

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE POLICE LAW (2005 REVISION)
TO MAKE CERTAIN CHANGES RELATING TO THE APPOINTMENT
OF THE GENERAL STAFF TO WORK WITH THE POLICE SERVICE;
AND FOR INCIDENTAL AND CONNECTED PURPOSES**

THE POLICE (AMENDMENT) (No. 2) BILL, 2005

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Police Law (2005 Revision) to make certain changes in the appointment of police officers.

Clause 1 provides the short title and makes provision in respect of the commencement of the legislation.

Clause 2 inserts a definition of “chief officer”.

Clause 3 amends section 8 of the Police Law (2005 Revision) in such a way as to retain the Governor as appointing authority for the Commissioner, while making the Commissioner the appointing authority for all police officers, including gazetted officers. The clause also clarifies the position that the appointment of the general staff to work with the police service but who are not police officers shall be made by the relevant chief officer.

Clause 4 amends section 19 of the principal Law so that the Commissioner will not need the approval of the Governor when entering into special contracts of enlistment of officers from outside the Islands.

Clause 5 amends section 20 (3) of the principal Law so as to divest the Governor of the power to retire police officers and confer it on the Commissioner.

Clause 6 repeals and replaces section 72 of the principal Law to the effect that the Governor is divested of the power to appoint the Special Constabulary and the power conferred on the Commissioner.

Clause 7 repeals and replaces section 84 of the principal Law so as to confer on the Commissioner powers relating to termination of appointments of special constables.

THE POLICE (AMENDMENT) (No. 2) BILL, 2005

ARRANGEMENT OF CLAUSES

1. Short title and commencement.
2. Amendment of section 2 - Definitions.
3. Amendment of section 8 - Appointments.
4. Amendment of section 19 - Special contracts of enlistment.
5. Amendment of section 20 - Retirement and pensions.
6. Repeal and substitution of section 72 - Composition.
7. Repeal and substitution of section 84 - Termination of appointment

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A BILL FOR A LAW TO AMEND THE POLICE LAW (2005 REVISION) TO MAKE CERTAIN CHANGES RELATING TO THE APPOINTMENT OF THE GENERAL STAFF TO WORK WITH THE POLICE SERVICE; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Police (Amendment) (No. 2) Law, 2005. Short title and commencement

(2) This Law shall come into force concurrently with the coming into force of the Public Service Management Law, 2005. Law No. of 2005
2. The Police Law (2005 Revision), hereinafter referred to as the principal Law, is amended in section 2 by inserting in the appropriate alphabetical placing of the following -

 “chief officer” means the chief officer having oversight of the police service, referred to in section 3 of the Public Management and Finance Law (2005 Revision);”
3. The principal Law is amended in section 8 as follows - Amendment of section 8-Appointments
 - (a) by deleting subsection (1) and substituting therefor the following:

“(1) Except as otherwise provided in section 48 of the Public Service Management Law, 2005, police officers shall be appointed by the Commissioner to hold office at his pleasure and subject to such other terms and conditions as are provided by this Law, the regulations and standing orders.” ;

(b) at the end of the section by inserting the following subsection -

“(3) For the avoidance of doubt, it is declared that staff who are to work with the police service but who are not to be police officers shall be appointed by the relevant chief officer in accordance with the Public Service Management Law, 2005.”.

Amendment of section 19 - Special contracts of enlistment

4. The principal Law is amended in section 19 by repealing the words “subject to the approval of the Governor”.

Amendment of section 20 - Retirement and pensions

5. The principal Law is amended -

- (a) in subsection (3) of section 20 by repealing the words “The Governor, upon the recommendation of the Commissioner,” and substituting the words “The Commissioner”;
- (b) by adding the following subsection -

Law of 2005

“(5) This section shall apply except to the extent specified in section 48 of the Public Service Management Law 2005.

Repeal and substitution of section 72 - Composition

6. The principal Law is amended by repealing section 72 and substituting therefor the following -

“72. The Special Constabulary shall consist of such special constables of gazetted rank as the Commissioner may after consultation with the Governor appoint and of such special constables of other ranks as the Commissioner may in this discretion appoint.”.

Repeal and substitution of section 84- Termination of appointment

7. The principal Law is amended by repealing section 84 and substituting therefor the following -

“Termination of appointment

84. (1) A special constable may resign his appointment at any time by giving one month’s notice in writing to the Commissioner but the Commissioner may waive the provisions of this subsection regarding the period of notice to be given.

(2) The Commissioner, subject to such consultation as may be necessary under section 69 in relation to the

appointment of the officer concerned, may terminate the appointment of any special constable whose services are no longer required, and shall forthwith give notice thereof in writing to the special constable concerned.

(3) Every special constable shall, within one week of his resignation or of the receipt of the notice terminating his appointment under subsection (2), deliver up to such person at such time and place as may be stated in such notice as aforesaid, or to one of his superior officers, his certificate of identity and all arms, equipment, clothing and appointments whatsoever which have been supplied to him under this Law and which are the property of the Government.

(4) A special constable who, having ceased to belong to the Special Constabulary, fails without good cause to comply with subsection (3) is guilty of an offence and liable on summary conviction to a fine of one hundred dollars and to imprisonment for two months.”.

Passed by the Legislative Assembly the day of , 2005.

Speaker.

Clerk of the Legislative Assembly.