

CAYMAN ISLANDS



PARLIAMENT (MANAGEMENT) (AMENDMENT) BILL, 2022

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**A BILL FOR AN ACT TO AMEND THE PARLIAMENT (MANAGEMENT) ACT, 2020 IN
ORDER TO PROVIDE FOR THE APPOINTMENT OF CONSTITUENCY ASSISTANTS;
AND FOR INCIDENTAL AND CONNECTED PURPOSES**

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Portfolio of the Premier



Memorandum of
OBJECTS AND REASONS

This Bill seeks to amend the Parliament (Management) Act, 2020 (“the principal Act”) in order to provide for the appointment of constituency assistants who will be assigned to the elected Members of the Parliament.

Clause 1 contains the short title of the Bill and the commencement provisions.

Clause 2 amends section 2 of the principal Act in order to provide a definition of a “constituency assistant”.

Clause 3 amends section 4 of the principal Act to provide that one of the functions of the Commission is to provide constituency assistants to elected Members of the Parliament.

Clause 4 inserts a new section 12A which provides for the appointment of constituency assistants.

Clause 5 amends section 13 of the principal Act to provide that the Commission may by Order amend Schedule 2 as amended by this legislation.

Clause 6 amends section 23 of the principal Act to provide that Regulations under the legislation will no longer have to be subject to the affirmative resolution procedure.

Clause 7 repeals and substitutes Schedule 2 of the principal Act. Part 1 of Schedule 2 sets out the details of the appointment of constituency assistants.

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A BILL FOR AN ACT TO AMEND THE PARLIAMENT (MANAGEMENT) ACT, 2020 IN ORDER TO PROVIDE FOR THE APPOINTMENT OF CONSTITUENCY ASSISTANTS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

Short title and commencement

- (1) This Act may be cited as the Parliament (Management) (Amendment) Act, 2022.
- (2) This Act comes into force by Order made by the Cabinet.

Amendment of section 2 of the Parliament (Management) Act, 2020 - interpretation

- The *Parliament (Management) Act, 2020*, in this Act referred to as the “principal Act”, is amended by inserting in the appropriate alphabetical sequence the following definitions —

“**constituency assistant**” means a person appointed under Part 1 of Schedule 2; and

“**electoral district**” has the meaning assigned by the *Elections Act (2022 Revision)*.”

Amendment of section 4 - general functions of the Commission

3. The principal Act is amended in section 4(1) by inserting after paragraph (d) the following paragraph —

“(da) providing constituency assistants to elected Members of the Parliament.”.

Insertion of section 12A - constituency assistants

4. The principal Act is amended by inserting after section 12 the following section —

“Constituency assistants

12A. Part 1 of Schedule 2 shall apply to the constituency assistants to elected Members of the Parliament.”.

Amendment of section 13 - structure of the Commission

5. The principal Act is amended in section 13(1) by repealing paragraph (c) and substituting the following paragraph —

“(c) amend Schedule 2 which —

- (i) provides for the appointment of constituency assistants; and
- (ii) sets out the allowances for elected Members of the Parliament for Cayman Brac and Little Cayman, for constituency offices and for the office of the Leader of the Opposition.”.

Amendment of section 23 - Regulations by Cabinet

6. The principal Act is amended in section 23 by repealing subsection (2).

Repeal and substitution of Schedule 2 - MLA constituency allowance; allowances for the offices of the Leader of the Opposition and for elected Members of Cayman Brac and Little Cayman

7. The principal Act is amended by repealing Schedule 2 and substituting the following Schedule —

“SCHEDULE 2

(sections 12A and 13(1)(c))

**CONSTITUENCY ASSISTANTS; CONSTITUENCY
ALLOWANCE FOR MEMBERS OF THE PARLIAMENT;
ALLOWANCES FOR THE OFFICES OF THE PREMIER AND
THE LEADER OF THE OPPOSITION AND FOR MEMBERS OF**



THE PARLIAMENT FOR CAYMAN BRAC AND LITTLE CAYMAN

PART 1

CONSTITUENCY ASSISTANTS

1. Constituency assistants shall be appointed in accordance with paragraph 4.
2. (1) Each elected Member of the Parliament is entitled to the services of a constituency assistant as follows —
 - (a) in the case of an elected Member of the Parliament who is a Minister, to two full time constituency assistants and one part time constituency assistant; and
 - (b) in the case of other elected Members of Parliament, one full time constituency assistant and one part time constituency assistant.
- (2) For the purposes of this Schedule —
 - (a) a full time constituency assistant is a person who is contracted to work for such normal hours between 37 ½ and 40 hours per week as may be agreed and consistent with the *Personnel Regulations (2022 Revision)*; and
 - (b) a part time constituency assistant is a person who is contracted to work for such proportion of the normal hours for a full time constituency assistant as may be agreed and consistent with the *Personnel Regulations (2022 Revision)*.
3. A constituency assistant shall be a contractor of the Commission and shall hold office pursuant to the terms of a contract for services with the Commission.
4. Remuneration under a constituency assistant's contract shall include salary and pension at such rates as may be prescribed by regulations and health benefits similar to those provided to public officers under the *Public Service Management Act (2018 Revision)*.
5. Subject to paragraph 6, the Chief Officer, acting on the advice of the Member of the Parliament for an electoral district, shall appoint constituency assistants for that electoral district.
6. The duties and responsibilities of a constituency assistant shall be specified in the contract for services by the Chief Officer, acting on the advice of the Member of the Parliament on whose advice the constituency assistant was appointed.



7. The appointment of a constituency assistant shall cease —
- (a) on one month's notice by the constituency assistant, or by the Chief Officer acting on the advice of the Member of the Parliament on whose advice the appointment was made or for just cause without notice;
 - (b) on the date on which the resignation of the constituency assistant takes effect;
 - (c) if the Member of the Parliament who advised the appointment of the constituency assistant ceases to be a Member of the Parliament, other than by a dissolution of the Parliament, on the day of the cessation of that membership of Parliament;
 - (d) after a dissolution of the Parliament, on nomination day, if the Member who advised the appointment is not nominated for election to the Parliament for the same electoral district; or
 - (e) after a dissolution of the Parliament, on polling day if the Member who advised the appointment is nominated but is not elected to Parliament.
8. A constituency assistant whose employment is terminated by the Chief Officer under paragraph 7(a) shall receive a termination allowance as may be prescribed by regulations.
9. Any person employed as a constituency assistant immediately before the commencement of this amending Act shall be treated for all purposes as if the appointment had been made as provided by this amending Act from the date of the appointment.
10. For the purposes of this Schedule, the words “**this amending Act**” means the *Parliament (Management) Act, 2020* as amended by this Act.



PART 2

CONSTITUENCY ALLOWANCE FOR MEMBERS OF THE PARLIAMENT; ALLOWANCES FOR THE OFFICES OF THE LEADER OF THE OPPOSITION AND FOR MEMBERS OF THE PARLIAMENT FOR CAYMAN BRAC AND LITTLE CAYMAN

Constituency Allowance

1. (1) A constituency allowance covers payment for the costs of maintaining a constituency office in order to facilitate access to constituents and such costs include —
 - (a) utilities of a constituency office;
 - (b) supplies for a constituency office; and
 - (c) the general maintenance of a constituency office.
- (2) The constituency allowance is \$5,000 per month for each elected Member of the Parliament.

Executive Allowance for the Premier

2. The Premier shall receive an executive allowance of \$5,000 per month.

Executive Allowance for the Leader of the Opposition

3. The Leader of the Opposition shall receive an executive allowance of \$3,500 per month.

Allowance for Cayman Brac and Little Cayman Representatives

4. (1) There are two components to the allowance for Cayman Brac and Little Cayman Representatives and the allowance is \$5,000 per month.
- (2) The two components and their corresponding maximum amounts per month are as follows —
 - (a) accommodation - \$2,500; and
 - (b) transportation - \$2,500.

Severance

5. Each Member of the Parliament who does not stand for re-election or, having stood for re-election, is not elected at the next election, shall be entitled to a severance payment equal to three months of the salary paid to that Member under Schedule 1 as at the date of that election and the payment does not include any duty allowances under Schedule 1 or any allowances permitted under this Schedule.”.

Passed by the Parliament the day of , 2022.

Speaker

Clerk of the Parliament

