

CAYMAN ISLANDS



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A BILL FOR A LAW TO AMEND THE LAW REFORM COMMISSION LAW (2007 REVISION); AND FOR INCIDENTAL AND CONNECTED PURPOSES

THE LAW REFORM COMMISSION (AMENDMENT) BILL, 2018

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Law Reform Commission Law (2007 Revision) (“the principal Law”).

Clause 1 provides the short title.

Clause 2 amends the definition section of the principal Law by deleting the definition of “Governor” in order to remove references to the expression “Governor in Cabinet”. This is in recognition of the separation of powers between the Office of the Governor and the Cabinet with respect to certain functions as provided in the Cayman Islands Constitution Order, 2009.

Clause 3 amends section 4 of the principal Law by repealing and substituting subsection (1) in order to identify the Director of Public Prosecutions and the Solicitor General as *ex officio* members of the Commission. This amendment dispenses with the need to go through the Cabinet appointment process that currently obtains to confirm the membership on the Commission of both the Director of Public Prosecutions and the Solicitor General. Consequentially, the Attorney General will now be required to recommend the appointment of the Chairman and not less than two other Commissioners in order to maintain the current statutory minimum requirement of five Commissioners, including the Chairman, on the Commission.

Clause 3 also amends section 4 of the principal Law by deleting the word “Governor” and substituting the word “Cabinet” in recognition of the separation of powers between both offices as provided in the Cayman Islands Constitution Order, 2009.

Clause 4 amends section 5 of the principal Law by deleting the word “Governor” and substituting the word “Cabinet” in recognition of the separation of powers between both offices as provided in the Cayman Islands Constitution Order, 2009.

Clause 5 amends section 6 of the principal Law in order to make it clear that only appointed members of the Commission shall be paid an allowance. It also deletes the word “Governor” and substitutes the word “Cabinet”.

Clause 6 amends section 8(d) of the principal Law by deleting the word “Governor” and substituting the word “Cabinet” in recognition of the separation of powers between both offices as provided in the Cayman Islands Constitution Order, 2009.

Clause 7 amends section 9 of the principal Law by inserting subsection (2A) in order to provide for meetings of the Commission to be convened through videoconference, teleconference or any other form of electronic communication

determined by the Chairman. This amendment is in keeping with the utilisation of modern electronic methods of conducting and validating meetings or any other type of proceedings.

Clause 8 amends the principal Law by repealing and substituting section 16 in order to provide Cabinet with the power to make regulations for the efficient carrying out of the functions of the Commission.

LAW REFORM COMMISSION (AMENDMENT) BILL, 2018

ARRANGEMENT OF CLAUSES

1. Short title
2. Amendment of section 2 - definitions
3. Amendment of section 4 - composition of Commission
4. Amendment of section 5 - resignation and revocation of appointment
5. Amendment of section 6 - remuneration
6. Amendment of section 8 - powers and duties of Commission
7. Amendment of section 9 - meetings of Commission
8. Repeal of section 16 and substitution - rules

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A BILL FOR A LAW TO AMEND THE LAW REFORM COMMISSION LAW (2007 REVISION); AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Law Reform Commission (Amendment) Law, 2018. Short title
2. The Law Reform Commission Law (2007 Revision), in this Law referred to as the “principal Law”, is amended in section 2 by deleting the word “Governor” and its corresponding definition. Amendment of section 2- definitions
3. The principal Law is amended in section 4 as follows - Amendment of section 4- composition of Commission
 - (a) by repealing subsection (1) and substituting the following subsection –

“(1) The Commission shall consist of -

 - (a) a Chairman and not less than two other persons appointed, on the recommendation of the Attorney General, by the Cabinet; and
 - (b) the Director of Public Prosecutions and the Solicitor General who shall both be *ex officio* members of the Commission.”; and
 - (b) in subsections (2) and (3), by deleting the word “Governor” and substituting the word “Cabinet”.

The Law Reform Commission (Amendment) Bill, 2018

Amendment of section 5
- resignation and
revocation of
appointment

4. The principal Law is amended in section 5 by deleting the word “Governor” wherever it appears and substituting the word “Cabinet”.

Amendment of section 6- remuneration

5. The principal Law is amended in section 6 by repealing subsection (1) and substituting the following subsection -

“(1) The appointed members of the Commission shall be paid such allowances as the Cabinet may determine.”.

Amendment of section 8
- powers and duties of
Commission

6. The principal Law is amended in section 8(d) by deleting the word “Governor” and substituting the word “Cabinet”.

Amendment of section 9- meetings of
Commission

7. The principal Law is amended in section 9 by inserting after subsection (2) the following subsection -

“(2A) A meeting of the Commission may be convened through videoconference, teleconference or any other electronic method determined by the Chairman.”.

Amendment of section 16 - rules

8. The principal Law is amended by repealing section 16 and substituting the following section –

“16. The Cabinet may make regulations for the proper and efficient carrying out of the functions of the Commission.”.

Passed by the Legislative Assembly the day of ,2018.

Speaker.

Clerk of the Legislative Assembly.