Service, such public officer as may be designated by the Governor;
- (c) in the case of a statutory authority or a government company, the person appointed as chief officer (by whatever name called) by the board of that authority or company;
- (d) in the case of the Audit Office, the Auditor General;
- (e) in the case of the judicial administration, the court administrator or such other suitable person as may be designated by the Chief Justice; and
- (f) in the case of the Office of the Ombudsman, the Ombudsman;

**“Commission”** means the Commission established under section 3 as the anti-corruption authority of the Cayman Islands;

**“Complaints Commissioner”** means the Complaints Commissioner, otherwise called an Ombudsman, appointed under section 120 of the *Cayman Islands Constitution Order, 2009 [U.K.S.I. 2009 No.1379]*;

**“corruption offence”** means an offence under sections 10 to 23 inclusive;

**“court”** means any court of the Islands of competent jurisdiction;

**“dealing”** includes —

- (a) any purchase, sale, loan, charge, mortgage, lien, pledge, caveat, transfer, delivery, assignment, subrogation, transmission, gift, donation, trust, settlement, deposit, withdrawal, transfer between accounts, of extension of credit;
- (b) any agency or grant of power of attorney; or
- (c) any act which results in any right, interest, title or privilege, whether present or future or whether vested or contingent, in the whole of or in part any property being conferred on any person;

**“duty”**, in relation to a foreign public officer, means any authority, duty, function or power that —

- (a) is conferred on the officer; or
- (b) that the officer holds themselves out as having;

**“evidence”** or **“statement”** means an assertion of fact, opinion, belief or knowledge, whether material or not and whether admissible or not;

**“exercise”** in relation to a function includes to perform a duty;

**“financial year”** means a year ending on 31st December;

**“foreign country”** means a country other than the Islands and includes any organised foreign area or entity, such as an autonomous territory or a separate customs territory;

**“foreign government body”** means —

- (a) the government of a foreign country or of part of a foreign country;

- (b) an authority of the government of a foreign country;
- (c) an authority of the government of part of a foreign country;
- (d) a foreign local government body or foreign regional government body; or
- (e) a foreign public enterprise;

**“foreign public officer”** means —

- (a) an employee or officer of a foreign government body;
- (b) an individual who performs work for a foreign government body under a contract;
- (c) an individual who holds or performs the duties of an appointment, office or position under a law of a foreign country or of part of a foreign country;
- (d) an individual who holds or performs the duties of an appointment, office or position created by custom or convention of a foreign country or of part of a foreign country;
- (e) an individual who is otherwise in the service of a foreign government body (including service as a member of a military force or police force);
- (f) a member of the executive, judiciary or magistracy of a foreign country or of part of a foreign country;
- (g) an employee of a public international organisation;
- (h) an individual who performs work for a public international organisation under a contract;
- (i) an individual who holds or performs the duties of an office or position in a public international organisation;
- (j) an individual who is otherwise in the service of a public international organisation;
- (k) a member or officer of the legislature of a foreign country or of part of a foreign country; or
- (l) an individual who —
  - (i) is an authorised intermediary of a foreign public officer covered by any of the above paragraphs;
  - (ii) holds themselves out to be the authorised intermediary of a foreign public officer covered by any of the above paragraphs; or
  - (iii) that is constituted by persons representing two or more countries, or representing the governments of two or more;

**“function”** of an agent includes any power;

**“Government”** means of the Government of the Islands;

**“government company”** means —

- (a) a company in which the Government has a controlling interest; and



(b) in respect of each such company, includes all subsidiary entities of the company;

**“government entity”** includes a ministry, portfolio, the Cabinet Office, Office of the Director of Public Prosecutions, the Office of the Ombudsman, the Office of the Information Commissioner, the Audit Office, the Cayman Islands Parliament, a statutory body, statutory authority and a government company;

**“investigating officer”** means a person appointed by the Governor in accordance with section 3A to investigate complaints under this Act and to carry out such other duties as may be provided in this Act;

**“member of a family”**, in relation to a person, means —

- (a) a spouse or civil partner of the person;
- (b) a brother or sister of the person (including half and step-brother or half and step-sister);
- (c) a brother or sister of the spouse or civil partner of the person (including half and step-brother or half and step-sister);
- (d) any child of the person (including adopted and step-child);
- (e) any parent or grandparent of the person (including step and adopted parent and grandparent);
- (f) an aunt or uncle of the person; or
- (g) niece or nephew of the person;

**“members of the Cayman Islands Parliament”** includes the elected and official members of the Cabinet;

**“office”** includes an office or appointment under the Government;

**“official member of the Cabinet”** means the Deputy Governor or the Attorney General;

**“overseas anti-corruption authority”** includes an overseas body having authority, duties, functions or powers similar to those of the Commission, whether called an anti-corruption authority or not;

**“person”** and **“owner”** and other like terms when used with reference to property include corporations of all kinds and any other association of persons capable of owning property, and also when so used includes the Crown;

**“Police Service”** means the Royal Cayman Islands Police Service referred to in the *Police Act (2021 Revision)*;

**“possession”** includes not only having in one’s own personal possession, but knowingly having anything in the actual possession or custody of any other person, or having anything in any place (whether belonging to or occupied by oneself or not) for the use or benefit of oneself or any other person; and if there are two or more persons and any one of them or more of them with the knowledge and consent of the rest has or have anything in that person’s or their

custody or possession, it shall be deemed and taken to be in the custody and possession of each and all of them;

**“property”** includes money and all other property, real or personal, including things in action and other intangible property;

**“protective equipment”** includes batons, handcuffs and other means of restraints, body armour, tasers and pepper spray.

**“public function”** may include any activity performed a single time or continually, whether or not payment is received therefor, which is carried out by —

- (a) a person for, or on behalf of or under the direction of a government entity; or
- (b) a body, whether a government entity or a private body, providing services to the public.

**“public international organisation”** means —

- (a) an organisation —
  - (i) of which two or more countries, or the governments of two or more countries, are members; or
  - (ii) that is constituted by persons representing two or more countries, or representing the governments of two or more countries; or
- (b) an organisation established by, or a group of organisations constituted by —
  - (i) organisations of which two or more countries, or the governments of two or more countries, are members; or
  - (ii) organisations that are constituted by the representatives of two or more countries, or the governments of two or more countries; or
- (c) an organisation that is —
  - (i) an organ of, or office within, an organisation described in paragraph (a) or (b);
  - (ii) a commission, council or other body established by an organisation so described or such an organ; or
  - (iii) a committee, or subcommittee of a committee, of an organisation described in paragraph (a) or (b), or of such an organ, council or body;

**“public office”** means, subject to the next following definition, an office of emolument in the public service;

**“public officer”** includes —

- (a) a person holding public office whether temporarily or permanently by appointment, or by the operation of any law;



- (b) a judge, a magistrate, an arbitrator, a mediator, an umpire, an assessor, a member of a jury or a referee in any proceeding or matter with the sanction of any court or in pursuance of any law;
- (c) a Justice of the Peace;
- (d) a member or employee of a statutory tribunal or commission of inquiry;
- (e) a member, director or employee of a government company or statutory authority;
- (f) a member, director or employee of a not for profit association controlled by the government; and
- (g) a person appointed, selected or otherwise engaged to perform a public function;

“**public service**” means the service of the Crown in a civil capacity in respect of the government of the Islands; and

“**share**” includes stock.

## Part 2 - Administration

### Establishment of the Commission

- 3.** (1) There is established for the purposes of this Act a body to be known as the Anti-Corruption Commission and the Commission is the anti-corruption authority of the Cayman Islands.
- (2) The Commission is responsible for the administration of this Act and has the powers, duties and functions set out in this Act and is a law enforcement agency in the Islands.
- (3) The provisions of the Schedule shall have effect as to the constitution of the Commission and otherwise in relation thereto.

### Appointment of staff of the Commission

- 3A.** (1) The Governor shall, appoint and employ at such remuneration and on such terms and conditions as are provided by this Act and the *Public Service Management Act (2018 Revision)*, a manager and such other public officers as the Governor thinks are necessary for the proper carrying out of the provisions of this Act.
- (2) The duties of the manager shall include —
- (a) organising and attending the meetings of the Commission;
  - (b) recording the proceedings of the Commission and keeping the minutes of each meeting in the proper form;
  - (c) accepting and acknowledging complaints made to the Commission, either personally or by delegating such duties to a senior investigating officer;

- (d) generally assisting the Commission in the performance of administrative duties relating to the work of the commission as the commission may require; and
- (e) supervising administratively the staff of the Commission.

### **Governor's power to make secondments**

**3B.** The Governor may, subject to such conditions as the Governor may impose, approve of the appointment of any public officer in the service of any government entity by way of secondment to any office with the Commission; and any public officer so appointed shall, in relation to pension, gratuity or other allowance, and in relation to other rights as a public officer, be treated as continuing in the service of the Government.

### **Investigating officers**

- 3C.** (1) Public officers appointed under sections 3A and 3B may include investigating officers who shall have the function of carrying out investigations in relation to any matter, whether or not involving an alleged offence, in respect of which the Commission exercises function under this Act or any other Law.
- (2) Subject to subsection (3), investigating officers shall, for the purpose of performing their duties under this Act, have all the powers and immunities of constables acting generally in the ordinary course of their duty but shall not carry a firearm.
- (2a) The Governor may give written approval to the chairperson to permit investigating officers to use any type of protective equipment when the investigating officers are carrying out their duties and the chairperson shall grant such permission only in accordance with the terms and conditions of the written approval.
- (2b) Subject to subsection (2d), protective equipment approved for use in accordance with subsection (2a) shall not require any other type of approval for such use under any other Law.
- (2c) For the purposes of subsections (2a) and (2b), the use of protective equipment means —
- (a) acquiring;
  - (b) carrying;
  - (c) wearing;
  - (d) importing;
  - (e) exporting;
  - (f) holding;
  - (g) storing; or
  - (h) issuing,



such protective equipment.

- (2d) The chairperson, after receiving approval under subsection (2a), shall, from time to time, provide to the Commissioner of Police the names of the investigating officers to whom protective equipment has been issued
- (3) An identity card in a form provided by the Commission and signed by the chairperson shall be issued to each investigating officer and shall be evidence of the investigating officer's appointment.
- (4) An investigating officer shall, if requested to do so, produce that investigating officer's identity card for inspection to any person in relation to whom the investigating officer is about to exercise, is exercising or has exercised a power under this Act.
- (5) An investigating officer has the powers specified in this Act but, for the avoidance of doubt, is not a member of the Police Service and is not subject to —
  - (a) direction or control by the Commissioner of Police; or
  - (b) the *Police Act (2021 Revision)* or regulations made under that Act.
- (6) An investigating officer shall be supervised in the performance of that investigating officer's investigatory duties by a senior investigating officer appointed under this Act.

### **Powers of arrest**

- 3D.** (1) In carrying out functions under this Act, an investigating officer has the powers of a constable to arrest any person whom the investigating officer reasonably suspects has committed a corruption offence or any other offence which the investigating officer reasonably suspects is related to such corruption offence and which is punishable by imprisonment under this Act or under any other Law.
- (2) After making an arrest, the investigating officer may deliver the person arrested to a police station to be further dealt with according to law.

### **Power of search upon arrest**

- 3DA.**(1) An investigating officer may search an arrested person, in any case where the person to be searched has been arrested at a place other than a police station, if the investigating officer has reasonable grounds to believe that the arrested person may present a danger to themselves or others.
- (2) Subject to subsections (3) to (5), an investigating officer shall also have power in that case —
  - (a) to search the arrested person for anything —

- (i) which the arrested person might use to assist in escaping from lawful custody; or
  - (ii) which might be evidence relating to an offence; and
- (b) to enter and search any premises without a warrant in which the arrested person was when arrested or immediately before the arrested person was arrested for evidence relating to the offence for which the arrested person was arrested.
- (3) The power to search conferred by subsection (2) is only a power to search to the extent that is reasonably required for the purpose of discovering any such thing or any such evidence.
- (4) The powers conferred by this section to search an arrested person —
  - (a) are not to be construed as authorising an investigating officer to require an arrested person to remove any more of the arrested person's clothing in public than is reasonably necessary; and
  - (b) are to be construed as authorising a search of the arrested person's mouth.
- (5) An investigating officer may not search an arrested person in the exercise of the power conferred by subsection (2)(a) unless the investigating officer has reasonable grounds to believe that the arrested person may have concealed on their person, anything for which a search is permitted under subsection (2)(a).
- (6) An investigating officer may not search premises in the exercise of the powers conferred by subsection (2)(b) unless the investigating officer has reasonable grounds to believe that there is evidence for which the search is permitted under subsection (2)(b).
- (7) An investigating officer searching an arrested person in the exercise of the power conferred by subsection (1) may seize and retain anything the investigating officer finds, if the investigating officer has reasonable grounds to believe that the arrested person searched might use it to cause physical injury to themselves or any other person.
- (8) An investigating officer searching an arrested person in the exercise of the power conferred by subsection (2)(a) may seize and retain anything the investigating officer finds, if the investigating officer has reasonable grounds to believe —
  - (a) that the arrested person might use it to assist themselves in escaping from lawful custody; or
  - (b) that it is evidence of an offence or has been obtained in consequence of the commission of an offence.
- (9) The search of an arrested person under this section shall be carried out by an investigating officer of the same gender as the arrested person.





- (10) This section is without prejudice to the court's power under section 31 to issue a warrant authorising a search of specified premises.

### **Appointment of consultants and experts**

- 3E.** (1) The manager, acting on behalf of and with the approval of the Commission, may appoint consultants and experts to assist the Commission in the performance of its functions.
- (2) The consultants and experts appointed under subsection (1) may be paid such remuneration as the Commission may, after consultation with the Governor, approve.
- (3) Any remuneration paid pursuant to subsection (2) shall be paid out of the revenue of the Islands.

### **Powers, duties and functions of the Commission under this Act**

- 4.** (1) In carrying out its responsibilities under this Act the Commission shall —
- (a) receive and consider any report of the alleged or suspected commission of a corruption offence and, subject to this Act, investigate such report where the Commission has reason to suspect —
    - (i) the commission of an offence under this Act;
    - (ii) an attempt to commit an offence under this Act; or
    - (iii) any conspiracy to commit an offence under this Act;
  - (b) receive and (as permitted) request, analyse and disseminate disclosures of any information —
    - (i) concerning corruption offences under this Act or suspected offences; or
    - (ii) required by any law in order to counter corruption;
  - (c) detect and investigate —
    - (i) any suspected offence under this Act;
    - (ii) any suspected attempt to commit an offence under this Act; and
    - (iii) any suspected conspiracy to commit any offence under this Act; and
  - (d) do anything else that it is required or authorised to do under this Act or any other law or which is necessary to do for achieving the purpose of this Act.
- (2) Without limiting the foregoing and notwithstanding any other Law to the contrary, the Commission —
- (a) shall receive all disclosures of information (including information from any overseas anti-corruption authorities) which —
    - (i) concern any corruption offences;
    - (ii) are relevant to its responsibilities as an anti-corruption authority;

- (b) may, subject to subsection (3) —
    - (i) where information is disclosed to it under this Act; or
    - (ii) upon receipt of a request from an overseas anti-corruption authority, order any person to refrain from dealing with a person's bank account or other property for a period not exceeding twenty-one days if it is satisfied that there is reasonable cause to believe that the information or the request, as the case may be, relates to proceeds or the suspected proceeds of a corruption offence;
  - (c) may, in writing, require the provision by any person of information (excluding information coming to a professional legal adviser in privileged circumstances) for the purpose of clarifying or amplifying information disclosed to it under this Act;
  - (d) shall retain a record for a minimum of five years of —
    - (i) all information received or disseminated by it; and
    - (ii) any agreement entered into under paragraph (e);
  - (e) may, with the consent of the Attorney General, enter into any agreement or arrangement, in writing, with an overseas anti-corruption authority which it considers necessary or desirable for the discharge or performance of its responsibilities and functions;
  - (ea) may enter into any agreement or arrangement, in writing, with any local law enforcement authority or local body, where it considers it necessary or desirable to do so for the discharge or performance of its powers, duties and functions;
  - (f) shall collect, compile and annually publish, in such manner as it shall determine, statistical information relating to —
    - (i) disclosures made to it concerning proceeds or suspected proceeds of corruption offences;
    - (ii) any onward disclosures of such financial information by it; and
  - (g) shall have, exercise and perform such other responsibilities, powers, functions and duties as may be assigned to it by this or any other Law.
- (3) The power conferred by subsection (2)(b) is not exercisable unless the Grand Court, upon application by the Commission, makes an order under this subsection permitting the exercise of that power.
- (4) Any person who, without reasonable excuse, fails or refuses to provide such information as is required by subsection (2)(c) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars or to imprisonment for a term of two years or to both.
- (5) An aggrieved person may, upon notice to the Director of Public Prosecutions, apply to a judge in chambers to discharge an order made by the Grand Court under subsection (3), but such order shall remain in full force and effect until —



- (a) the judge in chambers determines otherwise; or
  - (b) the expiration of the period during which a person is required, by an order made under subsection (2)(b), to refrain from dealing with another person's bank account or property,  
whichever is sooner.
- (6) For the purposes of subsection (2)(c), any information comes to a professional legal adviser in privileged circumstances if it is communicated or given to the professional legal adviser —
- (a) by, or by a representative of, a client of that professional legal adviser in connection with the giving by the adviser of legal advice to the client;
  - (b) by, or by a representative of, a person seeking legal advice from the adviser; or
  - (c) by any person —
    - (i) in contemplation of, or in connection with, legal proceedings; and
    - (ii) for the purpose of those proceedings.
- (7) If, upon completion of an investigation by the Commission, it appears to the Commission that a person has committed a corruption offence or any other offence discovered during the investigation, it shall refer the matter and all relevant information and evidence to the Director of Public Prosecutions who shall deal with the matter as that person sees fit.
- (8) Statistical information published pursuant to subsection (2)(f) shall, without charge, be made available by the Commission for inspection at such place as the Commission may determine.

### **Delegation of powers, duties and functions of the Commission**

- 4A.** (1) The Commission may delegate any of its duties and functions under this Act to the Commissioner of Police in accordance with this section.
- (2) The Commissioner of Police may sub-delegate a duty or function delegated under subsection (1) but only in accordance with the terms and conditions of a delegation under subsection (1).
- (3) Subject to subsection (2), a sub-delegation under this section may be made to a specified person or person of a specified group or to the holder or holders for the time being of a specified office or offices, and various duties and functions may respectively be delegated to different persons.
- (4) A delegation under this section —
- (a) shall be in writing;
  - (b) may be made on such terms and conditions as the Commission thinks fit; and

- (c) may be amended or revoked at any time by written notice from the Commission.
- (5) Except to the extent that the terms and conditions of the delegation otherwise provide, the Commissioner of Police or a sub-delegate may exercise any duty or function in the same manner and with the same effect as if the duty or function had been conferred on the Commissioner of Police or the sub-delegate directly and not by delegation.
- (6) A delegation under this section shall not affect or prevent the exercise of any of the duties and functions of the Commission nor shall any such delegation affect the responsibility of the Commission for the actions of the Commissioner of Police or a sub-delegate; and once a decision is made, the decision shall, for all purposes, be as good as having been made by the Commission.

### **Mutual assistance**

#### **5. The Commission —**

- (a) may disclose any information received under this Act in relation to corruption, to the Cayman Islands Monetary Authority established by section 5 of the *Monetary Authority Act (2020 Revision)*, or to such other institutions or person in the Islands as may be designated in writing by the Attorney General; and
- (b) may disclose to any overseas anti-corruption authority any information relating to conduct which constitutes a corruption offence or would constitute a corruption offence if it had occurred in the Islands in order to —
  - (i) report the possible commission of an offence;
  - (ii) initiate a criminal investigation respecting the matter disclosed;
  - (iii) assist with any investigation or criminal proceedings respecting the matter disclosed; or
  - (iv) generally give effect to the purpose of this Act.

### **Oversight by the Governor**

#### **6. The Governor shall be responsible for —**

- (a) the general oversight of the anti-corruption policy of the Government;
- (b) overseeing and inspecting the work of the Commission;
- (c) reviewing annual reports submitted by the Commission under section 9;
- (d) promoting effective collaboration between regulators and law enforcement agencies; and
- (e) monitoring interaction and co-operation with overseas anti-corruption authorities.



**Issue of policy directions to the Commission**

7. The Governor, in the Governor's discretion, may give to the Commission directions as to the policy to be followed in the exercise and performance of its functions in relation to matters appearing to the Governor to concern the public interest and the Commission shall give effect to any such directions.

**Commission restricted from providing information**

8. Notwithstanding the provisions of any other Law, the Commission shall not be required to provide any information, documents or evidence except in accordance with the provisions of this Act or in compliance with an order made by the Grand Court.

**Annual report of Commission**

9. The Commission shall —
- (a) advise the Governor on the work related to this Act and in particular on matters that could affect public policy or the priorities to be set by the Commission; and
  - (b) prepare and submit to the Governor on or before 30 September in each year an annual report reviewing the work related to this Act and containing such other information as the Governor in the Governor's discretion shall require.

**Part 3 - Offences****Bribery of public officers and members of the Cayman Islands Parliament**

10. (1) A public officer or a member of the Cayman Islands Parliament who directly or indirectly —
- (a) solicits;
  - (b) accepts or obtains; or
  - (c) agrees to accept or obtain,
- for themselves or any other person, any loan, reward, advantage or other benefit with intent —
- (d) to interfere with the administration of justice;
  - (e) to procure or facilitate the commission of an offence; or
  - (f) to protect from detection or punishment a person who has committed or who intends to commit an offence,
- commits an offence.

- (2) Any person who gives or offers to a public officer or to a member of the Cayman Islands Parliament any loan, reward, advantage or other benefit, with intent that the public officer or member of the Cayman Islands Parliament should do anything mentioned in subsection (1)(d),(e), or (f) commits an offence.
- (3) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of fourteen years.

### **Frauds on the Government**

**11. (1)** A person commits an offence where —

(a) directly or indirectly —

(i) the person gives, offers or agrees to give or offer to —

- (A) a public officer;
- (B) a member of the Cayman Islands Parliament;
- (C) a member of the family of a public officer;
- (D) a member of the family of a member of the Cayman Islands Parliament; or
- (E) any person for the benefit of a public officer, a member of the Cayman Islands Parliament or another person; or

(ii) being a public officer or a member of the Cayman Islands Parliament, that person demands, accepts or offers or agrees to accept from any other person for themselves or another person,

a loan, reward, advantage or other benefit as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with —

- (A) the transaction of business with or any matter or business relating to the Government; or
- (B) a claim against the Government or any benefit that the Government is authorised or is entitled to bestow,

whether or not, in fact, the public officer or member of the Cayman Islands Parliament is able to cooperate, render assistance, exercise influence or do or omit to do what is proposed, as the case may be;

(b) having dealings of any kind with the Government, that person pays a commission or reward to or confers an advantage or benefit of any kind on a member of the Cayman Islands Parliament or a public officer of a government entity with which that person deals, or to any member of the family of a member of the Cayman Islands Parliament or a public officer, or to any one for the benefit of the member of the Cayman Islands Parliament or the public officer, with respect to those dealings, unless that



- person has the consent in writing of the chief officer of the government entity with which that person deals, the proof of which lies on that person;
- (c) being a public officer or a member of the Cayman Islands Parliament, that person demands, accepts or offers or agrees to accept from a person who has dealings with the Government a loan, reward, advantage or other benefit directly or indirectly, by themselves or through a member of their family or through any one for that person's benefit, unless that person has the consent in writing of the chief officer of the government entity that employs that person or of which that person is an official, the proof of which lies on that person;
  - (d) having or pretending to have influence with the Government, with a member of the Cayman Islands Parliament or a public officer, that person demands, accepts or offers or agrees to accept for themselves or another person a loan, reward, advantage or other benefit as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with —
    - (i) anything mentioned in paragraph (a)(ii)(A) or (B); or
    - (ii) the appointment of any person, including themselves, to an office;
  - (e) the person gives, offers or agrees to give or offer to a member of the Cayman Islands Parliament or a public officer a loan, reward, advantage or other benefit of any kind as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with —
    - (i) anything mentioned in paragraph (a)(ii)(A) or (B); or
    - (ii) the appointment of any person, including themselves, to an office; or
  - (f) having made a tender to obtain a contract with the Government —
    - (i) the person gives, offers or agrees to give or offer to another person who has made a tender or to a member of that person's family, or to another person for the benefit of that person, a reward, advantage or other benefit as consideration for the withdrawal of the tender of that person; or
    - (ii) the person demands, accepts or offers or agrees to accept from another person who has made a tender a loan, reward, advantage or other benefit as consideration for the withdrawal of that person's tender.
- (2) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of ten years.

**Contractor subscribing to election fund**

- 12.** (1) A person who, in order to obtain or retain a contract with the Government, or as a term of any such contract, whether express or implied, directly or indirectly subscribes or gives, or agrees to subscribe or give, to any person any loan, reward, advantage or other benefit —
- (a) for the purpose of promoting the election of a candidate or a class or party of candidates to the Cayman Islands Parliament; or
  - (b) with intent to influence or affect in any way the result of an election conducted for the purpose of electing persons to serve in the Cayman Islands Parliament,
- commits an offence.
- (2) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of ten years.

**Breach of trust by public officer or by a member of the Cayman Islands Parliament**

- 13.** A public officer or a member of the Cayman Islands Parliament who, in connection with the duties of that public officer's office, commits fraud or a breach of trust is liable on conviction on indictment to imprisonment for a term of five years, whether or not the fraud or breach of trust would be an offence if it were committed in relation to a private person.

**Selling or purchasing office**

- 14.** A person who —
- (a) purports to sell or agrees to sell an appointment to or a resignation from a public office, or a consent to any such appointment or resignation, or receives or agrees to receive a reward or profit from the purported sale thereof; or
  - (b) purports to purchase or gives a loan, reward, advantage or other benefit for the purported purchase of any such appointment, resignation or consent, or agrees or promises to do so,
- commits an offence and is liable on conviction on indictment to imprisonment for a term of five years.

**Influencing or negotiating appointments or dealing in offices**

- 15.** A person who —
- (a) receives, agrees to receive, gives or procures to be given, directly or indirectly, a loan, reward, advantage or other benefit as consideration for cooperation, assistance or exercise of influence to secure the appointment of any other person to a public office;





- (b) solicits, recommends or negotiates in any manner with respect to an appointment to or resignation from a public office, in expectation of a direct or indirect loan, reward, advantage or other benefit; or
- (c) keeps without lawful authority, the proof of which lies on that person, a place for transacting or negotiating any business relating to —
  - (i) the filling of vacancies in public offices;
  - (ii) the sale or purchase of public offices; or
  - (iii) appointments to or resignations from public offices,

commits an offence and is liable on conviction on indictment to imprisonment for a term of five years.

### **False claims by public officers**

**16.** A public officer who —

- (a) is employed in such a capacity as to require that public officer or enable that public officer to furnish returns or statements relating to any sum payable or claimed to be payable to themselves or to any other person, or relating to any other matter required to be certified for the purpose of any payment of money or delivery of goods to be made to any person; and
- (b) makes a return or statement relating to any such matter which is, to that public officer's knowledge, false in any material particular,

commits an offence.

### **Abuse of office**

- 17.** (1) A public officer or a member of the Cayman Islands Parliament who intentionally does, or directs to be done, in abuse of the authority of their office, any arbitrary act prejudicial to the rights of another person commits an offence and is liable on conviction on indictment to imprisonment for a term of four years.
- (2) If a public officer or a member of the Cayman Islands Parliament intentionally does, or directs to be done, the act under subsection (1) for the purposes of a loan, reward, advantage or other benefit, the public officer or the member of Parliament commits an offence and is liable on conviction on indictment to imprisonment for a term of five years.

### **False certificates by public officers or by members of the Cayman Islands Parliament**

- 18.** A public officer or a member of the Cayman Islands Parliament who is authorised or required by law to give any certificate relating to any matter by virtue whereof the rights of any person may be prejudicially affected, gives a certificate which is, to that public officer's knowledge, false in any material particular, commits an offence.

**Conflicts of interests**

- 19.** (1) Where a government entity proposes to deal with a company, partnership or other undertaking in which —
- (a) a public officer of the entity;
  - (b) a member of the Cayman Islands Parliament; or
  - (c) a member of the family, or an associate, of any person specified in paragraphs (a) or (b),
- has a direct, indirect or beneficial interest in such company, partnership or undertaking; or
- (d) any person specified in paragraphs (a), (b) or (c) holds more than ten per cent of the total issued share capital or of the total equity participation in such company, partnership or other undertaking,
- the public officer or the member of the Cayman Islands Parliament shall forthwith disclose, in writing, to that government entity, the nature of such interest.
- (2) Where in relation to a government entity —
- (a) a public officer of the entity;
  - (b) a member of the Cayman Islands Parliament; or
  - (c) a member of the family, or an associate, of either the public officer or the member of the Cayman Islands Parliament,
- has a personal interest in a decision which the government entity is to take, that public officer or member of the Cayman Islands Parliament shall forthwith disclose, in writing, to the government entity, the nature of that personal interest.
- (3) A public officer or member of the Cayman Islands Parliament who fails to disclose an interest in accordance with subsection (1) or (2) and who votes or otherwise takes part in proceedings or decisions of the government entity relating to such interest commits an offence and is liable on conviction on indictment to imprisonment for a term of five years.

**Duty of a public officer and member of the Cayman Islands Parliament to whom a bribe is offered etc.**

- 20.** (1) A public officer or a member of the Cayman Islands Parliament to whom any loan, reward, advantage or other benefit is given, promised, or offered, in contravention of any provision of this Act shall, at the earliest opportunity thereafter, report to the Commission such loan, reward, advantage or other benefit together with the name, if known, of the person who gave, promised or offered such loan, reward, advantage or other benefit to that public officer or that member of the Cayman Islands Parliament.



- (2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for a term of two years or to both.
- (3) A person from whom any loan, reward, advantage or other benefit has been solicited or obtained, or an attempt has been made to obtain such loan, reward, advantage or other benefit, in contravention of any provision of this Act shall, at the earliest opportunity thereafter, report such soliciting or obtaining of, or attempt to obtain, the loan, reward, advantage or other benefit together with the full and true description and, if known, the name of the person who solicited, or obtained, or attempted to obtain, the loan, reward, advantage or other benefit from that person to the Commission.
- (4) A person who fails, without reasonable excuse, to comply with subsection (3) commits an offence and is liable on conviction on indictment to a fine of ten thousand dollars or to imprisonment for a term of two years or to both.
- (5) A public officer or a member of the Cayman Islands Parliament who has reasonable cause to believe that another public officer or a member of the Cayman Islands Parliament has —
  - (a) solicited;
  - (b) accepted or obtained; or
  - (c) agreed to accept or obtain,any loan, reward, advantage or other benefit in contravention of any provision of this Act, shall, at the earliest opportunity thereafter, report such belief to the Commission and shall provide the name, if known, of the person who gave, promised or offered such loan, reward, advantage or other benefit to the public officer or the member of the Cayman Islands Parliament.
- (6) A person who fails, without reasonable excuse, to comply with subsection (5) commits an offence and is liable on conviction on indictment to a fine of ten thousand dollars or to imprisonment for a term of two years or to both.
- (7) A person who commits an act of victimisation against a person who has made a disclosure under subsection (1), (3) or (5) commits an offence and is liable on summary conviction to imprisonment for a term of two years.
- (8) In this section, “**victimisation**” means an act —
  - (a) which causes injury, damage or loss;
  - (b) of intimidation or harassment;
  - (c) of discrimination, disadvantage or adverse treatment in relation to a person’s employment; or
  - (d) amounting to threats of reprisals.

**Secret commissions**

- 21.** (1) A person commits an offence who —
- (a) gives, offers or agrees to give or offer to an agent any loan, reward, advantage or other benefit as consideration for doing or forbearing to do, or for having done or forborne to do, any act relating to the affairs or business of that person's principal or for showing or forbearing to show favour or disfavour to any person with relation to the affairs or business of that person's principal; or
  - (b) being an agent, demands, accepts or offers or agrees to accept from any person any loan, reward, advantage or other benefit as consideration for doing or forbearing to do, or for having done or forborne to do, any act relating to the affairs or business of that person's principal or for showing or forbearing to show favour or disfavour to any person with relation to the affairs or business of that person's principal; or
  - (c) with intent to deceive a principal, gives to an agent of that principal, or, being an agent, uses with intent to deceive that person's principal, a receipt, an account or other writing —
    - (i) in which the principal has an interest;
    - (ii) that contains any statement that is false or erroneous or defective in any material particular; and
    - (iii) that is intended to mislead the principal.
- (2) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of five years.

**Bribing a foreign public officer**

- 22.** (1) Subject to sections 23 and 24, a person who, in order to obtain or retain an advantage in the course of business, directly or indirectly promises, gives, offers or agrees to give or offer a loan, reward, advantage, or benefit of any kind to a foreign public officer for that person's benefit or for the benefit of another person or to any person for the benefit of a foreign public officer —
- (a) as consideration for an act or omission by the foreign public officer in connection with the performance of the officer's duties or functions; or
  - (b) to induce the foreign public officer to use that person's position to influence any acts or decisions of the foreign country or public international organisation for which the officer performs duties or functions,
- commits an offence.
- (2) A person who contravenes subsection (1) is liable on conviction on indictment to imprisonment for a term of fourteen years.



- (3) Where it appears to the Director of Public Prosecutions that any person to which this section applies, or an officer, director, employee, agent, or stockholder thereof, is engaged, or about to engage, in any act or practice which contravenes subsection (1), the Director of Public Prosecutions may, in that person's discretion, apply to the Grand Court for an order to enjoin such act or practice, and the court may, if it is satisfied upon the evidence, that such person is so engaged or is about to be so engaged as alleged, order a permanent injunction or a temporary restraining order without requiring a bond.
- (4) **Repealed** by section 9 of the *Anti-Corruption (Amendment) Act, 2022 [Act 23 of 2022]*.

### **Savings provision relating to section 22**

- 23.** A person has not committed an offence under section 22 if the loan, reward, advantage or other benefit —
- (a) is permitted or required under the laws of the foreign country or public international organisation for which the foreign public officer performs duties or functions; or
  - (b) was made to pay the reasonable expenses incurred in good faith by or on behalf of the foreign public officer that are directly related to —
    - (i) the promotion, demonstration or explanation of the person's products and services; or
    - (ii) the execution or performance of a contract between the person and the foreign country for which the officer performs duties or functions.

### **Facilitation payments**

- 24.** (1) For the purpose of section 22, a payment is not a loan, reward, advantage or other benefit to obtain or retain an advantage in the course of business, if —
- (a) the value of the payment is small;
  - (b) it is made to expedite or secure the performance by a foreign public officer of any act of a routine nature that is part of the foreign public officer's duties or functions, including —
    - (i) the issuance of a permit, licence or other document to qualify a person to do business;
    - (ii) the processing of official documents, such as visas and work permits;
    - (iii) the provision of services normally offered to the public, such as mail pick-up and delivery, telecommunication services and power and water supply; and
    - (iv) the provision of services normally provided as required, such as police protection, loading and unloading of cargo, the protection of perishable products or commodities from deterioration or the

- scheduling of inspections related to contract performance or transit of goods; and
- (c) as soon as practicable after the payment and the act of a routine nature performed by the foreign public officer occurred, the person made a record of the payment and the act and either the following applies —
    - (i) the person has retained that record at all relevant times; or
    - (ii) that record has been lost or destroyed because of the actions of another person over whom the first-mentioned person had no control, or because of a non-human act or event over which the first-mentioned person had no control, and the first-mentioned person could not reasonably be expected to have guarded against the bringing about of that loss or that destruction.
  - (2) For the purposes of this Act, an “**act of a routine nature**” does not include a decision to award new business or to continue business with a particular party, including a decision on the terms of that business, or encouraging another person to make any such decision.
  - (3) A report under this section shall set out —
    - (a) the value of the payment concerned;
    - (b) particulars of the act of a routine nature that was sought to be expedited or secured by the payment;
    - (c) the date or dates on which the payment was made and on which the act of a routine nature occurred;
    - (d) the identity of the relevant foreign public official; and
    - (e) the signature of the person who has made the report or some other means of verifying the person’s identity.

### False statements to the Commission

- 25.** (1) Where a person makes or causes any other person to make to the Commission or to an investigating officer, in the course of the Commission or such investigating officer exercising any power conferred by this Act, any statement which to the knowledge of the person making the statement, or causing the statement to be made —
- (a) is false or intended to mislead; or
  - (b) is not consistent with any other statement previously made by such person to any other person having authority or power under any law, or otherwise, to receive, or require to be made, such other statement regardless whether or not the person making the statement is under any legal or other obligation to tell the truth,

that person commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of three years or to both.



- (2) Where a person, who has made a statement to the Commission or to an investigating officer, in the course of the Commission or such investigating officer exercising any power conferred by this Act, subsequently thereto makes any other statement to any person having authority or power under any law, or otherwise, to receive, or require to be made, such other statement, regardless of whether or not the person making the statement is under a legal or other obligation to tell the truth that person, if such other statement —
- (a) is inconsistent with any statement previously made to the Commission or to an investigating officer; and
  - (b) is made wilfully,
- that person commits an offence and is liable on conviction to a fine of one thousand dollars or to imprisonment for a term of three months or to both.
- (3) For the avoidance of doubt, it is declared that for the purposes of subsection (1)(b) and subsection (2), any statement made in the course of any legal proceedings before any court, whether civil or criminal, or any statement made by any person in the course of any disciplinary proceedings, whether such legal proceedings or disciplinary proceedings are against the person making the statement or against any other person, shall be deemed to be a statement made to a person having authority or power under law to receive the statement so made.

### **Refusal of an ICT licensee to produce records to a senior investigating officer**

- 25A.**(1) An ICT licensee shall comply with a request of a senior investigating officer to produce any document, message, record, thing, statement or information, whether in electronic form or otherwise, relating to its ICT network, ICT service or the users thereof and required by a senior investigating officer appointed under this Act, upon the written request of a senior investigating officer, for the prevention or detection of crime or for the purposes of any criminal proceedings.
- (2) Subject to subsection (3), an ICT licensee who —
- (a) without reasonable excuse, refuses or fails to produce any document, message, record, thing, statement or information, whether in electronic form or otherwise, relating to its ICT network, ICT service or the users of its ICT network or ICT service and required by a senior investigating officer appointed under this Act, upon the written request of a senior investigating officer appointed under this Act, for the prevention or detection of crime or for the purposes of any criminal proceedings;
  - (b) without reasonable excuse, destroys or alters, or causes to be destroyed or altered, any document, message, record, thing, statement or information, whether in electronic form or otherwise, relating to its ICT network, ICT service or the users of its ICT network or ICT service and required, upon

the written request of a senior investigating officer appointed under this Act, to be produced for the prevention or detection of crime or for the purposes of any criminal proceedings; or

- (c) knowingly gives false or misleading information to an investigating officer requiring the information, upon the written request of a senior investigating officer appointed under this Act, for the prevention or detection of crime or for the purposes of any criminal proceedings,

commits an offence and is liable, on summary conviction, to a fine of ten thousand dollars, or to imprisonment for a term of one year, or to both.

- (3) Subsection (2) applies to any document, including a reverse directory, message, record, thing, statement or information, whether in electronic form or otherwise, held by an ICT licensee and relating to its ICT network, ICT service or the users of its ICT network or ICT service, other than any such message transmitted earlier than 15th November, 2000.

- (4) For the purposes of this section —

“**ICT licensee**” means a person to whom a licence in respect of information and communications technology is granted under the *Information and Communications Technology Act (2019 Revision)*;

“**ICT network**” has the meaning assigned by section 2 of the *Information and Communications Technology Act (2019 Revision)*; and

“**ICT service**” has the meaning assigned by section 2 of the *Information and Communications Technology Act (2019 Revision)*.

## Part 4 - Evidence

### Evidence of pecuniary resources or property

- 26.** Where, in proceedings for an offence under this Act, it is established that the accused —

- (a) was maintaining a standard of living which was not commensurate with that person’s emoluments or other income;
- (b) was in control of property to an extent which is disproportionate to that person’s emoluments or other income; or
- (c) held property for which that person, a member of that person’s family or that person’s associate, is unable to give a satisfactory account as to how that person came into its ownership, possession, custody or control,

that evidence shall be admissible to corroborate other evidence relating to the commission of the offence.





**Evidence of accomplice**

- 27.** Notwithstanding any written law or rule of law to the contrary, in any proceedings against any person for an offence under this Act —
- (a) no witness shall be regarded as an accomplice by reason only of such witness having —
    - (i) accepted, received, obtained, solicited, agreed to accept or receive, or attempted to obtain any loan, reward, advantage or benefit from any person;
    - (ii) given, promised, offered or agreed to give any loan, reward, advantage or benefit; or
    - (iii) been in any manner concerned in the commission of such offence or having knowledge of the commission of the offence;
  - (b) an agent provocateur shall not be presumed to be unworthy of credit by reason only of that person's having attempted to commit, or to abet, having abetted or having been engaged in a criminal conspiracy to commit, such offence if the main purpose of such attempt, abetment or engagement was to secure evidence against such person; and
  - (c) any statement, whether oral or written, made to an agent provocateur by such person shall be admissible as evidence at that person's trial.

**Part 5 - Guidelines and Operational Procedures****Operations of the Commission**

- 28.** (1) The Commission may issue guidelines setting out —
- (a) the forms and procedures for making a report of a corruption offence; and
  - (b) the operational procedures in connection with disclosures made to the Commission under this Act.
- (2) The Commission —
- (a) shall from time to time review any guidelines issued under subsection (1); and
  - (b) may issue an amendment or revocation of the guidelines.
- (3) The Commission shall, without charge, make available for inspection at such offices as it may determine all guidelines issued under subsection (1) and all amendments to and revocations of the guidelines.
- (4) Where the Commission has reason to suspect the commission of an offence under this Act following a report made under this Act or information otherwise received by it, the Commission shall direct an investigating officer to carry out an investigation and for such purpose the investigating officer may exercise all

the powers of investigation provided for under this Act and the *Criminal Procedure Code (2021 Revision)*.

- (5) A copy, which is certified by an investigating officer, of a report or of an entry under this Act shall be admissible as evidence of the contents of the original and of the time, place and manner in which the report or entry was recorded.
- (6) Where, pursuant to subsection (4), the Commission directs an investigating officer to carry out an investigation, if, after consultation with the Director of Public Prosecutions, the investigating officer is satisfied that —
  - (a) the complaint is trivial, frivolous, vexatious or not made in good faith; or
  - (b) the investigation would be unnecessary, improper or futile,the investigating officer may recommend to the Commission that it decline to conduct an investigation into any report alleging an offence under this Act or to proceed further with any investigation.
- (7) Where, in accordance with subsection (6), the investigating officer wishes to recommend to the Commission that it decline to conduct an investigation into any report alleging an offence under this Act or to proceed further with any investigation —
  - (a) the investigating officer shall —
    - (i) inform the Commission in writing of the recommendation; and
    - (ii) provide the Commission with the reasons for the recommendation and a statement indicating that the Director of Public Prosecutions was consulted prior to the recommendation being made; and
  - (b) the Commission, after reviewing the submissions referred to under paragraph (a) —
    - (i) may, in its discretion, follow the recommendation and, if it does so, the Commission may, in its discretion, inform the complainant or the subject of the complaint, in writing of its decision; and
    - (ii) shall not be bound to give reasons for its decision.

### **Arrest without warrant**

- 29.** An investigating officer may arrest without warrant a person who has committed, or whom that investigating officer reasonably suspects to have committed, an offence to which this Act applies.

### **Order to make material available**

- 30.** (1) An investigating officer may, for the purpose of an investigation into an offence to which this Act applies, with the assistance of the Director of Public Prosecutions, apply to the Grand Court for an order in relation to particular material or to material of a particular description.



- (2) If, on such an application, the court is satisfied that the conditions in subsection (4) are fulfilled, it may make an order that the person who appears to it to be in possession of the material to which the application relates shall —
  - (a) produce it to an investigating officer to take away; or
  - (b) give an investigating officer access to it,within such period as the order may specify.
- (3) The period to be specified in an order under subsection (2) shall be seven days, unless it appears to the court that a longer or shorter period would be appropriate in the particular circumstances of the application.
- (4) The conditions referred to in subsection (2) are that —
  - (a) there are reasonable grounds for suspecting that a specified person has carried on or has benefited from an offence to which this Act applies;
  - (b) there are reasonable grounds for suspecting that the material to which the application relates —
    - (i) is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the application is made; and
    - (ii) does not consist of or include items subject to legal privilege; and
  - (c) there are reasonable grounds for believing that it is in the public interest, having regard to —
    - (i) the benefit likely to accrue to the investigation if the material is obtained; and
    - (ii) the circumstances under which the person in possession of the material holds it,that the material should be produced or that access to it should be given.
- (5) Where the court makes an order under subsection (2)(b) in relation to material on any premises it may, on the application of an investigating officer, order any person who appears to it to be entitled to grant entry to the premises to allow an investigating officer to enter the premises to obtain access to the material.
- (6) The Chief Justice may make rules governing the procedure in relation to —
  - (a) applications for the discharge and variation of orders under this section; and
  - (b) proceedings relating to such orders.
- (7) Where the material to which an application under this section relates consists of information contained in a computer —
  - (a) an order under subsection (2)(a) shall have effect as an order to produce the material in a form in which it can be taken away and in which it is visible and legible; and

- (b) an order under subsection (2)(b) shall have effect as an order to give access to the material in a form in which it is visible and legible.
- (8) An order under subsection (2) —
  - (a) shall not confer any right to production of, or access to, items subject to legal privilege;
  - (b) shall have effect notwithstanding any obligation as to secrecy or other restriction upon the disclosure of information whether imposed by the *Confidential Information Disclosure Act, 2016* [Law 23 of 2016] or any other law or by the common law; and
  - (c) may be made in relation to material in the possession of the Government.
- (9) Where, in relation to an investigation into an offence to which this Act applies, an order under subsection (2) has been made or has been applied for and has not been refused or a warrant under section 31 has been issued, a person who, knowing or suspecting that the investigation is taking place, makes any disclosure which is likely to prejudice the investigation commits an offence.
- (10) In proceedings against a person for an offence under subsection (9), it is a defence to prove —
  - (a) that that person did not know or suspect that the disclosure was likely to prejudice the investigation; or
  - (b) that that person had lawful authority or reasonable excuse for making the disclosure.
- (11) A person who commits an offence under subsection (9) is liable —
  - (a) on summary conviction, to a fine of five thousand dollars or to imprisonment for a term of two years, or to both; or
  - (b) on conviction on indictment, to a fine or to imprisonment for a term of five years, or to both.

### Authority for search

- 31.** (1) An investigating officer may, for the purpose of an investigation into an offence to which this Act applies, with the assistance of the Director of Public Prosecutions, apply to the Grand Court for a warrant under this section in relation to specified premises.
- (2) On such application the court may issue a warrant authorising the investigating officer to enter and search the premises if it is satisfied that —
- (a) an order made under section 30(2) in relation to material on the premises has not been complied with;
  - (b) the conditions in subsection (3) are fulfilled; or
  - (c) the conditions in subsection (4) are fulfilled.
- (3) The conditions referred to in subsection (2)(b) are that —



- (a) there are reasonable grounds for suspecting that a specified person has carried on or has benefited from an offence to which this Act applies;
  - (b) the conditions of section 30(4)(b) and (c) are fulfilled in relation to any material on the premises; and
  - (c) it would not be appropriate to make an order under section 31 in relation to the material because —
    - (i) it is not practicable to communicate with any person entitled to produce the material;
    - (ii) it is not practicable to communicate with any person entitled to grant access to the material or entitled to grant entry to the premises on which the material is situated; or
    - (iii) the investigation for the purposes of which the application is made might be seriously prejudiced unless an investigating officer could secure immediate access to the material.
- (4) The conditions referred to in subsection (2)(c) are that —
- (a) there are reasonable grounds for suspecting that a specified person has carried on or has benefited from an offence to which this Act applies;
  - (b) there are reasonable grounds for suspecting that there is on the premises material relating to the specified person or to the offence which is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the application is made, but that the material cannot at the time of the application be particularised; and
  - (c)
    - (i) it is not practicable to communicate with any person entitled to grant entry to the premises;
    - (ii) entry to the premises will not be granted unless a warrant is produced; or
    - (iii) the investigation for the purpose of which the application is made might be seriously prejudiced unless an investigating officer arriving at the premises could secure immediate entry to them.
- (5) Where an investigating officer has entered premises in the execution of a warrant issued under this section, that investigating officer may seize and retain any material, other than items subject to legal privilege, which is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the warrant was issued.

### **Offence in relation to a warrant under section 31**

- 31A.**(1) Where, in relation to an investigation into an offence to which this Act applies, a warrant under section 31 has been issued, a person who, knowing or suspecting that the investigation is taking place, makes any disclosure which is likely to prejudice the investigation commits an offence.

- (2) In proceedings against a person for an offence under subsection (1), it is a defence for that person to prove —
  - (a) that the person did not know or suspect that the disclosure was likely to prejudice the investigation; or
  - (b) that the person had lawful authority or reasonable excuse for making the disclosure.
- (3) A person who commits an offence under subsection (1) is liable —
  - (a) on summary conviction, to a fine of five thousand dollars or to imprisonment for a term of two years, or to both; or
  - (b) on conviction on indictment, to a fine or to imprisonment for a term of five years, or to both.

### **Translation of seized documents**

- 32.** (1) Where an investigating officer finds, seizes, detains or takes possession of any book or document in the exercise of any power under this Act, and such book or document or any part thereof is in a language other than the English language, or in any sign or code the investigating officer may require the person who had possession, custody or control of such book or document to furnish to the investigating officer a translation in the English language of such book or document within such period as, in the opinion of the investigating officer, would be reasonable having regard to the length of the book or document, or other circumstances relating to it.
- (2) No person shall knowingly furnish a translation under subsection (1) which is not an accurate, faithful and true translation, or knowingly make a translation under that subsection which is not accurate, faithful and true.
- (3) Where the person required to furnish a translation under subsection (1) is not the person who is suspected to have committed the offence under investigation, the Government may reimburse that person for such reasonable expenses as that person may have incurred in furnishing the translation.

### **Court orders to disclose information**

- 33.** (1) Notwithstanding any other law, a Judge of the Grand Court may, on application being made to that Judge in relation to an investigation into any offence under this Act, order a professional legal adviser to disclose information available to that professional legal adviser in respect of any transaction or dealing relating to any property which is liable to seizure pursuant to this Act.
- (2) Nothing in subsection (1) shall require a professional legal adviser to comply with any order under that subsection to the extent that such compliance would disclose any privileged information or communication which came to that professional legal adviser's knowledge for the purpose of any pending proceedings.



**Resisting or obstructing an investigating officer**

**34.** A person who —

- (a) refuses any investigating officer access to any premises, or fails to submit to a search by a person authorised to search that person under this Act;
  - (b) assaults, obstructs, hinders or delays any investigating officer in the execution of that person's duty under this Act;
  - (c) fails to comply with any lawful demand, notice, order or requirement of an investigating officer in the execution of that person's duty under this Act;
  - (d) omits, refuses or neglects to give to an investigating officer any information which may reasonably be required of that person and which that person is empowered to give;
  - (e) fails to produce to, or conceals or attempts to conceal from, an investigating officer, any book, document, or article, in relation to which such investigating officer has reasonable grounds for suspecting that an offence under this Act has been or is being committed, or which is liable to seizure under this Act;
  - (f) rescues or endeavours to rescue or causes to be rescued any thing which has been duly seized; or
  - (g) destroys any thing to prevent the seizure thereof, or the securing of the thing,
- commits an offence.

## **Part 6 - Application of the Proceeds of Crime Act (2024 Revision) to this Act**

**Orders of the court in relation to the proceeds of a corruption offence**

- 35.** (1) In any trial or proceedings for an offence under this Act, the court, in relation to the proceeds of a corruption offence, shall apply the provisions of the *Proceeds of Crime Act (2024 Revision)* and may make such order as it considers appropriate in accordance with the provisions of that Act.
- (2) For the purposes of subsection (1), references to an “appropriate officer” or “senior appropriate officer” under the *Proceeds of Crime Act (2024 Revision)* shall be construed as including an investigating officer or senior investigating officer appointed under this Act.

## Part 7 - Extradition

### Corruption offence extraditable

- 36.** For the avoidance of doubt, a corruption offence is an offence for which extradition may be granted or obtained under the extradition laws relating to the Islands.

## Part 8 - General

### Protection of informers

- 37.** (1) Where a person discloses to the Commission or to an investigating officer information concerning a corruption offence or the proceeds or suspected proceeds of a corruption offence, the disclosure shall not be treated as a breach of any restriction upon the disclosure of information by any enactment or otherwise and shall not give rise to any civil liability.
- (2) Except as provided in this section, no complaint as to an offence under this Act shall be admitted in evidence in any civil or criminal proceeding and no witness shall be obliged or permitted to disclose the name or address of any informer or state any matter which might lead to that person's discovery.
- (3) Where any books, documents or papers which are in evidence or liable to inspection in any civil or criminal proceeding whatsoever contains any entry in which any informer is named or described or which might lead to that person's discovery, the court before which the proceeding is held shall cause all such passages to be concealed from view or to be obliterated so far as is necessary to protect the informer from discovery but no further.
- (4) Where, in any proceeding relating to an offence under this Act, the court, after full inquiry into the case —
- (a) is of the opinion that the informer wilfully made in that person's complaint a material statement which that person knew or believed to be false or did not believe to be true; or
- (b) is of the opinion that justice cannot be fully done between the parties thereto without the discovery of the informer,
- the court may require the production of the original complaint, if in writing, and permit inquiry and require full disclosure concerning the informer.

### Proceedings in the Cayman Islands Parliament

- 38.** No written law or rule of law preventing proceedings in the Cayman Islands Parliament being impeached or questioned in any court or place outside of the Cayman Islands Parliament shall prevent any evidence of words, spoken, or acts performed, by a person alleged to have committed a corruption offence as a member of the Cayman Islands Parliament being admissible —





- (a) in proceedings for that offence against that person; or
- (b) in proceedings for a corruption offence which arises out of the same facts.

### **Territorial requirements**

- 39.** (1) A person does not commit a corruption offence unless —
- (a) the conduct constituting the alleged offence occurs —
    - (i) wholly or partly in the Islands; or
    - (ii) wholly or partly on board a Caymanian aircraft or a Caymanian ship; or
  - (b) the conduct constituting the alleged offence occurs wholly outside the Islands and —
    - (i) at the time of the alleged offence, the person is a person having Caymanian status in accordance with the *Immigration (Transition) Act (2022 Revision)*; or
    - (ii) at the time of the alleged offence, the person is a resident of the Islands; or
    - (iii) at the time of the alleged offence, the person is a body corporate incorporated by or under a law of the Islands.
- (2) Notwithstanding section 43, a person may be arrested for, charged with, or remanded in custody or released on bail in connection with an offence against Part 3 before the consent of the Director of Public Prosecutions has been given.

### **Authorisations by the Governor for the security of the Islands**

- 40.** (1) Subsection (2) applies if, apart from that subsection, a person would commit a corruption offence in doing an act or making an omission.
- (2) The person referred to in subsection (1) (“an agent provocateur”) does not commit a corruption offence if the act or omission done or made is authorised to be done or made by virtue of an authorisation given by the Governor.
- (3) The Governor may give an authorisation under subsection (2) only if the Governor is satisfied that the conditions in subsection (4) and (5) are met.
- (4) The first condition is that —
- (a) any acts or omissions which may be done or made in reliance on the authorisation will be necessary for the security of the Islands or for preventing or detecting indictable offences; or
  - (b) the operation in the course of which any such acts or omissions may be done or made will be necessary for the proper discharge of such a function.
- (5) The second condition is that there are satisfactory arrangements in force to secure —

- (a) that no act or omission will be done or made in reliance on the authorisation beyond what is necessary for the security of the Islands or preventing or detecting indictable offences; and
  - (b) that, in so far as any acts or omissions may be done or made in reliance on the authorisation, their nature and likely consequences will be reasonable, having regard to the purposes for which they are done or made.
- (6) An authorisation under subsection (2) may in particular —
- (a) relate to one or more specified acts or omissions, to acts or omissions of a specified description or to acts or omissions done or made in the course of a specified operation;
  - (b) be limited to one or more specified persons of a specified description; or
  - (c) be subject to specified conditions.
- (7) In this section, the word “**specified**” means specified in the authorisation.

### **Authorisations: supplementary**

41. (1) This section applies to an authorisation under section 40(2).
- (2) An authorisation may be given only under the hand of the Governor and ceases to have effect at the end of a period of six months starting with the day on which it was given.
- (3) Subsection (2) does not apply if the authorisation is renewed under subsection (4) before the day on which it would otherwise cease to have effect.
- (4) The Governor may renew an authorisation for a period of six months starting on the day on which it would otherwise cease to have effect, if at any time before that day the Governor considers it necessary for the authorisation to continue to have effect for the purpose for which it was given.
- (5) Subsection (3) may apply more than once.
- (6) A renewal under subsection (4) shall be made under the hand of the Governor.
- (7) The Governor shall cancel an authorisation if the Governor is satisfied that an act or omission authorised by virtue of it is no longer necessary.

### **Security of the Islands and access to documents, etc.**

42. Notwithstanding anything contained in this Act neither the Commission nor an investigating officer shall have access to any books, records, returns, reports or other documents or to enter upon any premises of the Government if, in the opinion of the Governor, such access or entry is likely to —
- (a) prejudice the security of the Islands; or
  - (b) involve the disclosure of any matters or deliberations of a secret or confidential nature of the Cabinet or of the Cayman Islands Parliament or any sub-committee of either body.



**Consent to prosecution**

43. Proceedings for a corruption offence shall not be instituted in the Islands except with the consent of the Director of Public Prosecutions.

**General penalty**

44. Every person convicted of an offence under this Act for which no penalty is specifically provided shall be liable to a fine of five thousand dollars or to imprisonment for a term of two years or to both.

**Savings**

45. Nothing contained in this Act shall derogate from the powers of an investigating officer to investigate into any offence under this Act and to prosecute any person in respect of any such offence, so long as the provisions of this Act are complied with.

**Regulations**

46. The Cabinet may make rules or regulations for the further, better and more convenient carrying out of the provisions of this Act, and without prejudice to the generality of this provision, the Cabinet may make rules for —
- (a) providing for the form of any notice, order, declaration or other matter under this Act; and
  - (b) providing for the service or delivery of any notice, order, direction, instruction, requirement or other thing lawfully done under this Act.

**Abolition of existing offences, etc.**

47. Sections 90 to 96 of the *Penal Code (2007 Revision)* is **repealed** by section 47 of the *Anti-Corruption Law, 2008 [Law 11 of 2008]*.

**Transitional provisions**

48. Notwithstanding section 47, proceedings in respect of an offence or a suspected offence or relating to any matter provided for under sections 90 to 96 of the *Penal Code (2007 Revision)* which had commenced before 1st January, 2010, the date of the commencement of the *Anti-Corruption Law, 2008 [Law 11 of 2008]* shall proceed and be determined after the 1st January, 2010 as if the said sections continue to have effect.

**Application**

49. (1) This Act applies in relation to acts or omissions done or made on or after, 1st January, 2009, the date of commencement of the *Anti-Corruption Law, 2008 [Law 11 of 2008]*.
- (2) If an act or omission is alleged to have been done or made over a period of two or more days, or at some time in a period of two or more days, it shall be taken

for the purposes of this section to have been done or made on the last of those days.

### **The Crown**

- 50.** (1) This Act binds the Crown, subject to subsections (2) and (3).
- (2) No contravention by the Crown of a provision under this Act makes the Crown criminally liable.
- (3) Notwithstanding subsection (2), the Grand Court may, on the application of a person appearing to the court to have an interest, declare unlawful an act or omission of the Crown which constitutes a contravention of a provision of this Act.

### **Offences by bodies corporate**

- 51.** (1) Where an offence under this Act, which has been committed by a body corporate, is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, that person, as well as the body corporate, shall have committed that offence and is liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with that member's function of management as if that member were a director of the body corporate.

### **Inchoate offences**

- 52.** Unless expressly provided otherwise the following are offences under this Act —
- (a) an attempt, conspiracy or incitement to commit an offence under this Act; and
- (b) aiding, abetting, counselling or procuring the commission of an offence under this Act.

### **Annual report**

- 53.** Within six months of the end of each financial year, the Attorney General and the Deputy Governor shall jointly prepare a report on the enforcement of this Act and the Attorney General shall cause a copy of the report to be laid before the Cayman Islands Parliament during the next session of the Cayman Islands Parliament immediately following the completion of the report.



## SCHEDULE

(section 3)

### *Constitution of the Commission*

1. (1) The Commission shall consist of not less than five members appointed by the Governor and such members —
  - (a) shall be persons who, in the opinion of the Governor, are of high integrity and are able to exercise competence, diligence and sound judgment in fulfilling their responsibilities under this Act;
  - (b) shall be residents of the Islands; and
  - (c) may include —
    - (i) retired judges of the Grand Court or the Court of Appeal;
    - (ii) retired police officers;
    - (iii) retired justices of the peace or magistrates;
    - (iv) chartered or certified accountants;
    - (v) attorneys-at-law of ten or more years call or retired attorneys-at-law; and
    - (vi) such other persons as the Governor considers qualified to be appointed.
- (2) The Governor, acting in the Governor's discretion, shall appoint one of the members to be chairperson of the Commission for a period of three years or less.
- (3) A person shall not be qualified to hold office as a member of the Commission if the person is a public officer or such other category of person as may be prescribed by Order of the Governor.

### *Tenure of office*

2. The members shall be appointed by instrument in writing and shall, subject to the provisions of this Schedule, hold office for a period of three years or less.

### *Re-appointment*

3. The members shall be eligible for re-appointment for one further term only and such term shall be for a period of three years or less.

*Chairperson*

4. The chairperson shall preside at all meetings of the Commission at which the chairperson is present, and in the case of the chairperson's absence from any meeting, the members present and forming a quorum shall elect one of their number to preside at that meeting.

*Acting appointments*

5. If any member is absent or unable to act, the Governor may appoint any person to act in the place of that member and such appointment shall be made in the same manner as would be required in the case of the substantive appointment.

*Resignation*

6. A member may at any time resign that member's office by instrument in writing addressed to the Governor and transmitted through the chairperson and from the date of receipt by the Governor of such instrument, that person shall cease to be a member.

*Revocation of appointment*

7. The Governor after consultation with the Attorney General may at any time revoke the membership of a member.

*Filling of vacancies*

8. If any vacancy occurs in the membership of the members such vacancy shall be filled by the appointment of another member and such appointment shall be made in the same manner and from any of the categories of persons as would be required in the case of the original appointment.

*Gazetting of membership*

9. The names of all members of the Commission as first constituted and every change therein shall be published in the Gazette.

*Remuneration*

10. (1) The members of the Commission shall be paid such allowances as the Cabinet may determine.  
(2) The payment of such allowances shall be paid out of the revenue of the Islands.

*Staff of Commission*

11. **Repealed** by section 20(j) of the *Anti-Corruption (Amendment) Law, 2016* [Law 13 of 2016].



*Seal and execution of documents*

12. (1) The seal of the Commission shall be authenticated by the chairperson or one other member of the Commission authorised to act in that behalf and shall be judicially noticed.
- (2) The Commission may, by resolution, appoint an officer of the Commission either generally or in a particular case to execute or sign on behalf of the Commission any agreement or other instrument not under seal in relation to any matter coming within the powers of the Commission.

*Proceedings and meetings*

13. (1) The Commission shall meet at such times as may be expedient for the carrying out of its functions and such meetings shall be held on such days and at such places as the chairperson may determine.
- (2) A quorum of the Commission shall be three.
- (3) The decision of the Commission shall be by a majority of votes and, in addition to an original vote, the chairperson shall have a casting vote in any case in which the voting is equal.
- (4) Minutes in proper form of each meeting of the Commission shall be kept.
- (5) The validity of the proceedings of the Commission shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of any member thereof.
- (6) The chairperson may invite the Auditor General or the Commissioner of Police to attend any meeting of the Commission and to participate in such meeting or to provide information to the Commission on the areas of their work which relate to anti-corruption matters.

*Immunity*

14. Neither the Commission, nor any member or officer of the Commission, shall be liable in damages for anything done or omitted in the discharge or purported discharge of their respective functions under this Act unless it is shown that the act or omission was in bad faith.

*Indemnity*

15. The Commission shall indemnify a member against all claims, damages, costs, charges or expenses incurred by that member in the discharge or purported discharge of that member's functions under this Act, except claims, damages, costs, charges or expenses caused by the bad faith of that member.

*Office of a member not public office*

16. The office of a member shall not be a public office.

*Disclosure of member's interests*

17. (1) If a member has any pecuniary interest, direct or indirect, in any matter to be considered by the Commission and is present at a meeting of the Commission at which the matter is to be considered, that member shall at or before the meeting or before the matter is considered, disclose the fact and shall leave the meeting for the duration of and not take part in the consideration or discussion of or vote on the matter.
- (2) If any member fails to comply with subparagraph (1) that member has committed an offence and is liable —
- (a) on summary conviction to a fine of twenty thousand dollars or imprisonment for a term of two years, or both; or
- (b) on conviction on indictment to a fine of fifty thousand dollars or imprisonment for a term of three years, or both,
- unless that member proves that that said member did not know that the matter in which that member had a pecuniary interest was the subject of consideration at that meeting.
- (3) A disclosure under subparagraph (1) shall be recorded in the minutes of the Commission's meetings.
- (4) No act or proceeding of the Commission shall be questioned on the ground that a member contravened this paragraph.
- (5) This paragraph does not apply to an interest in a matter which a member has as a member of the public or to an interest in any matter in which the right to participate in any service is offered to the public.

*Member's pecuniary interests*

18. (1) For the purposes of paragraph 17, a member shall be treated as having an indirect pecuniary interest in a matter if —
- (a) the member or any nominee of that member is a member of a company or other body which has a direct or indirect pecuniary interest in the matter under consideration;
- (b) the member is a partner, or in the employment of a person with whom the contract was made or is proposed to be made, or who has a direct or indirect pecuniary interest in the matter under consideration; or





- (c) the member or any partner of that member is a professional adviser to a person who has a direct or indirect pecuniary interest in a matter under consideration.
- (2) Subparagraph (1) does not apply to membership of, or employment by, any public body.
- (3) In the case of married persons, or persons in civil partnerships, the interest of one spouse or civil partner shall be deemed for the purpose of paragraph 17 to be also the interest of the other.
- (4) The Governor may subject to such conditions as the Governor may think fit appoint persons to act as members for any specified period, in any case in which the number of members disabled by paragraph 17 at any one time would be so great a proportion of the whole as to impede the transaction of business by the Commission.

### *Procedure*

- 19. Subject to this Act, the Commission has the power in all respects to regulate its own procedure, including the manner in which matters subject to the determination of the Commission are to be determined by the Commission and the Commission may make rules for this purpose.

**Publication in consolidated and revised form authorised by the Cabinet this 30th day of January, 2024.**

**Kim Bullings**  
*Clerk of the Cabinet*



## ENDNOTES

### Table of Endnote references:

SL #	Act/Law #	Legislation	Commencement	Gazette
2/2023		Anti-Corruption (Amendment) Act, 2022 (Commencement) Order, 2023	26-Jan-2023	LG6/2023/s1
	23/2022	Anti-Corruption (Amendment) Act, 2022	30-Jan-2023	LG52/2022/s9
	56/2020	Citation of Acts of Parliament Act, 2020	4-Sep-2020	LG89/2020/s1
	35/2020	Civil Partnership Law, 2020	16-Jan-2020	LG64/2020/s1
		<b>Anti-Corruption Law (2019 Revision)</b>	14-Feb-2019	LG1/2019/s1
	22/2018	Anti-Corruption (Amendment) Law, 2018	26-Oct-2018	GE82/2018/s3
		<b>Anti-Corruption Law (2018 Revision)</b>	16-Mar-2018	GE22/2018/s1
E7/2016		<i>ERRATA:</i> Anti-Corruption Law (2016 Revision)	2-Sep-2016	GE80/2016/p1
		<b>Anti-Corruption Law (2016 Revision)</b>	2-Sep-2016	GE69/2016/s2
34/2016		Anti-Corruption (Amendment) Law, 2016 (Commencement) Order, 2016	29-Jun-16	GE50/2016/s10
	13/2016	Anti-Corruption (Amendment) Law, 2016	1-Jul-2016	G13/2016/s9
		<b>Anti-Corruption Law (2014 Revision)</b>	10-Oct-2014	GE75/2014/s2
	19/2012	Director of Public Prosecutions (Miscellaneous Amendments) Law, 2012 (PART)	17-Sep-2012	GE90/2012/s17
16/2009		Anti-Corruption Law, 2008 (Commencement) Order, 2009	14-Apr-2009	G8/2009/s1
	11/2008	Anti-Corruption Law, 2008	1-Jan-2009	G17/2008/s2

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