

CAYMAN ISLANDS



Supplement No. 18 published with Extraordinary Gazette No. 53 of 17th July,
2015.

**LEGISLATIVE ASSEMBLY (IMMUNITIES, POWERS AND
PRIVILEGES) LAW**

(2015 Revision)

Law 24 of 1965 consolidated with Laws 35 of 1965, 4 of 1985, 11 of 1996 and 19
of 2012.

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

Originally enacted-

Law 24 of 1965-4th February, 1965

Law 35 of 1965-30th June, 1965
Law 4 of 1985-25th March, 1985
Law 11 of 1996-18th July, 1996
Law 19 of 2012-31st August, 2012.

Consolidated and revised this 2nd day of July, 2015.

Note (not forming part of the Law): This revision replaces the 1999 Revision which should now be discarded.

**LEGISLATIVE ASSEMBLY (IMMUNITIES, POWERS AND
PRIVILEGES) LAW**

(2015 Revision)

ARRANGEMENT OF SECTIONS

1. Short title
2. Definitions
3. Immunity from legal proceedings
4. Privileges
5. Power to order attendance of witness
6. Order to attend to be notified by summons
7. Witnesses may be examined on oath
8. Objection to answer questions or to produce papers
9. Privileges of witnesses
10. Certificate issued to witnesses making full disclosure to be a bar to proceedings
11. Evidence of proceedings in Assembly or committee not to be given without leave
12. Certain questions to be determined in accordance with usage of Parliament
13. Right to enter Assembly
14. Power of appropriate authority to regulate admittance to Assembly
15. Power of Speaker to order withdrawal from Assembly
16. False evidence
17. Offences relating to admittance to Assembly
18. Other offences
19. Director of Public Prosecutions to sanction prosecutions
20. Members not to receive compensation for promotion of or opposition to bills, etc.
21. Journals printed by order of the Assembly to be admitted as evidence
22. Penalty for printing false copies of Law, journals, etc.
23. Protection of persons responsible for publications authorised by Assembly
24. Publication of proceedings without malice
25. Powers of Speaker supplementary to powers under Constitution
26. Courts not to exercise jurisdiction over acts of Speaker and members
27. Civil process not to be served within precincts of Assembly

**LEGISLATIVE ASSEMBLY (IMMUNITIES, POWERS AND
PRIVILEGES) LAW**

(2015 Revision)

1. This Law may be cited as the Legislative Assembly (Immunities, Powers and Privileges) Law (2015 Revision). Short title

2. In this Law - Definitions

“Assembly” means the Legislative Assembly of the Islands;

“Clerk” means the Clerk of the Assembly;

“committee” means any standing, select, special or other committee appointed by a resolution of the Assembly;

“journals” mean the minutes of the Assembly and the official record of the votes or proceedings thereof;

“meeting” means the whole or any part of a session, irrespective of adjournments, at which the business set out in the Business Paper for the meeting is disposed of;

“member” means a member of the Assembly;

“officer of the Assembly” means a person appointed to the staff of the Assembly whether permanently or temporarily and includes the Clerk and the Sergeant at Arms on duty within the precincts of the Assembly;

“precincts of the Assembly” means the entire building in which the Assembly sits in session for the transaction of business, together with the car park, the front steps and all areas within the curtilage of the building;

“session” means the meetings of the Assembly commencing when the Assembly first meets after being constituted, or after its prorogation or dissolution at any time, and terminating when the Assembly is prorogued or dissolved without having been prorogued;

“Speaker” means the Speaker of the Assembly and includes the Deputy Speaker and any other member of the Assembly when such other member is presiding at meeting of the Assembly;

“Standing Orders” means the Standing Orders of the Legislative Assembly referred to in section 71 of the Cayman Islands Constitution Order 2009; and UKSI 2009 No. 1379,
etc.

“stranger” means any person other than a member or officer of the Assembly.

Immunity from legal proceedings	3. No civil or criminal proceedings may be instituted against any member for words spoken before, or written in a report to, the Assembly of which he is a member or to a committee thereof or by reason of any matter or thing brought by him therein by petition, bill, resolution, motion or otherwise, nor shall any such proceedings be instituted against any person in respect of such words broadcast or re-broadcast by any broadcasting station licensed under the Information and Communications Technology Authority Law (2011 Revision), or wholly owned by the Government of the Islands.
2011 Revision	
Privileges	4. No member shall be liable for arrest for any civil debt except a debt the contraction of which constitutes a criminal offence, whilst going to, attending at or returning from a meeting of the Assembly or any committee.
Power to order attendance of witness	5. (1) The Assembly or any standing committee may, subject to sections 9 and 12, order any person to attend before such Assembly or committee and give evidence or produce any paper, book, record or document in his possession or control. (2) The powers conferred by subsection (1) on a standing committee may be exercised by any other committee which is specially authorised by a resolution of the Assembly by which such committee is appointed to exercise such powers in respect of any matter or question specified in the resolution.
Order to attend to be notified by summons	6. (1) Any order to attend, give evidence or produce documents before the Assembly or a committee shall be notified to the person required to attend or produce documents by a summons under the hand of the Clerk issued by the direction of the Speaker. (2) In every summons under subsection (1) there shall be stated the time when and the place where the person summoned is required to attend and the particular documents which he is required to produce, and the summons shall be served on the person mentioned therein either by delivering to him a copy or by leaving a copy at his usual or last known place of abode in the Islands, with some adult person; and there shall be paid or tendered to the person so summoned, if he does not reside within four miles of the place of attendance specified in the summons, such sum for his expenses as may be prescribed by standing order or authorised by order of the Assembly. (3) A summons under this section may be served by a constable.
Witnesses may be examined on oath	7. The Assembly or any committee may require that any facts, matters and things relating to the subject of enquiry before such Assembly or committee be verified or otherwise ascertained by the oral examination of witnesses, and may

cause any such witnesses to be examined upon oath, which the Speaker or the chairman of the committee, as the case may be, or other person specially appointed for that purpose, is hereby authorised to administer.

8. (1) Where any person ordered to attend, give evidence or produce any paper, book, record or document before the Assembly refuses to answer any question put to him or to produce any such paper, book, record or document on the ground that it is of a private nature and does not affect the subject of enquiry, the Speaker may excuse the answering of such question or the production of such paper, book, record or document, or may order the answering or production thereof.

Objection to answer questions or to produce papers

(2) Where any person ordered to attend, give evidence or produce any paper, book, record or document before any committee refuses to answer any question put to him or to produce any such paper, book, record or document on the ground that the same is of a private nature and does not affect the subject of enquiry, the chairman of the committee may report such refusal to the Speaker with the reasons therefor; and the Speaker may thereupon excuse the answering of such question or the production of such paper, book, record or document or order the answering or production thereof.

9. (1) Every person summoned to attend, give evidence or produce any paper, book, record or document before the Assembly or a committee is entitled, in respect of such evidence, the disclosure of any communication or the production of any such paper, book, record or document, to the same right or privilege as before the Grand Court.

Privileges of witnesses

(2) Except with the consent of the Governor, no public officer shall-

- (a) produce before the Assembly or a committee any such paper, book, record or document; or
- (b) give before the Assembly or a committee evidence on any such matter,

as relates to or forms part of the correspondence of any naval, military, air force or civil department or to any matter affecting the public service; nor shall secondary evidence be received by or produced before the Assembly or a committee of the contents of any such paper, book, record or document.

10. (1) Every witness before the Assembly or a committee who answers fully and faithfully any questions put to him by the Assembly or such committee to its

Certificate issued to witnesses making full disclosure to be a bar to proceedings

satisfaction is entitled to receive a certificate stating that he was upon his examination so required to answer and did answer any such question.

(2) Every certificate under subsection (1) shall, in the case of a witness before the Assembly, be under the hand of the Speaker, and in the case of a witness before any committee be under the hand of the chairman thereof.

2013 Revision

(3) On production of such certificate to any court of law such court shall stay any proceedings, civil or criminal, except for a charge under section 103 or 104 of the Penal Code (2013 Revision), against such witness by reasons of anything which he may have said in such evidence, and may, in its discretion, award to such witness such expenses as he may have incurred.

(4) Except in proceedings under section 103 or 104 of the Penal Code (2013 Revision) no statement made by any person in evidence given before the Assembly or a committee shall be admissible in evidence against that person in any civil or criminal proceedings.

Evidence of proceedings
in Assembly or
committee not to be
given without leave

11. (1) No evidence relating to-

- (a) debates or proceedings in the Assembly; or
- (b) the contents of the minutes of evidence taken or any document laid before the Assembly or a committee or any proceedings of or before, or any examination had before, the Assembly or any such committee,

is admissible in any proceedings before a court or person authorised by law to take evidence unless the court or such person is satisfied that permission has been granted by the Speaker for such evidence to be given.

(2) The permission referred to in subsection (1) may be given during a recess or adjournment by the Speaker.

Certain questions to be
determined in
accordance with usage of
Parliament

12. Where, at any time, any question arises in the Assembly or in committee in regard to-

- (a) the right or power of the Assembly or a committee to hear, admit or receive oral evidence;
- (b) the right or power of the Assembly or a committee to peruse or examine any paper, book, record or document or to summon, direct or call upon any person to produce any paper, book, record or document before the Assembly or committee; or
- (c) the right or privilege of any person (including a member of the Assembly or committee) to refuse to produce any paper, book,

record or document or to lay any paper, book, record or document before the Assembly or committee,

that question shall, subject to this Law, and except insofar as express provision is made herein for the determination of that question, be determined in accordance with the usage and practice of the Commons House of Parliament of the United Kingdom.

13. No stranger shall be entitled, as of right, to enter or to remain within the precincts of the Assembly. Right to enter Assembly

14. (1) The Speaker is authorised to issue such orders as he deems necessary for the regulation of the admittance of strangers to the precincts of the Assembly. Power of appropriate authority to regulate admittance to Assembly

(2) Copies of orders made by the Speaker under subsection (1) shall be duly authenticated by the Clerk and exhibited in a conspicuous position in the precincts of the Assembly to which they relate; and such copies, when so authenticated and exhibited, shall be sufficient notice to all persons affected thereby.

15. The Speaker may, at any time, order any stranger to withdraw from the precincts of the Assembly. Power of Speaker to order withdrawal from Assembly

16. Any person who before the Assembly or a committee intentionally gives a false answer to a question material to the subject of enquiry put to him during the course of any examination commits an offence- False evidence

- (a) if such answer was given on oath, against section 104 of the Penal Code (2013 Revision); or
 - (b) if such answer was given otherwise than on oath, against section 103 of the Penal Code (2013 Revision).
- 2013 Revision

17. A person who- Offences relating to admittance to Assembly

- (a) being a stranger, enters or attempts to enter the precincts of the Assembly in contravention of any order of the Speaker;
- (b) being a stranger, fails or refuses to withdraw from the precincts of the Assembly when ordered to withdraw therefrom by the Speaker;
- (c) being a stranger, contravenes any rule made by the Speaker under the Standing Orders; or
- (d) attends any sitting of the Assembly as the representative of any journal after the general permission granted under Standing

Orders to the representative or representatives of that journal has been revoked,

commits an offence and is liable on summary conviction to a fine of fifty dollars and to imprisonment for three months.

Other offences

18. (1) A person who-

- (a) disobeys an order made by the Assembly or a committee for attendance or for production of papers, books, documents or records, unless such attendance or production is excused under section 8(1).
- (b) refuses to be examined before, or to answer any lawful and relevant question put by the Assembly or a committee unless such refusal is excused under section 8(2).
- (c) offers to any member of the Assembly any bribe, fee, compensation, gift or reward in order to influence him in his conduct as such member, or for or in respect of the promotion of or opposition to any bill, resolution, matter, rules or things submitted to or intended to be submitted to the Assembly;
- (d) assaults, obstructs or insults any member coming to or going from the precincts of the Assembly, or endeavours to compel any member by force, insult or menace to declare himself in favour of or against any proposition or matter pending or expected to be brought before the Assembly;
- (e) assaults, interferes with, resists or obstructs the Clerk while in the execution of his or her duty;
- (f) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the Assembly while the Assembly is sitting; or
- (g) presents to the Assembly or a committee any false, untrue, fabricated or falsified document with intent to deceive the Assembly,

commits an offence and is liable on conviction before the Grand Court to a fine of one hundred dollars and to imprisonment for six months.

(2) A person who-

- (a) publishes any statement, whether in writing or otherwise, which falsely or scandalously defames the Assembly or any committee, or which reflects on the character of the Speaker or the chairman of a committee in the discharge of his duty as such;
- (b) publishes any writing containing a gross, wilful or scandalous misrepresentation of the proceedings of the Assembly or a

committee or of the speech of any member in the proceedings of the Assembly or a committee;

- (c) publishes any writing containing any false or scandalous libel on any member touching his conduct as a member; or
- (d) publishes any report or statement purporting to be a report of the proceedings of the Assembly in any case where such proceedings have been conducted after exclusion of the public by order of the Assembly,

commits an offence and is liable on conviction before the Grand Court to a fine of eight hundred dollars and to imprisonment for twelve months.

19. No prosecution for an offence under this Law shall be instituted except with the written sanction of the Director of Public Prosecutions.

Director of Public Prosecutions to sanction prosecutions

20. Any member who accepts or receives either directly or indirectly any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any bill, resolution, matter or thing submitted or intended to be submitted for the consideration of the Assembly commits an offence and is liable on conviction before the Grand Court to a fine of one thousand dollars and to imprisonment for two years, and in addition shall forfeit the amount of the value of the fee, compensation, gift or reward accepted by him.

Members not to receive compensation for promotion of or opposition to bills, etc.

21. Upon any enquiry touching the privileges, immunities and powers of the Assembly or of any member, any copy of the journals printed or purporting to be printed by any printer authorised by the Governor shall be admitted as evidence of such journals in all courts and places without any proof being given that such copy was so printed.

Journals printed by order of the Assembly to be admitted as evidence

22. A person who prints or causes to be printed a copy of any law now or hereafter in force, or a copy of any report, paper, minutes or votes and proceedings of the Assembly as purporting to have been printed by any printer authorised by the Governor or Speaker, and the same is not so printed, or tenders in evidence any such copy as purporting to be so printed knowing that the same was not so printed, commits an offence and is liable upon conviction to imprisonment for three years.

Penalty for printing false copies of law, journals, etc.

22. A person who prints or causes to be printed a copy of any law now or hereafter in force, or a copy of any report, paper, minutes or votes and proceedings of the Assembly as purporting to have been printed by any printer authorised by the Governor or Speaker, and the same is not so printed, or tenders

Penalty for printing false copies of law, journals, etc.

in evidence any such copy as purporting to be so printed knowing that the same was not so printed, is commits an offence and is liable upon conviction to imprisonment for three years.

Protection of persons
responsible for
publications authorised
by Assembly

23. A person who being a defendant in any civil or criminal proceedings instituted for or on account or in respect of the publication by such person or by his servant, by order or under the authority of the Assembly, of any reports, papers, minutes, votes or proceedings, may, on giving to the plaintiff or prosecutor, as the case may be, twenty-four hours' written notice of his intention, bring before the Court in which such civil or criminal proceedings are being held a certificate under the hand of the Speaker stating that the reports, papers, minutes, votes or proceedings in respect whereof such proceedings have been instituted were published by such person or his servant by order or under the authority of the Assembly together with an affidavit certifying such certificate, and such court shall thereupon immediately stay such proceedings and the same and every process issued therein shall be deemed to be finally determined.

Publication of
proceedings without
malice

24. In any civil or criminal proceedings instituted for publishing any extract from or abstract of any report, paper, minutes, votes or proceedings referred to in section 23, if the court or jury, as the case may be, is satisfied that such extract or abstract was published *bona fide* and without malice, judgment or verdict, as the case may be, shall be entered for the defendant or accused.

Powers of Speaker
supplementary to powers
under Constitution

25. The powers of the Speaker under this Law shall be supplementary to any powers conferred on the Speaker by the Constitution of the Islands.

Courts not to exercise
jurisdiction over acts of
Speaker and members

26. Neither the Speaker nor any member of the Assembly shall be subject to the jurisdiction of any court in respect of the exercise of any power conferred on or vested in the Speaker or member by or under this Law.

Civil process not to be
served within precincts
of Assembly

27. Notwithstanding anything provided by any other law to the contrary, no process issued by any court of the Islands in exercise of its civil jurisdiction shall be served or executed within the precincts of the Assembly while it is sitting or through the Speaker, the Clerk or any member of the Assembly.

Publication in consolidated and revised form authorised by the Cabinet this 14th day of July, 2015.

Meredith Hew
Acting Clerk of Cabinet

(Price \$ 2.40)