

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE CADET CORPS LAW (2016
REVISION) TO BRING THE LAW INTO ALIGNMENT WITH THE
PUBLIC SERVICE MANAGEMENT LAW (2018 REVISIONS); AND FOR
INCIDENTAL AND CONNECTED MATTERS**

THE CADET CORPS (AMENDMENT) (NO. 2) BILL, 2018

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Cadet Corps Law (2016 Revision), referred to as the “principal Law”, to bring the law into alignment with the relevant provisions of the Public Service Management Law (2018 Revision).

Clause 1 of the Bill provides the short title to the legislation.

Clause 2 amends section 2 of the principal Law in the definition section to clarify the definitions of “authorised officer”, “cadet”, “Unit” and “volunteer”.

Clause 3 amends section 3 of the principal Law to provide for the appointment of the Commandant and the Deputy Commandant by the Cabinet.

Clause 4 amends section 4 of the principal Law to provide for the constitution of the Cadet Corps in respect of its Units to be made by the Cabinet after consultation with the Cadet Corps Committee.

Clause 5 amends section 5 of the principal Law by repealing subsection (2) which made provision for the right to carry arms. The provision has been incorporated into section 25 which provides for the powers of arrest.

Clause 6 amends section 6 of the principal Law to provide that the Commandant should exclusively serve the Cadet Corps unless otherwise authorised by Cabinet.

Clause 7 amends section 7 of the principal Law to remove the discretion in respect to the grant of commissions. The exercise of discretion has been replaced with the recommendation of Cabinet on the prior recommendation of the Cadet Corps Committee.

Clause 8 amends section 8 of the principal Law to remove the term limit on the appointment of a non-commissioned officer. It further allows for the full-time or contractual appointment of a non-commissioned officer and that any such appointment would be subject the Public Service Management Law (2018 Revision) and Personnel Regulations (2017 Revision).

Clause 9 amends section 9 of the principal Law makes provision for a probationary one year enlistment of a non-commissioned officer prior to the confirmation of the enlistment, reducing the probation period from two years.

Clause 10 amends section 10 of the principal Law to provide for any person to be seconded to the Cadet Corps. Previously only police officers were able to be seconded.

Clause 11 amends section 11 of the principal Law to provide for the Cabinet on the advice of the Cadet Corps Committee, instead of the Governor, to make special contracts of employment.

Clause 12 amends section 12 of the principal Law to provide for the Commandant, instead of the Governor, to appoint from among the authorised officers of the Cadet Corps, the clerks, store keepers and other employees as may be necessary.

Clause 13 amends section 15 of the principal Law to provide that all Standing Orders made by the Commandant pursuant to section 15(1)(b) are to be published in the Gazette.

Clause 14 amends section 17 of the principal Law to clarify that an authorised officer is prohibited from participating in any political organisation or electoral campaign within or outside of the Islands. It also prohibits an authorised officer (other than a volunteer) from engaging in any trade, business, employment or office without the prior written approval of the Chief Officer.

Clause 15 amends section 18 of the principal Law to provide for the resignation of an authorised officer from the Cadet Corps upon the giving of three months' notice.

Clause 16 amends section 19 of the principal Law to provide for the Commandant on the recommendation of the Cadet Corps Committee, instead of the Governor, to discharge an authorised officer.

Clause 17 amends section 20 of the principal Law to make provision for a badge of rank. It also amends the section by increasing the fine from five hundred dollars to one thousand dollars where an authorised officer commits the offence of failure to hand over the property of the Cadet Corps.

Clause 18 amends section 21 of the principal Law to permit an officer who has attained retirement age to, in special circumstances, be accepted on fixed term contracts.

Clause 19 amends section 22 of the principal Law to provide for the payment of medical privileges to an authorised officer, the officer's spouse and any child of the family in line with what is provided under the Public Service Management Law (2018 Revision) and Personnel Regulations (2017 Revision).

Clause 20 amends section 23 of the principal Law to provide for special pensions to be payable where an authorised officer dies or is permanently incapacitated during the officer's duties or in circumstances specifically attributable to the nature of the officer's duties in the Cadet Corps.

Clause 21 amends section 25 of the principal Law to make provision for the power of arrest and the right to carry arms by an authorised officer. Both the

power of arrest (section 25) and the right to carry arms (formerly section 5(2)) currently exist in the principal Law. The right to bear arms has been moved into a more appropriate section of the Law.

Clause 22 amends section 27 of the principal Law to widen the scope of the powers, duties and functions of the Cadet Corps Committee.

Clause 23 amends section 28 of the principal Law to alter the composition of the Cadet Corps Committee. The reconstituted Committee will have a representative from the legal profession; a representative from the Royal Cayman Islands Police; a public officer recommended by the Minister; three other members recommended by the Minister; the Commandant and the officer serving as the Training officer of the Cadet Corps. The Commandant and Training Officer shall be ex-officio and shall have no vote on the Committee. A Chairman and Vice Chairman shall also be appointed from the members of the Committee and the Chairman shall be an Honorary Colonel.

Clause 24 amends section 30 of the principal Law to increase the quorum of the Cadet Corps Committee from three to four members.

Clause 25 amends section 32 of the principal Law to provide that the administrative officer of the Cadet Corps shall be the Secretary of the Committee.

Clause 26 amends section 33 of the principal Law to provide for a person to remain a cadet, in special circumstances, until that cadet's twentieth birthday.

Clause 27 amends section 35 of the principal Law by repealing the offence of failure to obey a lawful order of an authorised officer.

Clause 28 amends section 36 of the principal Law to remove the element of permission in respect of the offence of wearing a Cadet Corps Uniform.

Clause 29 amends section 37 of the principal Law to widen the ambit for which Regulations can be made under the Law.

Clause 30 amends Schedule 1 of the principal Law in Part A to remove the reference to Commandant of the Cadet Corps.

THE CADET CORPS (AMENDMENT) (NO. 2) BILL, 2018

ARRANGEMENT OF CLAUSES

1. Short title
2. Amendment of section 2 of the Cadet Corps Law (2016 Revision) - definitions
3. Amendment of section 3 - establishment of Cayman Islands Cadet Corps
4. Amendment of section 4 - constitution of the Cadet Corps
5. Amendment of section 5 - functions of the Cadet Corps
6. Amendment of section 6 - administration
7. Amendment of section 7 - grant of commission in the Cadet Corps
8. Amendment of section 8 - appointments
9. Amendment of section 9 - enlistments
10. Amendment of section 10 - secondment to Cadet Corps
11. Amendment of section 11 - special contracts of appointment
12. Amendment of section 12 - clerks, store-keepers and other employees
13. Amendment of section 15 - general powers of Commandant
14. Amendment of section 17 - political activities
15. Amendment of section 18 - resignations
16. Amendment of section 19 - discharge
17. Amendment of section 20 - officer ceasing to belong to Cadet Corps to hand over public property in his charge
18. Amendment of section 21 - retirement and pensions
19. Amendment of section 22 - medical privileges
20. Amendment of section 23 - special pensions in the event of death or incapacity attributable to performance of duty
21. Amendment of section 25 - powers of arrest
22. Amendment of section 27 - establishment of Cadet Corps Committee
23. Amendment of section 28 - composition of Committee
24. Amendment of section 30 - meetings of Committee
25. Amendment of section 32 - Secretary to the Committee
26. Amendment of section 33 - enrolment in Cadet Corps
27. Repeal of section 35 - failure to obey a lawful order of an authorised officer
28. Amendment of section 36 - Cadet Corps uniform not to be worn without authority
29. Amendment of section 37 - regulations
30. Amendment of Schedule 1 - ranks of officers of the Cadet Corps

CAYMAN ISLANDS

A BILL FOR A LAW TO AMEND THE CADET CORPS LAW (2016 REVISION) TO BRING THE LAW INTO ALIGNMENT WITH THE PUBLIC SERVICE MANAGEMENT LAW (2018 REVISIONS); AND FOR INCIDENTAL AND CONNECTED MATTERS

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Cadet Corps (Amendment) (No. 2) Law, 2018. Short title
2. The Cadet Corps Law (2016 Revision), in this Law referred to as the “principal Law”, is amended in section 2 as follows - Amendment of section 2 of the Cadet Corps Law (2016 Revision) - definitions
 - (a) by deleting the definition of the words “authorised officer” and substituting the following -
“ “authorised officer” means -
 - (a) an employed commissioned officer (other than a honorary commissioned officer);
 - (b) an employed non-commissioned officer; or
 - (c) a volunteer;”;
 - (b) by deleting the definition of the word “cadet” and substituting the following -
“ “cadet” means a person enrolled in the Cadet Corps and is not less than eleven years of age nor more than twenty years of age;”;
 - (c) by deleting the word “and” after the definition of “rank”;
 - (d) by deleting the definition of the word “Unit” and substituting the following -

“ “Unit” includes any headquarters company, detachment or other body of the Cadet Corps formed under section 4; and”; and

- (e) by inserting after the definition of the word “Unit” the following definition -

“ “volunteer”, in respect of an officer, means either a non-commissioned officer as appointed by the Commandant under section 8 or a commissioned officer.”.

Amendment of section 3
- establishment of
Cayman Islands Cadet
Corps

3. The principal Law is amended in section 3 -

- (a) in subsection (2) by deleting the word “Governor” and substituting the word “Cabinet”; and
(b) by inserting after subsection (2) the following subsection -
“(3) The Cabinet shall appoint a Deputy Commandant.”.

Amendment of section 4
- constitution of the
Cadet Corps

4. The principal Law is amended in section 4 as follows -

- (a) in subsection (1) -
(i) by inserting after the word “Commandant” the words “, Deputy Commandant”; and
(ii) by deleting the word “other”; and
(b) in subsection (2) by deleting the word “Governor” and substituting the words “Cabinet, after consultation with the Cadet Corps Committee,”.

Amendment of section 5
- functions of the Cadet
Corps

5. The principal Law is amended in section 5 by repealing subsection (2).

Amendment of section 6
- administration

6. The principal Law is amended in section 6(3) by inserting after the words “Cadet Corps” the words “unless otherwise authorised by Cabinet”.

Amendment of section 7
- grant of commission in
the Cadet Corps

7. The principal Law is amended in section 7 as follows -

- (a) in subsection (1) by deleting the words “in his discretion” and substituting the words “, on the recommendation of the Cabinet acting on the prior recommendation of the Cadet Corps Committee,”; and
(b) in subsection (2) by deleting the words “as the Governor may from time to time think proper,”.

Amendment of section 8
- appointments

8. The principal Law is amended in section 8 as follows -

- (a) in subsection (1) by deleting the words “to hold office for a period of three years subject to such other terms and conditions as are provided by this Law, the regulations and standing orders made by the Commandant under section 15(1)(b)”;

- (b) by repealing subsection (2) and substituting the following subsections -

“(2) Non-commissioned officers may be full-time or contracted for such period of time and subject to such terms and conditions as may be agreed.

(3) Such appointment shall be subject to the Public Service Management Law (2018 Revision) and Personnel Regulations (2017 Revision).”.

9. The principal Law is amended by repealing section 9 and substituting the following section -
- Amendment of section 9
- enlistments

“9. A non-commissioned officer shall, at the discretion of the Commandant, be enlisted in the Cadet Corps for a period of one year on probation and may, on the conclusion of such probationary period to the satisfaction of the Commandant, be confirmed by the Commandant in that officer’s rank.”.

10. The principal Law is amended by repealing section 10 and substituting the following section -
- Amendment of section 10 - secondment to the Cadet Corps

“10. (1) Any person may be seconded to the Cadet Corps and shall be subject to the authority of the Commandant for disciplinary purposes.

(2) The Cabinet may, subject to such conditions as they may impose, approve the appointment of any public officer in the service of Government, by way of secondment, to any office with the Cadet Corps, and any public officer so appointed shall, in relation to discipline, salary, pension, gratuity or other allowance and to other rights and obligations as a public officer, be treated as continuing in the service of Government.”.

11. The principal Law is amended by repealing section 11 and substituting the following section -
- Amendment of section 11 - special contracts of appointment

“11. The Cabinet, on the advice of the Cadet Corps Committee, may appoint such persons as officers of the Cadet Corps, upon such contractual terms as may to them appear expedient.”.

12. The principal Law is amended by repealing section 12 and substituting the following section -
- Amendment of section 12 - clerks, store-keepers and other employees

“12. The Commandant may, appoint from among the authorised officers

of the Cadet Corps such clerks, store-keepers and other employees as may be necessary.”.

Amendment of section
15 - general powers of
Commandant

13. The principal Law is amended in section 15 by inserting after subsection (3) the following subsection -

“(4) Standing orders issued by the Commandant pursuant to subsection (1)(b) shall be published in the Gazette.”.

Amendment of section
17 - political activities

14. The principal Law is amended by repealing section 17 and substituting the following section -

“17. (1) An authorised officer shall not take any part in any political organisation or electoral campaign within or outside of the Islands or engage in any other activity which might tend to interfere with the impartial discharge of his duties.

(2) An authorised officer, other than a volunteer, shall not engage in any trade, business, employment or office whatsoever, or take part in any commercial undertaking outside the scope of his duties under this Law, except with the prior written approval of the Chief Officer.”.

Amendment of section
18 - resignations

15. The principal Law is amended by repealing section 18 and substituting the following section -

“18. Notwithstanding the provisions under the Public Service Management Law (2018 Revision), an authorised officer may resign from the Cadet Corps at any time, giving to the Commandant in writing not less than three months’ notice of his intention so to do, and the Commandant may, in any particular case, waive or curtail the period of notice.”.

Amendment of section
19 - discharge

16. The principal Law is amended in section 19 as follows -

(a) by repealing subsection (1) and substituting the following subsection -

“(1) The Commandant may, upon the recommendation of the Cadet Corps Committee, discharge from the Cadet Corps any authorised officer where such officer is unlikely to become efficient in the discharge of that officer’s duties; but no authorised officer, other than a volunteer, shall be discharged under this section unless the Commandant has given him one month’s notice of the intention to discharge him or,

alternatively, one months' pay in lieu of such notice.”; and

- (b) in subsection (2)(b) as follows -
 - (i) by deleting the words “or the Governor, in his discretion”;
and
 - (ii) by deleting the words “or the Governor, as the case may be,”.

17. The principal Law is amended in section 20 as follows -

Amendment of section
20 - officer ceasing to
belong to Cadet Corps to
hand over public
property in his charge

- (a) in subsection (1) by deleting the words “commission, identity card, and all arms, equipment, uniform and other appointments” and substituting the words “badge of rank, identity card, and all arms, equipment, and such other items”; and
- (b) in subsection (2) by deleting the words “five hundred dollars” and substituting the words “one thousand dollars”.

18. The principal Law is amended in section 21 as follows -

Amendment of section
21 - retirement and
pensions

- (a) in subsection (1) by deleting the words “to his being accepted for such further period or periods of service as may be fixed by contract” and substituting the words “and may, in special circumstances and for such temporary periods, be accepted for such service as may be fixed by contract”;
- (b) by deleting subsection (3); and
- (c) in subsection (4) by deleting the words “all authorised officers save such as are employed upon contractual terms applicable to the individual officer which provide for or specifically exclude pension rights” and substituting the words “an authorised officer, other than a volunteer, where that authorised officer is employed upon contractual terms applicable to the individual officer which provide for or specifically exclude pension rights.”.

19. The principal Law is amended by repealing section 22 and substituting the following section -

Amendment of section
22 - medical privileges

“22. An authorised officer, other than a volunteer, the officer’s spouse and any child of the family who -

- (a) has not attained the age of eighteen years of age and is unmarried; or
- (b) has attained the age of eighteen years of age but under the age of twenty-three years of age and is in full time education and is unmarried,

shall be entitled to such medical, dental and optical treatment as may be applicable pursuant to the Public Service Management Law (2018

Revision) and Personnel Regulations (2017 Regulations).”.

Amendment of section
23 - special pensions in
the event of death or
incapacity attributable to
performance of duty

20. The principal Law is amended by repealing section 23 and substituting the following section -

“23. (1) Where an authorised officer dies within seven years as a result of injuries received -

- (a) in the actual discharge of his duty and without his own default; or
- (b) in circumstances specifically attributable to the nature of his duty in the Cadet Corps,

it shall be lawful for the Cabinet in their discretion to make out of the funds made available by the Legislative Assembly to his spouse while unmarried and any child of the family who has not attained the age of eighteen years of age or who has not married, an ex gratia payment as the Cabinet may determine.

(2) Where an authorised officer is permanently incapacitated as a result of injuries received in the circumstances set out in subsection (1)(a) or (b), it shall be lawful for the Cabinet to grant to that officer, having regard to the degree of the permanent incapacity an ex gratia payment as the Cabinet may determine.”.

Amendment of section
25 - powers of arrest

21. The principal Law is amended by repealing section 25 and substituting the following section

“Powers of
arrest and right
to carry arms

25. (1) Any authorised officer may, without an order from a Justice of the Peace and without a warrant, arrest any person who obstructs an authorised officer in the execution of his duty.

(2) Notwithstanding the provisions of any Law, members of the Cadet Corps shall be entitled, in the performance of the Cadet Corps’ functions, to carry arms, but no arms shall be carried except with the authority of the Commandant given under and in accordance with the general or special directions of the Cabinet.”.

Amendment of section
27 - establishment of
Cadet Corps Committee

22. The principal Law is amended in section 27 as follows -

- (a) in paragraph (d) by deleting the word “and”;
- (b) in paragraph (e) by deleting the full stop and substituting a semi-colon; and

(c) by inserting after paragraph (e) the following paragraphs -

- “(f) receiving, reviewing and making recommendations on complaints regarding the discipline of the Commandant;
- (g) reviewing and approving the Standing Orders to be issued by the Commandant under section 15(1)(b) prior to the issue and publication in the Gazette;
- (h) performing such functions of the Cadet Corps on matters pertaining to the Cadet Corps as the Minister may delegate;
- (i) ordering an investigation into the operations of the Cadet Corps;
- (j) where appropriate, directly intervening in the operation of the Cadet Corps where it is in the public interest to do so, by giving general and lawful directions in writing as to the policy to be followed by the Cadet Corps in the performance of its duties and functions;
- (k) extending policy that applies to the civil service to the Cadet Corps as and when necessary to ensure good governance and best human resource practice; and
- (l) undertaking a review, investigation or audit of the financial, personnel management or governance practices of the Cadet Corps and may request information concerning such matters from any officer of the Cadet Corps, and the officer concerned shall accede to any such request.”.

23. The principal Law is amended by repealing section 28 and substituting the following section -

Amendment of section
28 - composition
Committee

“28. (1) The Committee shall consist of the following members appointed by Cabinet -

- (a) a representative from the legal profession;
- (b) a representative from the Royal Cayman Islands Police;
- (c) a public officer recommended by the Minister;
- (d) three other members recommended by the Minister;
- (e) the Commandant shall be ex-officio and shall have no vote on the Committee; and
- (f) the officer serving as the Training Officer of the Cadet Corps shall be ex-officio and shall have no vote on the Committee.

(2) The Cabinet shall appoint, from among the members of the Committee, a Chairman who shall be an honorary Colonel, and a Vice Chairman.”.

Amendment of section 30 - meetings of Committee	24. The principal Law is amended in section 30(2) by deleting the word “three” and substituting the word “four”.
Amendment of section 32 -Secretary to the Committee	25. The principal Law is amended by repealing section 32 and substituting the following section - “32. (1) The person serving as administrative officer of the Cadet Corps shall be the Secretary to the Committee and shall under the supervision of the Chairman prepare the agenda, record the minutes and deal with any other matters of a secretarial nature, but shall have no vote on the Committee. (2) The Secretary in the performance of the secretarial duties shall be accountable to and report directly to the Chairman.”.
Amendment of section 33 - enrolment in Cadet Corps	26. The principal Law is amended by repealing section 33 and substituting the following section - “33. (1) Any person who is between eleven years of age and nineteen years of age may apply to be enrolled in the Cadet Corps. (2) Notwithstanding subsection (1), a cadet who has attained nineteen years of age may remain a cadet only if he is approved by the Commandant to do so but he shall not remain a cadet beyond attaining twenty years of age.”.
Repeal of section 35 - failure to obey a lawful order of an authorised officer	27. The principal Law is amended by repealing section 35.
Amendment of section 36 - Cadet Corps uniform not to be worn without authority	28. The principal Law is amended in section 36(1) by deleting the words “, without the permission of the Commandant,”.
Amendment of section 37 - regulations	29. The principal Law is amended in section 37(2) as follows - (a) in paragraph (d) by deleting the word “and”; (b) in paragraph (e) by deleting the full stop and substituting a semi-colon; and (c) by inserting after paragraph (e) the following paragraph- “(f) for such other matters as may from time to time be necessary for giving effect to the provisions of the Law.”.

30. The principal Law is amended in Part A of Schedule 1 by deleting the words “Commandant of the Cadet Corps”.

Amendment of Schedule
1 - ranks of officers of
the Cadet Corps

Passed by the Legislative Assembly the day of , 2018.

Speaker.

Clerk of the Legislative Assembly.