

1972 No. 1101

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Cayman Islands (Constitution) Order 1972

<i>Made</i>	<i>26th July 1972</i>
<i>Laid before Parliament</i>	<i>1st August 1972</i>
<i>Coming into Operation</i>	<i>22nd August 1972</i>

At the Court at Buckingham Palace, the 26th day of July 1972

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue of the powers conferred upon Her by section 5 of the West Indies Act 1962^(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:-

1. (1) This Order may be cited as the Cayman Islands (Constitution) Order 1972 and shall come into operation on 22nd August 1972.

(2) The instruments mentioned in Schedule I to this Order are revoked on the coming into operation of this Order:

Provided that Part III of the Schedule to the Cayman Islands (Constitution) Order 1965^(b) as amended by the Cayman Islands (Constitution) (Amendment) Order 1967^(c) shall be revoked on the day notified by the Governor under section 2 (1) of this Order.

(3) The Interpretation Act 1889^(d) shall apply with the necessary adaptations for the purpose of interpreting and otherwise in relation to this Order as it applies for the purpose of interpreting and in relation to an Act of Parliament.

(a) 1962 c.19.

(b) S.I. 1965/1860 (1965 III, p. 5588).

(c) S.I. 1967/970 (1967 II, p.2933).

(d) 1889 c.63.

2. (1) Schedule 2 to this Order shall have effect as the Constitution of the Cayman Islands as from the date on which the Legislative Assembly of the Cayman Islands is next dissolved after the coming into operation of this Order:

Provided that Part II of the said Schedule shall have effect from such later day as may be notified by the Governor of the Cayman Islands by a Cayman Islands Government Notice.

(2) Schedule 2 to this Order may be cited as the Constitution of the Cayman Islands, and references in any law made before this Order to the Cayman Islands (Constitution) Order 1965 or to any particular provision thereof shall be construed, as from the commencement of this Order, as references to the Constitution of the Cayman Islands and to the corresponding provision thereof.

[**SCHEDULE 1: Not reproduced**]

SCHEDULE 2

The Constitution of the Cayman Islands

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NB. Renamed "Cabinet" by SI 2003 No.1515

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SCHEDULE TO THE CONSTITUTION

SCHEDULE II

PART 1

The Governor

The Governor

1. (1) There shall be a Governor of the Cayman Islands who shall be appointed by Her Majesty by Commission under Her Sign Manual and Signet and shall hold office during Her Majesty's pleasure.

(2) The Governor shall, for the purpose of administering the government of the Islands, have such powers and duties as are conferred or imposed on him by this Constitution or any other law and such other powers as Her Majesty may from time to time be pleased to assign to him, and, subject to the provisions of this Constitution and of any other law by which any such powers or duties are conferred or imposed, shall do and execute all things that belong to his office according to such Instructions, if any, as Her Majesty may from time to time see fit to give him; but no court shall enquire whether or not he has complied with any such Instructions.

(3) A person appointed to the office of Governor shall, before entering upon the functions of that office, make oaths of allegiance and for the due execution of that office in the forms set out in the Schedule to this Constitution.

Emoluments of
Governor

2. The Governor shall receive such emoluments as may be fixed by a Secretary of State, and those emoluments are hereby charged upon the revenues of the Islands.

Acting
Governor

3. (1) During any period when the office of Governor is vacant or the Governor is absent from the Islands or is for any other reason unable to perform the functions of his office those functions shall, during Her Majesty's pleasure, be assumed and performed by –

(a) such person as Her Majesty may designate in that behalf by Instructions given under Her Sign Manual and Signet or through a Secretary of State; or

(b) if there is no person in the Islands so designated and able to perform those functions, such public officer as the Governor, acting in his discretion, shall by writing under his hand appoint.

(2) Before assuming the functions of the office of Governor, any such person as aforesaid shall make the oaths directed by section 1 of this Constitution to be made by the Governor.

(3) Any such person as aforesaid shall not continue to perform the functions of the office of Governor after the Governor or some other person having a prior right to perform the functions of that office has notified him that he is about to resume or assume those functions.

Governor's
deputy

- 4.** (1) Whenever the Governor –
- (a) has occasion to be absent from the seat of government but not from the Islands; or
 - (b) has occasion to be absent from the Islands for a period which he has reason to believe will be of short duration; or
 - (c) is suffering from an illness which he has reason to believe will be of short duration,

he may, by instrument under the public seal, acting in his discretion, appoint any person in the Islands to be his deputy during such absence or illness and in that capacity to perform on his behalf such of the functions of the office of Governor as may be specified in that instrument.

(2) The power and authority of the Governor shall not be abridged, altered or in any way affected by the appointment of a deputy under this section, and a deputy shall conform to and observe all instructions that the Governor, acting in his discretion, may from time to time address to him; but no court shall enquire whether or not he has complied with any such instructions.

(3) A person appointed as a deputy under this section shall hold that appointment for such period as may be specified in the instrument by which he is appointed, and his appointment may be revoked at any time by Her Majesty by instructions given through a Secretary of State, or by the Governor, acting in his discretion.

PART II

Executive Council

Executive
Council.

5. There shall be an Executive Council in and for the Islands which, subject to section 10 of this Constitution, shall consist of –

(a) the Chief Secretary, the Attorney-General and the Financial Secretary, *ex officio*, who are hereinafter referred to as the official members of the Council; and

(b) five elected members, who shall be elected by the elected members of the Assembly from among the elected members of the Assembly who shall be entitled “Ministers”.

Leader of Government Business

5A. - (1) The Governor shall appoint as the Leader of Government Business the Minister who in the opinion of the Governor is the leader in the Legislative Assembly of the party which commands the support of a majority of the elected members of the Assembly, or if

there is no such party, the Minister who in the opinion of the Governor has the support of the majority of the elected members of the Assembly.

(2) The Leader of Government Business shall vacate his office if -

(a) he ceases to be a Minister in accordance with section 6 of this Constitution; or

(b) the Governor, acting in his discretion, revokes his appointment on the ground that he is about to appoint another person as the Leader of Government Business in accordance with subsection (1) of this section..

Tenure of
office of
members
of Council.

- 6.** (1) The seat of an elected member of the Executive Council shall become vacant –
- (a) if he resigns his seat in the Council by writing under his hand addressed to and received by the Governor;
 - (b) when the Assembly first meets after a dissolution thereof;
 - (c) if he ceases to be a member of the Assembly for any reason other than a dissolution thereof;
 - (d) if he is absent from the Islands without the written permission of the Governor;
 - (e) if, without the written permission of the Governor, he is absent from three consecutive meetings of the Executive Council; or
 - (f) if his election to the Executive Council is revoked by a resolution of the Assembly in favour of which there are cast the votes of not less than nine of the elected members of the Assembly;

Provided that a motion for the revocation of the election of an elected member under this paragraph on the ground that he has contravened the provisions of section 9(2) of this Constitution shall not be introduced except by a member of the Executive Council.

Governor
to consult
Council.

7. (1) The Governor shall, subject to the following provisions of this section, consult with the Executive Council in the formulation of policy and in the exercise of all powers conferred upon him by this Constitution or by any other law for the time being in force in the Islands, except in the exercise of –

- (a) any power conferred upon him by this Constitution which he is empowered to exercise in his discretion or in pursuance of Instructions given to him by Her Majesty;

- (b) any power conferred by any law other than this Constitution which he is empowered or directed, either expressly or by necessary implication, by that or any other law to exercise without consulting the Council; or
- (c) any power that in his opinion relates to –
 - (i) defence;
 - (ii) external affairs;
 - (iii) internal security;
 - (iv) the police; or
 - (v) the appointment (including the appointment on promotion or transfer, appointment on contract and appointment to act in an office) of any person to any public office, the suspension, termination of employment, dismissal, or retirement of any public officer or taking of disciplinary action in respect of such an officer, the application to any public officer of the terms or conditions of employment of the public service (including salary scales, allowances, leave, passages or pensions) for which financial provision has been made, or the organisation of the public service to the extent that it does not involve new financial provision:

Provided that in exercising his powers in relation to the matters mentioned in this paragraph (c) the Governor shall keep the Executive Council informed of any matters that in his judgement may involve the economic or financial interests of the Cayman Islands or the enactment of laws under Part IV of this Constitution.

(2) The Governor shall not be required to consult with the Executive Council in any case in which, in his judgement –

- (a) the service of Her Majesty would sustain material prejudice thereby;
- (b) the matters to be decided are too unimportant to require such consultation; or
- (c) the urgency of the matter requires him to act before the Council can be consulted

(3) In every case falling within paragraph (c) of the last foregoing subsection the Governor shall, as soon as practicable, communicate to the Executive Council the measures which he has adopted and the reasons for those measures.

(4) The question whether the Governor has exercised any power after consultation with or in accordance with the advice of the Executive Council shall not be enquired into by any court.

8. (1) Subject to the provisions of this Constitution, in any case where the Governor is required by the last foregoing section to consult with the Executive Council, he shall act in accordance with the advice given him by the Council unless he considers it inexpedient in the interests of public order, public faith or good government to do so:

Provided that he shall not so act against the advice of the Council without first obtaining the approval of a Secretary of State, unless in his judgement the matter is so urgent that it is necessary for him to act before obtaining such approval, in which case he shall forthwith report his action to a Secretary of State with the reasons therefor.

(2) Whenever the Governor acts otherwise than in accordance with the advice given to him by the Council, any member of the Council may require that there be recorded in the minutes the grounds of any advice or opinion which he may have given on the question.

9. (1) Subject to any instructions given to him by Her Majesty through a Secretary of State, the Governor acting in his discretion shall to the extent that he deems appropriate charge members of the Executive Council with responsibility for any business of the Government (other than a matter mentioned in section 7(1)(c) of this Constitution) or any Department of the Government.

(2) It shall be the duty of a member so charged with responsibility to act in the exercise thereof in accordance with the policies of the Government as decided in the Council and in accordance with the principles of collective responsibility, and to support in the Legislative Assembly any measure decided upon in the Council, unless he has received the prior permission of the Governor to act otherwise or not to support such a measure.

10. (1) Whenever a member of the Executive Council is by reason of his illness or absence from the Islands or for any other reason incapable of performing the functions of his office, then –

- (a) in the case of the incapacity of an official member, the Governor acting in his discretion may, by instrument under the public seal, appoint any public officer to be temporarily a member of the Council; or
- (b) in the case of the incapacity of an elected member, the elected members of the Assembly, if the Governor informs the Assembly that that is desirable, may elect a person from among the elected members of the Assembly to be temporarily a member of the Council.

Governor may act contrary to advice of Council.

Assignment of responsibility.

Temporary members of Council.

- (2) The Governor shall forthwith report to Her Majesty through a Secretary of State any appointment made under this section.
- (3) A person appointed or elected under this section to be temporarily a member of the Executive Council shall vacate his seat –
 - (a) when he is informed by the Governor that the circumstances giving rise to the appointment or election have ceased to exist; or
 - (b) in the case of a person appointed in place of an official member, if his appointment is revoked by Her Majesty through a Secretary of State or by the Governor, acting in his discretion.
- (4) Subject to the provisions of this section, the provisions of this Constitution shall apply in relation to a person appointed or elected to be temporarily a member of the Executive Council as they apply to the member in whose place he was appointed or elected.

Determination of questions as to membership.

11. Any question whether a person is a member of the Executive Council shall be determined by the Governor acting in his discretion.

Oath by members of Council.

12. Before assuming the functions of his office a member of the Executive Council shall make before the Governor, or some other person authorised in that behalf by the Governor, acting in his discretion, an oath for the due execution of his office in the form set out in the Schedule to this Constitution.

Summoning of Council and transaction of business.

13. (1) The Executive Council shall be summoned by the Governor, acting in his discretion:

Provided that the Governor shall summon the Council if requested to do so by a majority of Ministers.

(2) No business shall be transacted at any meeting of the Executive Council unless there are four members present besides the Governor or other person presiding.

(3) Subject to the provisions of the last foregoing subsection, the Executive Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Council (including any vacancy not filled when the Council is first constituted or is reconstituted at any time) and the validity of the transaction of business in the Council shall not be affected by reason only of the fact that some person who was not entitled to do so took part therein.

Presiding in Council.

14. (1) The Governor shall, so far as is practicable, attend and preside at meetings of the Executive Council.

(2) In the absence of the Governor there shall preside at any meeting of the Executive Council such member of the Council as the Governor, acting in his discretion, may appoint.

Submission of questions to Council.

15. No question shall be submitted to the Executive Council for their advice except by and with the approval of the Governor, acting in his discretion; but if the Governor declines to submit any question to the Council when requested in writing by any member of the Council to do so, that member may require that there be recorded in the minutes his written application, together with the answer given thereto by the Governor.

Summoning of persons to Council.

16. The person presiding may, when in his opinion the business before the Executive Council makes it desirable, summon any person to a meeting of the Council, notwithstanding that that person is not a member of the Council.

Powers of Attorney-General.

16A. (1) The Attorney-General shall have power in any case in which he considers it desirable so to do –

- (a) to institute and undertake criminal proceedings against any person before any court in respect of any offence against any law in force in the Islands;
- (b) to take over and continue any such criminal proceedings that have been instituted by any other person or authority;
- (c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(2) The powers of the Attorney-General under subsection (1) of this section may be exercised by him in person or by officers subordinate to him acting under and in accordance with his general or special instructions.

(3) The powers conferred upon the Attorney-General by subsection (1)(b) and (c) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(4) For the purposes of this section, any appeal from any determination in any criminal proceedings before any court, or any case stated or question of law reserved for the purpose of any such proceedings, to any other court or to Her Majesty in Council shall be deemed to be part of those proceedings:

Provided that the powers conferred on the Attorney-General by subsection (1)(c) of this section shall not be exercised in relation to any appeal by a person convicted in any criminal proceedings or to any case stated or question of law reserved at the instance of such a person.

(5) In the exercise of the powers conferred on him by this section, section 23 or section 24 of this Constitution the Attorney-General shall not be subject to the direction or control of any other person or authority.

PART III

Legislative Assembly

Legislative
Assembly.

- 17.** (1) There shall be a Legislative Assembly for the Islands.
- (2) Subject to the provisions of this Constitution, the Assembly shall consist of –
- (a) the Chief Secretary, the Attorney-General and the Financial Secretary, ex officio; and
 - (b) fifteen elected members, who shall be persons qualified for election in accordance with the provisions of this Constitution and elected in the manner provided by any law in force in the Islands; and
 - (c) if he is not an elected member of the Assembly, the Speaker.

Qualifications
for elected
membership.

- 18.** (1) Subject to the provisions of the next following section, a person shall be qualified to be elected as a member of the Assembly if, and shall not be qualified to be so elected unless –
- (a) he possesses Caymanian status; and
 - (b) he has attained the age of twenty-one years; and
 - (c) he is, at the date of his nomination for election, domiciled and resident in the Islands; and
 - (d) he is a qualified citizen; and either

- (e) he was born in the Islands, or was born outside the Islands in the circumstances mentioned in subsection (2)(b) of this section, has resided in the Islands for a period of not less than seven years immediately preceding the date of his nomination for election and, subject to subsections (3) and (4) of this section, the number of days on which he was absent from the Islands in that period does not exceed four hundred; or
- (f) if he was born outside the Islands, has resided in the Islands for a period or periods amounting to not less than fifteen years out of the twenty years immediately preceding the date of his nomination for election, and, subject to subsections (3) and (4) of this section, in the seven years immediately preceding the date of his nomination for election the number of days on which he was absent from the Islands does not exceed four hundred.

(2) For the purposes of subsection (1)(d) of this section, a qualified citizen is a British Dependent Territories citizen by virtue of a connection with the Islands, who either –

- (a) at the date of his nomination for election possesses no other citizenship and is pursuing no claim to any other citizenship for which he may be eligible; or
- (b) was born outside the Islands, has or had at least one parent or grandparent who was born in the Islands and possesses Caymanian status (or if deceased would if alive have possessed Caymanian status at the date of nomination for election), and who at the date of his nomination for election possesses no other citizenship save for any right he may have to some other citizenship by virtue of his birth outside the Islands.

In this subsection the words “other citizenship” do not include British citizenship acquired by virtue of the British Overseas Territories Act 2002.

(3) In ascertaining whether a person has been absent from the Islands for the purposes of subsection (1)(e) of this section any period of absence by reason of the following shall be disregarded –

- (a) the performance of duty on behalf of the Government of the Islands;
- (b) attendance as a pupil at any educational establishment;
- (c) attendance as a patient at any hospital, clinic or other medical institution;
- (d) employment as a seaman aboard an ocean-going vessel; or

- (e) employment as a crew member on any aircraft.

(4) In the case of a person referred to in subsection (1)(e) or (f) of this section, the requirement that the number of days on which he was absent from the Islands in the period of seven years immediately preceding the date of his nomination for election does not exceed four hundred shall not apply if that person was, on the day immediately preceding the appointed day^{*}, qualified to be elected as a member of the Assembly.

Disqualifications for elected membership.

- 19.** (1) No person shall be qualified to be elected as a member of the Assembly who –
- (a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
 - (b) holds, or is acting in, any public office;
 - (c) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged;
 - (d) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Islands;
 - (e) subject to subsection (2) of this section:
 - (i) is under sentence of death imposed on him by a court, or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by a court or substituted by competent authority for some other sentence imposed on him by a court, or is under such a sentence of imprisonment the execution of which has been suspended; or
 - (ii) has been detained in prison under such a sentence of imprisonment within the period of five years immediately preceding the date of the election;
 - (f) is disqualified for election by any law in force in the Islands by reason of his holding, or acting in, any office the functions of which involve –
 - (i) any responsibility for, or in connection with, the conduct of any election; or
 - (ii) any responsibility for the compilation or revision of any electoral register;

* 31st January 1988.

- (g) is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government of the Islands for or on account of the public service and has not, in the case of a contested election, caused to be published, at least one month before the day of the poll, a Government Notice setting out the nature of such contract and his interest, or the interest of any such firm or company, therein; or
- (h) is disqualified for membership of the Assembly by any law in force in the Islands relating to offences connected with elections.

(2) For the purposes of paragraph (e) of the last foregoing subsection –

- (a) where a person is serving two or more sentences of imprisonment that are required to be served consecutively he shall, throughout the whole time during which he so serves, be regarded as serving a sentence exceeding twelve months if (but not unless) any one of those sentences exceeds that term; and
- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine; and
- (c) no account shall be taken of a sentence of imprisonment imposed by a court outside the Islands other than a sentence on conviction for an offence constituted by conduct which, if it occurred within the Islands, would constitute an offence punishable under the law of the Islands by imprisonment of 12 months, or any greater punishment.

Tenure of
office of
members of
Assembly.

- 20.** (3)* The seat of an elected member of the Assembly shall become vacant –
- (a) upon a dissolution of the Assembly;
 - (b) if, without the written permission of the Governor, he is absent from three consecutive meetings of the Assembly;
 - (c) if he ceases to be a British Dependent Territories citizen by virtue of a connection with the Islands or he ceases to possess Caymanian status;
 - (d) if he ceases to be resident in the Islands;
 - (e) if he resigns his seat by writing under his hand addressed to the Governor;

* Subsections (1) and (2) deleted by 1993 Order.

- (f) if he becomes a party to any contract with the Government of the Islands for or on account of the public service, or if any firm in which he is a partner or any company of which he is a director or manager becomes a party to any such contract, or if he becomes a partner in a firm or a director or manager of a company which is a party to any such contract:

Provided that, if in the circumstances it appears to him to be just to do so, the Governor may exempt any elected member from vacating his seat under the provisions of this paragraph, if the member, before or as soon as practicable after becoming a party to the contract, or before or as soon as practicable after becoming otherwise interested in the contract (whether as a partner in a firm or as a director or manager of a company), discloses to the Governor the nature of the contract and his interest or the interest of the firm or company therein; or

- (g) subject to section 21 of this Constitution, if any circumstances were to arise that, if he were not a member of the Assembly, would cause him to be disqualified for election thereto by virtue of any provision of section 19(1) other than paragraph (g).

Delay in
vacation of
seat to allow
for an appeal.

21. (1) If circumstances such as are referred to in paragraph (g) of section 20(3) of this Constitution arise because a member is adjudged or declared bankrupt, certified insane or adjudged of unsound mind, is under sentence of death or imprisonment or is convicted or reported guilty of an offence relating to elections, and it is open to the member to appeal against the decision (either with or without the leave of a court or other authority), he shall forthwith cease to perform his functions as a member of the Legislative Assembly, but, subject to subsection (2) of this section, he shall not vacate his seat in the Assembly until the expiration of thirty days thereafter:

Provided that the Governor, acting in his discretion, may, at the request of the member, from time to time, extend that period to enable the member to pursue the appeal against the decision, save that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval of the Legislative Assembly.

(2) If, on the determination of any appeal, such circumstances as aforesaid continue to exist and no further appeal is open to the member, or if for any reason, including the refusal of leave to appeal or the expiration of any time for entering an appeal, it ceases to be open to the member to appeal, he shall forthwith vacate his seat.

(3) If at any time before the member vacates his seat such circumstances as aforesaid cease to exist, his seat shall not become vacant on the expiration of the period referred to in subsection (1) and he may resume the performance of his functions as a member.

[22. Revoked by 1993 Order.]

23. (2)* Any question whether a person has been validly elected as a member of the Assembly, or whether an elected member of the Assembly has vacated his seat therein, shall be determined by the Grand Court, whose decision shall be final and not subject to any appeal.

- (3) (a) An application to the Grand Court for the determination of any question whether a person has been validly elected as a member of the Assembly may be made by -
- (i) a person who voted or had the right to vote at the election to which the application relates;
 - (ii) a person claiming to have had the right to be returned at such election;
 - (iii) a person alleging himself to have been a candidate at such election; or
 - (iv) the Attorney-General.
- (b) An application to the Grand Court for the determination of any question whether an elected member of the Assembly has vacated his seat therein may be made by -
- (i) any elected member of the Assembly; or
 - (ii) the Attorney-General.
- (c) If any application referred to in paragraph (a) or (b) of this subsection is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

24. (1) Any person who sits or votes in the Assembly knowing or having reasonable grounds for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty pounds* for each day upon which he so sits or votes.

(2) Any such penalty shall be recoverable by civil action in the Grand Court at the suit of the Attorney-General.

* Subsection (1) deleted by 1993 Order.

* "forty dollars" in Cayman consolidation.

Determina-
tion of
questions as
to member-
ship of
Assembly.

Penalty for
sitting or
voting in
Assembly
when
unqualified.

24A. - (1) The Governor shall appoint as the Leader of the Opposition -

(a) the elected member of the Legislative Assembly who, in the opinion of the Governor, is the leader in the Assembly of any opposition party whose numerical strength in the Assembly is greater than that of any other opposition party; or

(b) if it appears to the Governor that there is no such party but an elected member of the Assembly would be acceptable as Leader of the Opposition to a majority of the members of the Assembly in opposition to the Government, that member.

(2) Whenever the office of Leader of the Opposition is vacant by reason of the fact that the Governor is of the opinion that there is no member of the Assembly whom he can appoint thereto in accordance with subsection (1) of this section, the functions conferred on the Governor by section 28A(2)(c) and (5)(c) of this Constitution shall be exercised by him in accordance with such advice as may be given to him jointly by the leaders in the Assembly of the opposition parties whose numerical strength in the Assembly is greatest.

(3) The Leader of the Opposition shall vacate his office if the Governor, acting in his discretion, revokes his appointment on the ground that he is about to appoint another person as Leader of the Opposition in accordance with subsection (1) of this section.

(4) In this section "opposition party" includes a group of members of the Assembly in opposition to the Government who are prepared to support one of their number as their leader."

Qualifications
of electors.

25. Subject to the provisions of the next following section, a person shall be entitled to be registered as an elector in one electoral district only, but he shall not be entitled to be registered as an elector for elections to the Assembly unless –

- (a) he was, on the day immediately preceding the appointed day^{**}, entitled to be registered as an elector; or
- (b)
 - (i) he possesses Caymanian status; and
 - (ii) he has attained the age of eighteen years; and
 - (iii) he is a British Dependent Territories citizen by virtue of a connection with the Islands; and
 - (iv) he is domiciled and resident in the Islands at the date of registration; and either
 - (v) he or one of his parents or grandparents was born in the Islands and he has been ordinarily resident in the Islands for a period or periods

**

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amounting to two years out of the three years immediately preceding the date of registration; or

- (vi) he has been ordinarily resident in the Islands for a period or periods amounting to seven years out of the nine years immediately preceding the date of registration, and in the three years immediately preceding the date of registration the number of days on which he was absent from the Islands does not exceed three hundred.

Disqualifications of electors.

26. (1) A person shall not be entitled to be registered as an elector in any electoral district who -

- (a) subject to the provisions of the next following subsection, is under sentence of death imposed on him by a court, or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;
- (b) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Islands; or
- (c) is disqualified for registration as an elector by any law in force in the Islands relating to offences connected with elections.

(2) The provisions of subsection (2) of section 19 of this Constitution shall apply for the purposes of the last foregoing subsection as they apply for the purposes of paragraph (e) of subsection (1) of the said section 19.

Right to vote at elections.

27. (1) Any person who is registered as an elector in an electoral district shall, while so registered, be entitled to vote at any election for that district unless he is prohibited from so voting by any law in force in the Islands –

- (a) because he is a returning officer; or
- (b) because he has been concerned in any offence connected with elections.

(2) No person shall vote at any election for any electoral district who –

- (a) is not registered as an elector in that district;
- (b) has voted in another electoral district at the same election;

(c) is in lawful custody; or

(d) is for any other reason unable to attend to vote in person (except in so far as it may be provided by law that such persons may vote).

Law as to
elections.

28. Subject to the provisions of this Constitution, a law enacted under this Constitution may provide for the election of members of the Assembly, including (without prejudice to the generality of the foregoing power) the following matters, that is to say:-

(a) the qualifications and disqualifications of electors;

(b) the registration of electors;

(c) the ascertainment of the qualifications of electors and of candidates for election;

(d) the division of the Islands into electoral districts for the purpose of elections;

(e) the holding of elections;

(f) the determination of any question whether any person has been validly elected a member of the Assembly or whether the seat or any elected member in the Assembly has become vacant;

(g) the definition and trial of offences connected with elections and the imposition of penalties therefor, including the disqualification for membership of the Assembly, or for registration as an elector, or for voting at elections, of any person concerned in any such offence; and

(h) the disqualification for election as members of the Assembly of persons holding or acting in any office the functions of which involve any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register.

Electoral Boundary Commission

28A. - (1) An Electoral Boundary Commission (hereinafter referred to as "the Commission") shall be appointed by the Governor as soon as practicable after this section comes into force.

(2) The Commission shall consist of -

(a) a Chairman who shall be appointed by the Governor, acting in his discretion;

(b) one member appointed by the Governor, acting in accordance with the advice of the Leader of Government Business; and

(c) one member appointed by the Governor, acting in accordance with the advice of the Leader of the Opposition.

(3) A person shall not be qualified to be appointed as the Chairman of the Commission if he is a member of the Legislative Assembly or a public officer.

(4) The Chairman of the Commission shall vacate his office -

(a) on the day following the date of submission under section 28B(1) of this Constitution of the report of the Commission;

(b) if he becomes a member of the Legislative Assembly or a public officer;

(c) if the Governor, acting in his discretion, directs that he shall be removed from office for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(5) Any other member of the Commission shall vacate his office -

(a) on the day following the date of submission under section 28B(1) of this Constitution of the report of the Commission;

(b) in the case of the member appointed under subsection (2)(b) of this section, if his appointment is revoked by the Governor, acting in accordance with the advice of the Leader of Government Business;

(c) in the case of the member appointed under subsection (2)(c) of this section, if his appointment is revoked by the Governor, acting in accordance with the advice of the Leader of the Opposition.

(6) The Commission may regulate its own procedure and, with the consent of the Governor, confer powers and impose duties on any public officer or on any authority of the Government for the purpose of the discharge of its functions.

(7) For the purpose of the discharge of its functions, the Commission shall invite views from members of the public and may seek such advice as it considers appropriate.

(8) The Commission may act notwithstanding any vacancy in its membership (including any vacancy not filled when appointments of members are first made) and its proceedings shall be valid notwithstanding that some person who was not entitled so to do took part therein:

Provided that any decision of the Commission shall require the concurrence of not less than two members of the Commission.

(9) In the exercise of its functions under this Constitution, the Commission shall not be subject to the direction or control of any other person or authority.

Functions of Electoral Boundary Commission

28B. - (1) The Commission appointed under section 28A of this Constitution shall, as soon as practicable after its appointment, prepare and submit to the Governor a report recommending the boundaries of seventeen electoral constituencies into which the Cayman Islands should be divided with a view to each such constituency returning one member to the Legislative Assembly.

(2) In preparing its report under subsection (1) of this section the Commission shall -

(a) take no account of the racial distribution of electors within the Cayman Islands;

(b) take account of the natural boundaries within the Cayman Islands;

(c) have regard to existing electoral districts;

(d) subject to the foregoing provisions of this subsection, ensure that -

(i) the electoral constituencies shall contain, so far as is reasonably practicable, equal numbers of persons qualified to be registered as electors, and

(ii) Cayman Brac and Little Cayman shall (between these two islands) return at least two members to the Assembly.

(3) For the purposes of subsection (2)(d)(i) of this section a person shall be regarded as qualified to be registered as an elector if, on the relevant date -

(a) he is entitled to be registered as an elector under section 25 of this Constitution; or

(b) he fulfils all of the following conditions, that is to say -

(i) he is a Caymanian;

(ii) he has attained the age of eighteen years;

(iii) he is resident in the Cayman Islands; and

(iv) he has been resident in the Cayman Islands for a period or periods amounting to not less than two years out of the four years immediately preceding the relevant date; and

(c) he is not disqualified for registration as an elector by virtue of section 26 of this Constitution.

(4) For the purposes of subsection (3) of this section -

(a) "the relevant date" is the date on which the Commission is appointed by the Governor under section 28A of this Constitution;

(b) "Caymanian" means a person who possesses Caymanian status and British overseas territories citizenship or British citizenship by virtue of a connection with the Cayman Islands;

(c) any period of absence for any of the purposes specified in section 18(3) of this Constitution shall be disregarded in determining whether a person is or has been resident in the Cayman Islands.

(5) The Governor shall forthwith transmit to a Secretary of State a report submitted to him by the Commission under subsection (1) of this section, together with the record of any debate in the Legislative Assembly on that report including any motion approved by the Assembly in relation to the report.

PART IV

Powers and Procedure in Legislative Assembly

Power to
make laws.

29. (1) Subject to the provisions of this Constitution, the Governor, with the advice and consent of the Assembly, may make laws for the peace, order and good government of the Islands.

(2) Without prejudice to the generality of subsection (1), a law may make provision for the holding of a referendum amongst persons qualified as electors in elections to the Assembly on a question declared by resolution, adopted by a majority of the elected members of the Assembly, to be a matter of national importance and specified in such law.

Royal
Instruc-
tions.

30. Subject to the provisions of this Constitution, the Governor and the Assembly shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any Instructions under Her Majesty's Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

Standing
Orders.

31. (1) Subject to the provisions of this Constitution and of any Instructions under Her Majesty's Sign Manual and Signet, the Assembly may from time to time make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and for the passing, intituling and numbering of Bills and for the presentation thereof to the Governor for assent; but no such Standing Orders or amendment or revocation thereof shall have effect unless they have been approved by the Governor.

(2) The first Standing Orders of the Assembly shall, subject to the provisions of this Constitution, be the Standing Orders of the Legislative Assembly constituted by the Order of 1965 as in force immediately before the appointed day, with such adaptations and modifications as may be necessary, and those Standing Orders may be amended or revoked by Standing Orders made under the last foregoing subsection.

(3) The Standing Orders of the Assembly shall make provision for the establishment of a Finance Committee of the Assembly as follows:

- (a) the Committee shall be composed of all the elected members of the Assembly and the Financial Secretary;
- (b) the Financial Secretary shall be the Chairman of the Committee; the Chairman shall not vote on any question unless the votes are equally divided in which case he shall have and exercise a casting vote; and
- (c) the functions of the Committee shall be to examine and consider, subject to the provisions of section 38 of this Constitution, the estimates of expenditure for the services of the Government, all

financial bills, and such other matters relating to the finances of the Islands as may be referred to it by the Assembly, and to report thereon to the Assembly.

Speaker and Deputy Speaker. **31A.** (1) At the first sitting of the Legislative Assembly after a general election and as soon as practical after a vacancy occurs in the relevant office otherwise than on a dissolution of the Assembly, the elected members of the Assembly shall elect-

- (a) a Speaker from among the elected members of the Assembly, or persons qualified to be elected members of the Assembly, other than Ministers;
- (b) a Deputy Speaker from among the elected members of the Assembly other than Ministers;

and the election of the Speaker shall take precedence over any other business of the Assembly.

(2) A person shall vacate the office of Speaker or Deputy Speaker –

- (a) on dissolution of the Legislative Assembly;
- (b) if he informs the Legislative Assembly, by writing under his hand addressed to the Assembly and received by the Clerk of the Assembly, that he resigns his office;
- (c) in any circumstances which, in the case of the Speaker, would cause him to vacate his seat as, or if he were, an elected member of the Assembly, or, in the case of the Deputy Speaker, if he ceases to be an elected member of the Assembly;
- (d) if, on the date of his election as Speaker or Deputy Speaker, he is a party to, or a partner in a firm or a director or manager of a company which is a party to any contract with the Government of the Islands or if, on any date after such election, he or a firm in which he is a partner or a company of which he is a director or manager becomes a party to any such contract, or if he becomes a partner in a firm or a director or manager of a company which is a party to any such contract, and he does not, before the expiration of thirty days from the date in question, disclose to the Assembly or, if that is impracticable, to the Clerk of the Assembly in writing the nature of such contract and his interest, or the interest of such firm or company, therein and the Assembly does not exempt him from vacating his office under this paragraph;
- (e) if he becomes a member of the Executive Council;

- (f) on the passing, by the votes of two-thirds of the elected members of the Assembly, of a motion expressing no confidence in him as Speaker or Deputy Speaker, as the case may be.

Presiding in Assembly.

32. At sittings of the Assembly there shall preside –

- (a) the Speaker; or
- (b) in the absence of the Speaker, the Deputy Speaker; or
- (c) in the absence of the Speaker and the Deputy Speaker, such of the elected members of the Assembly (other than a Minister) as may be elected by the elected members.

Assembly may transact business notwithstanding vacancies.

33. The Assembly shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof (including any vacancy not filled when the Assembly is first constituted or is reconstituted at any time) and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so sat or voted in the Assembly or otherwise took part in those proceedings.

Quorum.

34. (1) If at any sitting of the Assembly a quorum is not present and any member of the Assembly who is present objects on that account to the transaction of business and, after such interval as may be prescribed in the Standing Orders of the Assembly, the person presiding at the sitting ascertains that a quorum is still not present, he shall adjourn the Assembly.

(2) For the purposes of this section a quorum shall consist of eight members of the Assembly in addition to the person presiding.

Voting.

35. (1) Save as otherwise provided in this Constitution, all questions proposed for decision in the Assembly shall be determined by a majority of votes of the members present and voting.

(2) The Speaker or other member presiding shall not vote unless on any question the votes are equally divided, in which case he shall have and exercise a casting vote.

Summoning of persons to assist Assembly.

36. (1) The Speaker or other person presiding may, when in his opinion the business before the Assembly makes it desirable, summon any person to a meeting of the Assembly notwithstanding that that person is not a member of the Assembly.

(2) Any person so summoned shall be entitled to take part as if he were a member in the proceedings of the Assembly relating to the matter in respect of which he was summoned, except that he may not vote.

Intro-
duction
of Bills.

37. (1) Subject to the provisions of this Constitution and of the Standing Orders of the Assembly, any member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Assembly, and the same shall be debated and disposed of according to the Standing Orders of the Assembly.

(2) Except on the recommendation of the Governor the Assembly shall not-

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding in the Assembly, makes provision for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of the Islands or for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Islands;
- (b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding in the Assembly, is that provision would be made for any of the purposes aforesaid; or
- (c) receive any petition which, in the opinion of the person presiding in the Assembly, requests that provision be made for any of the purposes aforesaid.

38. (1) If the Governor considers that it is expedient –

Governor's
reserved
power.

- (a) in the interests of public order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of the Islands as a territory within the Commonwealth and all matters pertaining to the creation or abolition of any public office or to the salary or other conditions of service of any public officer); or
- b) in order to secure detailed control of the finances of the Islands during such time as, by virtue of the receipt of financial assistance by the Islands from Her Majesty's Exchequer in the United Kingdom for the purpose of balancing the annual budget or otherwise, such control rests with Her Majesty's Government,

that any Bill introduced, or any motion proposed, in the Assembly should have effect, then, if the Assembly fail to pass the Bill or to carry the motion within such time and in such form as the Governor thinks reasonable and expedient, the Governor may, at any time that he thinks fit, and notwithstanding any provision of this Constitution or of any other law in force

in the Islands or of any Standing Orders of the Assembly, declare that the Bill or motion shall have effect as if it had been passed or carried by the Assembly either in the form in which it was introduced or proposed or with such amendments as the Governor thinks fit which have been moved or proposed in the Assembly or any committee thereof; and the Bill or the motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Constitution, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly:

Provided that the Governor shall not exercise his powers under this subsection without having first consulted a Secretary of State, unless in his judgment the matter is so urgent that it is necessary for him to do so before having so consulted.

(2) The Governor shall forthwith report to a Secretary of State every case in which he makes any such declaration and the reasons therefor.

(3) If any member of the Assembly objects to any declaration made under this section, he may, within fourteen days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting, and a copy of the statement shall, if furnished by the member, be forwarded by the Governor as soon as practicable to a Secretary of State.

(4) Any declaration made under this section other than a declaration relating to a Bill may be revoked by a Secretary of State and the Governor shall forthwith cause notice of the revocation to be published by Government Notice; and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect and the provisions of sub-section (2) of section 38 of the Interpretation Act 1889 shall apply to the revocation as they apply to the repeal of an Act of Parliament.

(5) The powers of the Governor under this section shall be exercised by him acting in his discretion.

Assent to
Bills.

39. (1) A Bill shall not become a law until –

- (a) the Governor has assented to it in Her Majesty's name and on Her Majesty's behalf and has signed it in token of his assent; or
- (b) Her Majesty has given Her assent to it through a Secretary of State and the Governor has signified Her assent by Proclamation.

(2) When a Bill is presented to the Governor for his assent, he shall, subject to the provisions of this Constitution and of any Instructions addressed to him under Her Majesty's Sign Manual and Signet or through a Secretary of State, declare that he assents, or refuses to assent, to it, or that he reserves the Bill for the signification of Her Majesty's pleasure:

Provided that the Governor shall reserve for the signification of Her Majesty's pleasure –

- (a) any Bill which is in any way repugnant to, or inconsistent with, the provisions of this Constitution; and
- (b) any Bill which determines or regulates the privileges, immunities or powers of the Assembly or of its members;

unless he has been authorized by a Secretary of State to assent to it.

(3) This section shall have effect in relation to any Bill passed by the Legislative Assembly subsisting immediately before the appointed day but not assented to before that day as it has effect in relation to Bills passed after the appointed day.

40. The Governor may return to the Assembly any Bill presented to him for his assent, transmitting therewith any amendments which he may recommend, and the Assembly shall deal with such recommendation.

41. (1) Any law to which the Governor has given his assent may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever a law has been disallowed by Her Majesty the Governor shall, as soon as practicable, cause notice of the disallowance to be published by Government Notice and the law shall be annulled with effect from the date of the publication of that notice.

(3) The provisions of subsection (2) of section 38 of the Interpretation Act 1889 shall apply to the annulment of any law under this section as they apply to the repeal of an Act of Parliament, save that any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made.

42. (1) The Governor may, by directions in writing, establish one or more committees of the Assembly having such functions in relation to the conduct of the business of the Government of the Islands in relation to such matters as may be prescribed by such directions, and (without prejudice to the generality of the foregoing power) directions establishing a committee under this subsection may include provision –

- (a) with respect to the tenure of office of members of the committee;
- (b) regulating the manner in which the committee shall perform its functions and the procedure of the committee.

(2) Before establishing a committee under the last foregoing subsection the Governor shall consult with the Executive Council with respect to the establishment thereof, the directions to be given thereto and the number of members thereof, but shall not be obliged to act in accordance with its advice.

(3) A committee of the Assembly established under this section shall act in accordance with the policies of the Government of the Islands and with any directions given to the committee by the Governor:

Provided that the question whether it has so acted shall not be enquired into in any court.

(4) If the Governor so directs, a committee shall cease to deal with any particular business within its competence which is under consideration by the committee.

(5) The functions of a committee of the Assembly established under this section shall not include functions in relation to the conduct of business in respect of any matter referred to in section 7(1)(c) of this Constitution.

(6) The provisions of this section shall be without prejudice to the establishment, by or under the rules of procedure of the Assembly, of committees of the Assembly for the purpose of the exercise of its function under Part IV of this Constitution.

Member-
ship of
committees.

43. (1) A committee established under section 42 (1) of this Constitution shall consist of a chairman and such number of other members as the Governor may decide:

Provided that the majority of the members of such a committee shall be elected members of the Assembly, appointed by the Governor in accordance with the advice of the elected members of the Assembly.

(2) The Chairman of a committee established under section 42(1) of this Constitution shall be a member of the Executive Council who has been charged with responsibility under section 9 of this Constitution and whose responsibility corresponds as nearly as may be to the functions of such committee.

(3) The members of a committee who are not members of the Assembly shall be appointed by the Governor acting in his discretion.

Oath of
allegiance.

44. Except for the purpose of enabling this section to be complied with, no official or elected member of the Assembly shall be permitted to take part in its proceedings until he has made before the Governor, or some other person authorized in that behalf by the Governor, acting in his discretion, an oath of allegiance in the form set out in the Schedule to this Constitution.

Privileges
of
Assembly
and
members.

45. A law enacted under this Constitution may determine and regulate the privileges, immunities and powers of the Assembly and its members, but no such privileges, immunities or powers shall exceed those of the Commons' House of Parliament of the United Kingdom or of the members thereof.

Sessions. **46.** (1) Subject to the provisions of this Constitution, the sessions of the Assembly shall be held at such places and begin at such times as the Governor may from time to time by Proclamation appoint.

(2) The first session of the Assembly shall begin within twelve months after the appointed day; and thereafter there shall be at least one session of the Assembly in every year, so however that there shall be an interval of less than twelve months between the last sitting in one session and the first sitting in the next session.

Prorogation and dissolution. **47.** (1) The Governor may at any time, by Proclamation, prorogue or dissolve the Assembly.

(2) The Governor shall dissolve the Assembly at the expiration of four years from the date when the Assembly first meets after any general election unless it has been sooner dissolved.

Recalling dissolved Assembly in case of emergency. **47A.** If, between a dissolution of the Legislative Assembly and the next ensuing general election, an emergency arises of such a nature that, in the opinion of the Governor, it is necessary for the Assembly to be recalled, the Governor, acting in his discretion, may summon the Assembly that has been dissolved and that Assembly shall thereupon be deemed (except for the purposes of section 48 of this Constitution) not to have been dissolved, but shall be deemed (except as aforesaid) to be dissolved on the date on which the next ensuing general election is held.

General elections. **48.** There shall be a general election at such time within two months after every dissolution of the Assembly as the Governor shall by Proclamation appoint.

PART V

The Court of Appeal

Appeals to Court of Appeal. **49.** There shall be a Court of Appeal for the Islands styled the Cayman Islands Court of Appeal, which shall be a superior Court of Record.

Jurisdiction
of the
Court.

49A. (1) The Court shall have jurisdiction to hear and determine such appeals from the Grand Court as may be prescribed by any law in force in the Islands.

(2) In connection with any appeal from the Grand Court the Court shall, subject to the provisions of this Order and any law in force in the Islands, have all the powers and jurisdiction that are possessed by that court under any law in force in the Islands; and decisions of the Court in respect of any appeal from the Grand Court shall, subject as aforesaid, be enforced in the Islands in the same way as decisions of that court.

(3) The provisions of subsection (1) of this section shall not apply to appeals relating to any matter in respect of which this Constitution or any other law provides that the decision of the Grand Court of the Islands is to be final.

(4) The Court shall have and use a seal bearing the style of the Court and a device approved by the President.

Constitution
of Court
of Appeal.

49B. (1) The judges of the Court of Appeal shall be a President and not less than two Justices of Appeal.

(2) The judges of the Court of Appeal shall be appointed by the Governor, acting in his discretion, by instrument under the Public Seal, in accordance with such instructions as he may receive from Her Majesty through a Secretary of State:

Provided that the office of a judge shall not, without his consent, be abolished during his continuance in office.

(3) A person shall be qualified to be appointed as a judge of the Court of Appeal if, and shall not be qualified to be so appointed unless, he holds or has held high judicial office.

(4) A judge of the Grand Court may exercise any of the powers of a single judge of the Court of Appeal to such extent as the Assembly may by law prescribe.

Tenure of
office of
judges of
Court of
Appeal.

49C. (1) The judges of the Court of Appeal shall be appointed for such period as may be specified in their respective instruments of appointment. The office of a judge of the Court of Appeal shall become vacant upon the expiration of the period of his appointment to that office.

(2) A judge of the Court of Appeal may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of subsection (3) of this section.

(3) A judge of the Court of Appeal shall be removed from office by the Governor by instrument under the Public Seal if the question of the removal of that judge from office has, at the request of the Governor, made in pursuance of subsection (4) of this section, been

referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under section 4 of the Judicial Committee Act 1833 or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability as aforesaid or misbehaviour.

(4) If the Governor considers that the question of removing a judge of the Court of Appeal from office for inability as aforesaid or misbehaviour ought to be investigated, then –

- (a) the Governor shall appoint a tribunal, which shall consist of a Chairman and not less than two other members selected by the Governor from among persons who hold or have held high judicial office;
- (b) the tribunal shall inquire into the matter and report on the facts thereof to the Governor and advise the Governor whether he should request that the question of the removal of that judge should be referred by Her Majesty to the Judicial Committee; and
- (c) if the tribunal so advises, the Governor shall request that the question should be referred accordingly.

(5) The provisions of the Commissions of Inquiry Law shall, subject to the provisions of this section, apply as nearly as may be in relation to tribunals appointed under subsection (4) of this section or, as the context may require, to the members thereof as they apply in relation to Commissions or Commissioners appointed under that Law.

(6) If the question of removing a judge of the Court of Appeal from office has been referred to a tribunal under subsection (4) of this section the Governor may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor, and shall in any case cease to have effect –

- (a) if the tribunal advises the Governor that he should not request that the question of the removal of the judge from office should be referred by Her Majesty to the Judicial Committee; or
- (b) if the Judicial Committee advises Her Majesty that the judge ought not to be removed from office.

(7) The powers conferred upon the Governor by this section shall be exercised by him acting in his discretion.

49D. (1) If the office of the President of the Court of Appeal is vacant, or if the holder thereof is for any reason unable to perform the functions of his office, then, until some other person has been appointed to, and has assumed the functions of, that office, or until the holder thereof has resumed those functions, as the case may be, such one of the Justices of Appeal or such other person qualified for appointment as a judge of the Court of Appeal as

Acting
judges of
Court of
Appeal.

the Governor, acting in his discretion, may appoint for that purpose shall act in the office of the President.

(2) If the office of a Justice of Appeal is vacant, or if any Justice of Appeal is acting as the President, or is for any reason unable to perform the functions of his office the Governor, acting in his discretion, may appoint a person possessing such legal qualifications and experience as he, after consultation with the President or acting President, may deem appropriate to act as a Justice of Appeal.

(3) Any person appointed under this section to act as a Justice of Appeal shall, unless he is removed from office under the preceding section, continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the Governor, acting in his discretion:

Provided that a person whose appointment so to act has expired or been revoked may, with the permission of the Governor, acting in his discretion, continue so to act for such period as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.

49E. Before entering upon the functions of his office every judge of the Court of Appeal shall make and subscribe before the Governor, or some other person authorised in that behalf by the Governor, oaths or affirmations of allegiance and for the due execution of his office in the forms set out in Schedule II to this Constitution.

49F. (1) Any proceedings relating to appeals from the Grand Court that are pending immediately before the commencement of The Cayman Islands (Constitution) (Amendment) Order 1984 in the existing Court may be continued and concluded after the commencement of the said Order in that court as if the said Order had not been made.

(2) Any judgment of the existing Court given, but not satisfied before the commencement of the said Order in respect of any proceedings referred to in subsection (1), may be enforced after the commencement of the said Order as if it were a judgment of the Court.

(3) For the purposes of subsection (2), “judgment” includes an order for costs and any other ancillary or consequential order including an order in relation to an application for leave to appeal to Her Majesty in Council.

(4) For the purposes of subsections (1) and (2) and of section 49G, the words “existing Court” mean the Court of Appeal existing immediately before the date on which this section comes into operation.

Oaths to be taken by judges of Court of Appeal.

Pending proceedings.

Existing
appeal Laws
and rules
of court.

49G. (1) Any law in force in the Islands immediately before the commencement of The Cayman Islands (Constitution) (Amendment) Order 1984 providing for appeals from the Grand Court to the existing Court and matters relating thereto shall, subject to amendment or repeal by a law of the Assembly, continue in force in the Islands after the commencement of the said Order, and for that purpose shall be construed with any necessary adaptations and modifications.

(2) All rules of court relating to the hearing and determination of appeals from the Grand Court by the existing Court in force immediately before the commencement of The Cayman Islands (Constitution) (Amendment) Order 1984, shall continue in force after the commencement of the said Order.

(3) The Governor may by order made at any time before the 31st December 1984 make such amendments to any law in force in the Islands as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions.

PART VA

The Grand Court and Subordinate Courts

The Grand Court

Constitution
of Grand
Court.

49H. (1) There shall be a Grand Court for the Cayman Islands which shall be a superior Court of Record and shall have such jurisdiction and powers as may be conferred on it by this Constitution and any other law.

(2) The Court shall have and use a seal bearing the style of the Court and a device approved by the Chief Justice.

Composition of Grand Court

Composition
of Grand
Court.

49I. (1) The judges of the Grand Court shall be a Chief Justice and such number of other judges (if any) as may be prescribed by a law made under this Constitution:

Provided that the office of a judge shall not, without his consent, be abolished during his continuance in office.

(2) The judges of the Grand Court shall be persons qualified for appointment under subsection (3) of this section and shall be appointed by the Governor, acting in his discretion, by instrument under the public seal.

(3) The qualifications for appointment as a judge of the Grand Court shall be such as may be prescribed by a law made under this Constitution:

Provided that a person who has been appointed as a judge of the Grand Court may continue in office notwithstanding any subsequent variation in the qualifications so prescribed.

(4) It shall be lawful for a person qualified for appointment as a judge of the Grand Court to be so appointed (regardless of his age) for such term as may be specified in the instrument of appointment, and section 49J of this Constitution shall have effect in relation to any person so appointed as if he would attain the retiring age applicable to that office on the day on which the specified term expires.

(5) The emoluments and allowances of a judge of the Grand Court shall be prescribed by law and shall be charged on the revenues of the Islands, and the emoluments and allowances of a judge shall not, without his consent, be reduced during his continuance in office.

49J. (1) Subject to the provisions of this section, a judge of the Grand Court shall vacate his office when he attains the age of sixty-five years:

Provided that –

- (a) the Governor may permit a judge who attains the age of sixty-five years to continue in office until he has attained such later age, not exceeding the age of seventy years, as may have been agreed between the Governor and that judge; and
- (b) a judge who has attained the age at which he would otherwise vacate office under this subsection may continue in office for such period as may be necessary to enable him to deliver judgment or to do any other thing in relation to any proceeding commenced before him before he attained that age.

(2) A judge of the Grand Court may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with subsection (3) of this section.

(3) A judge of the Grand Court shall be removed from office by the Governor by instrument under the public seal if the question of the removal of that judge from office has, at the request of the Governor made in pursuance of subsection (4) of this section, been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under section 4 of the Judicial Committee Act 1833^(a) or any other enactment enabling Her Majesty

^(a) 1833 c.41.

in that behalf, and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability as aforesaid or misbehaviour.

(4) If the Governor considers that the question of removing a judge of the Grand Court from office for inability as aforesaid or misbehaviour ought to be investigated then –

- (a) the Governor shall appoint a tribunal, which shall consist of a Chairman and not less than two other members selected by the Governor from among persons who hold or have held high judicial office;
- (b) the tribunal shall inquire into the matter and report on the facts thereof to the Governor and advise the Governor whether he should request that the question of the removal of that judge should be referred by Her Majesty to the Judicial Committee; and
- (c) if the tribunal so advises, the Governor shall request that the question should be referred accordingly.

(5) The provisions of the Commissions of Inquiry Law ^(b) as in force on the date of commencement of this Constitution shall, subject to the provisions of this section, apply as nearly as may be in relation to tribunals appointed under subsection (4) of this section or, as the context may require, to the members thereof as they apply in relation to Commissions or Commissioners appointed under that Law.

(6) If the question of removing a judge of the Grand Court from office has been referred to a tribunal under subsection (4) of this section the Governor may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor, and shall in any case cease to have effect –

- (a) if the tribunal advises the Governor that he should not request that the question of the removal of the judge from office should be referred by Her Majesty to the Judicial Committee; or
- (b) if the Judicial Committee advises Her Majesty that the judge ought not to be removed from office.

(7) The powers conferred upon the Governor by this section shall be exercised by him in his discretion.

49K. (1) If the office of Chief Justice is vacant, or if the holder thereof is for any reason unable to perform the functions of his office, then, until some other person has been appointed to, and has assumed the functions of, that office, or until the holder of that office has resumed those functions, as the case may be, such one of the other judges of the Grand

Acting
judges of
Grand
Court.

^(b) 1935 No.25: Revised Laws, Title 28, Item 19.

Court as the Governor, acting in his discretion, may appoint for that purpose shall act in that office.

(2) If the office of a judge of the Grand Court other than the Chief Justice is vacant, or if any such judge is acting as Chief Justice or is for any reason unable to perform the functions of his office, the Governor, acting in his discretion, may appoint a person qualified for appointment as a judge of the Grand Court to act as such a judge.

(3) A person may be appointed under subsection (1) or (2) of this section notwithstanding that he has attained the age of sixty-five years.

(4) Any person appointed under this section to act as a judge of the Grand Court shall, unless he is removed from office under section 49J of this Constitution, continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the Governor, acting in his discretion:

Provided that a person whose appointment so to act has expired or been revoked may, with the permission of the Governor, acting in his discretion, continue so to act for such period as may be necessary to enable him to deliver judgment or to do any other thing in relation to any proceeding commenced before him previously thereto.

Oaths to be taken by judges of Grand Court.

49L. Before assuming the functions of his office, every judge of the Grand Court shall make and subscribe before the Governor, or some other person authorised in that behalf by the Governor, acting in his discretion, oaths of allegiance and for the due execution of his office in the forms set out in Schedule II to this Constitution.

Subordinate Courts

Other Courts.

49M. (1) A law made under this Constitution may establish courts subordinate to the Grand Court.

(2) The Grand Court shall have jurisdiction to supervise the proceedings before any subordinate court and may make such orders, issue such process and give such directions as it may consider appropriate for the purpose of ensuring that justice is duly administered by any such courts.

PART VB

Complaints Commissioner

Appointment
of Complaints
Commissioner.

49N. (1) Subject to the provisions of this Constitution, a law may make provision for the office, functions, jurisdiction and powers of a Complaints Commissioner.

(2) The Complaints Commissioner shall be appointed by the Governor, acting in his discretion after consultation with the Executive Council, by instrument under the public seal.

(3) No person shall be qualified to be appointed as Complaints Commissioner if he is, or has been within the preceding three years, a member of the Legislative Assembly; and, subject to such exceptions as the Governor, acting in his discretion, may authorise in writing, the Complaints Commissioner shall not hold any other office of emolument either in the public service or otherwise nor engage in any occupation for reward other than the duties of his office.

(4) The office of the Complaints Commission shall become vacant –

- (a) at the expiration of the period specified in the instrument by which he was appointed;
- (b) if he resigns his office by writing under his hand addressed to the Governor;
- (c) if he becomes a member of the Assembly;
- (d) if the Governor, acting in his discretion, directs that he shall be removed from office for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, or for contravention of subsection (3) of this section.

(5) In the exercise of his functions, the Complaints Commissioner shall not be subject to the direction or control of any other person or authority.

PART VI

Miscellaneous

Interpretation.

50. (1) In this Constitution unless it is otherwise provided or required by the context –

“appointed day” means –

- (a) in relation to sections 18(4) and 25(a) of this Constitution, the day on which those provisions come into force under section 1(3) of the Cayman Islands (Constitution) (Amendment) Order 1987;
- (b) in relation to any other provision of this Constitution, the day as from which this Constitution (other than Part II thereof) has effect under section 2(1) of the Cayman Islands (Constitution) Order 1972;

“Assembly” means the Legislative Assembly of the Islands established by this Constitution;

“Caymanian status” means Caymanian status as provided under the Caymanian Protection Law 1971 (as amended) or any law repealing and replacing such law;

“the Court” for the purposes of Part V of the Constitution shall mean the Cayman Islands Court of Appeal;

“functions” includes jurisdictions, powers and duties;

“Government Notice” means a Cayman Islands Government Notice;

“Governor” means the person for the time being holding the office of Governor of the Islands, and includes any person for the time being lawfully performing the functions of that office and, to the extent to which a deputy appointed under section 4 of this Constitution is authorised to act, that deputy;

“Grand Court” means the Grand Court constituted by Part VA;

“high judicial office” means the office of judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court;

“the Islands” means the Cayman Islands;

“law” includes any instrument having the force of law made in exercise of a power conferred by a law;

“Minister” means an elected member of the Executive Council;

“the Order of 1965” means the Cayman Islands (Constitution) Order 1965 as amended by subsequent Orders in Council;

“public office” means, subject to the provisions of the next following subsection, an office of emolument in the public service;

“public officer” means the holder of any public office, and includes a person

appointed to act in any public office;

“the public service” means the service of the Crown in a civil capacity in respect of the government of the Islands;

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

“sitting” means a period during which the Assembly is sitting continuously without adjournment and includes any period during which the Assembly is in committee.

(2) For the purposes of this Constitution, a person shall not be considered to hold a public office by reason only that he –

- (a) is in receipt of any remuneration or allowance as a member of the Executive Council or the Assembly;
- (b) is in receipt of a pension or other like allowance in respect of service under the Crown; or
- (c) holds an office the holder of which is declared by any law in force in the Islands not to be disqualified for election as a member of the Assembly.

(3) Any person who has vacated his seat in any body, or has vacated any office established by this Constitution may, if qualified, again be appointed or elected as a member of that body or to that office, as the case may be, from time to time.

(4) A reference in this Constitution to the holder of an office by the term designating his office shall be construed as a reference to any person for the time being lawfully performing the functions of that office.

(5) Without prejudice to the last foregoing subsection –

- (a) where the holder of any office constituted by or under this Constitution is on leave of absence pending the relinquishment of that office, the person or authority having power to make appointments to that office may appoint another person thereto; and
- (b) where two or more persons concurrently hold the same office by virtue of the foregoing paragraph, the person last appointed shall in respect of any function conferred on the holder of that office be deemed to be the sole holder thereof.

(6) Any power conferred by this Constitution to make any Proclamation or order or to give any directions shall be construed as including a power exercisable in like manner to amend or revoke any such Proclamation, order or directions.

(7) Where a person is required by this Constitution to make an oath he shall if he so desires be permitted to comply with that requirement by making an affirmation in accordance with the provisions of the Schedule to this Constitution.

(8) For the purposes of this Constitution the resignation of a member of any body or holder of any office thereby established that is required to be addressed to any person shall, unless otherwise expressly provided, be deemed to have effect from the time at which it is received by that person.

(9) For the purposes of this Constitution a person shall not be regarded as absent from the Islands or as unable to perform any of his functions thereunder by reason only that he is in passage between any one of the Islands and another or from one part of any Island to another part.

Public Seal. **51.** The Governor shall keep and use the public seal for sealing all things that should pass that seal.

Grants of land. **52.** Subject to the provisions of any law for the time being in force in the Islands, the Governor or any person duly authorised by him in writing under his hand may, in Her Majesty's name and on Her behalf, make and execute under the public seal grants and dispositions of any land or other immovable property within the Islands that may be lawfully granted or disposed of by Her Majesty.

Governor's power of pardon. **53.** Subject to any Instructions given to him by Her Majesty under Her Sign Manual and Signet, the Governor may, in Her Majesty's name and on Her behalf -

- (a) grant to any person concerned in the commission of any offence for which he may be tried in the Islands, or to any person convicted of any offence under any law in force in the Islands, a pardon, either free or subject to lawful conditions;
- (b) grant to any person so convicted a respite, either indefinite or for a specified period, of the execution of any sentence passed on him in respect of the conviction;
- (c) substitute a less severe form of punishment for that imposed on any such person by any such sentence; or

- (d) remit the whole or any part of any such sentence or of any penalty or forfeiture due to Her Majesty by reason of the conviction.

Register of
Interests.

53A. (1) There shall be a Register of Interests for the Islands which shall be open to the public. The register shall be maintained by a Registrar who shall be appointed, and may be removed from office, by the Governor acting in his discretion.

(2) It shall be the duty of any person to whom this section applies to declare to the Registrar for entry in the Register of Interests such interests, assets, income and liabilities of that person, and of such other person or persons connected with him, as may be prescribed by law.

(3) A person shall make a declaration under subsection (2) of this section upon assuming the functions of his office and at such intervals (being no longer than twelve months) as may be prescribed by law.

(4) This section applies to all members of the Legislative Assembly and the holders of such other offices (except that of Governor) as may be prescribed by law.

(5) A law may make provision for giving effect to this section, including the sanctions which may be imposed for a failure to comply with subsection (2) or (3) and, notwithstanding any provision of Part III of this Constitution, the sanctions which may be imposed may include the suspension of a member of the Legislative Assembly from sitting therein for such period as may be prescribed by law.

Offices
and
appoint-
ments.

54. The Governor, in Her Majesty's name and on Her behalf, may constitute such offices for the Islands as may lawfully be constituted by Her Majesty and, subject to the provisions of any law in force in the Islands, may make appointments (including appointments on promotion and transfer) to any such office; and any person so appointed shall, unless it is otherwise provided by any such law, hold office during Her Majesty's pleasure.

Discipline.

55. (1) Subject to the provisions of any law in force in the Islands, the Governor may for cause shown to his satisfaction dismiss or suspend from the exercise of his office any person holding a public office, or take such disciplinary action as may seem to him to be desirable.

(2) The reference in this section to the power to dismiss any person holding a public office shall be construed as including a reference to any power to require or permit a person to retire.

Office of
Attorney-
General.

55A. (1) The office of Attorney-General shall be a public office and the Attorney-General shall be the principal legal adviser to the Government.

(2) Power to make appointments to the office of Attorney-General is vested in the Governor acting in his discretion.

(3) Subject to the following provisions in this section, the Attorney-General shall vacate his office when he attains the age of fifty-five years:

Provided that the Governor may permit an Attorney-General who attains the age of fifty-five years to continue in office until he has attained such later age, not exceeding the age of sixty-five years, as may have been agreed between the Governor and that Attorney-General.

(4) It shall be lawful to make an appointment of an Attorney-General for such term as may be specified in the instrument of appointment and the following provisions of this section shall have effect in relation to any person so appointed as if he would attain the retiring age applicable to that office on the day on which the specified term expires.

(5) The Attorney-General may be removed from office only for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of subsection (6) of this section.

(6) The Attorney-General shall be removed from office by the Governor if the question of his removal from office has been referred to a tribunal appointed under subsection (7) of this section and the tribunal has advised the Governor that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(7) If the Governor, acting in his discretion, considers that the question of removing the Attorney-General from office for inability as aforesaid or for misbehaviour ought to be investigated, or the Chief Justice represents to the Governor that that question ought to be investigated, then –

(a) the Governor shall appoint a tribunal, which shall consist of a Chairman and not less than two other members selected by the Governor, acting in his discretion, from among persons who hold or have held high judicial office; and

(b) that tribunal shall inquire into the matter and report on the facts thereof to the Governor and advise the Governor whether the Attorney-General ought to be removed from office for inability as aforesaid or for misbehaviour.

(8) The provisions of the Commissions of Inquiry Law shall, subject to the provisions of this section, apply as nearly as may be in relation to tribunals appointed under subsection (7) of this section or, as the context may require, to the members thereof as they apply in relation to Commissions or Commissioners appointed under that Law.

- (9) If the question of removing the Attorney-General from office has been referred to a tribunal under subsection (7) of this section, the Governor, acting in his discretion, may suspend the Attorney-General from performing the functions of his office, and any such suspension may at any time be revoked by the Governor, acting in his discretion, and shall in any case cease to have effect if the tribunal advises the Governor that the Attorney-General should not be removed from office.
- (10) References in subsections (3) to (9) of this section to the Attorney-General do not include references to a person appointed to act in the office of Attorney-General during any period when it is vacant or the holder thereof is unable to perform the functions thereof; and the appointment of such a person may be revoked by the Governor, acting in his discretion, at any time before the expiration of that period.

55B. (1) The office of Auditor-General shall be a public office and power to make appointments to the office of the Auditor-General is vested in the Governor acting in his discretion.

(2) Subject to the following provisions of this section, the Auditor-General shall vacate his office when he attains the age of fifty-five years:

Provided that the Governor may permit an Auditor-General who attains the age of fifty-five years to continue in office until he has attained such later age, not exceeding the age of sixty-five years, as may have been agreed between the Governor and that Auditor-General.

(3) It shall be lawful to make an appointment of an Auditor-General for such term as may be specified in the instrument of appointment and the following provisions of this section shall have effect in relation to any person so appointed as if he would attain the retiring age applicable to that office on the day on which the specified term expires.

(4) The Auditor-General may be removed from office only for inability to discharge the functions of his office (whether arising from inability* of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of subsection (5) of this section.

(5) The Auditor-General shall be removed from office by the Governor if the Governor, acting in his discretion, is satisfied that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(6) During any period when the question of removing the Auditor-General from office for inability as aforesaid or for misbehaviour is being investigated by, or in pursuance

* NB: probably should read "infirmity" (cf. s. 55A(5)).

of directions given by, the Governor, the Governor, acting in his discretion, may suspend the Auditor-General from performing the functions of his office.

(7) References in subsections (2) to (6) of this section to the Auditor-General do not include references to a person appointed to act in the office of Auditor-General during any period when it is vacant or the holder thereof is unable to perform the functions thereof; and the appointment of such a person may be revoked by the Governor, acting in his discretion, at any time before the expiration of that period.

Pensions.

55C. (1) The law applicable to the grant and payment to any officer, or to his widow, children, dependants or personal representatives, of any pension, gratuity or other like allowance (in this section referred to as an award) in respect of the service of that officer in a public office shall be that in force on the relevant day or any later law not less favourable to the person concerned.

(2) For the purposes of this section, the relevant day is –

- (a) in relation to an award granted before the date of the coming into force of the Cayman Islands (Constitution) (Amendment) Order 1993, the day on which the award was granted;
- (b) in relation to an award granted or to be granted on or after the said date to or in respect of a person who was a public officer before that date, the day immediately before that date;
- (c) in relation to an award granted or to be granted to or in respect of a person who first becomes a public officer on or after that date, the day on which he becomes a public officer.

(3) Where any sum is required for the payment of an award and no, or insufficient, provision is made therefor under a law made under this Constitution, that sum shall be charged upon and paid out of the revenues of the Islands.

Existing
offices and
authorities.

56. (1) Subject to the provisions of this section, all offices and authorities established by or under the Order of 1965 and existing immediately before the appointed day shall on and after that day, so far as consistent with the provisions of this Constitution, continue as if they had been established by or under this Constitution; and any person who immediately before that day is holding or acting in any such office or as a member of any such authority shall on and after that day continue to hold or act in that office or to be such a member as if he had been appointed thereto or as the case may be elected as such in accordance with this Constitution and had made any oath thereby required.

(2) The provisions of this section shall be without prejudice to any powers conferred by or under this Constitution upon any person or authority to make provision for

any matter, including (but without prejudice to the generality of the foregoing words) the establishment and abolition of offices, courts of law and authorities and the appointment, election or selection of persons to hold or act in any office or to be members of any court or authority and their removal from office.

Existing laws.

57. (1) All Acts, Ordinances, rules, regulations, orders and other instruments made under or having effect by virtue of the Order of 1965 and having effect as part of the law of the Islands immediately before the appointed day shall on and after the appointed day have effect as if they had been made under or by virtue of this Constitution.

(2) Subject to the provisions of the next following subsection, the existing laws shall on and after the appointed day be construed with such modifications, adaptations, qualifications and exceptions as are necessary to bring them into conformity with this Constitution.

(3) Subject to the provisions of this Constitution, the Governor may by regulations at any time within eighteen months from the appointed day make such amendments to any existing law as appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Constitution or otherwise for giving effect or enabling effect to be given to those provisions.

(4) In this section the expression “existing laws” means laws and instruments (other than Acts of the Parliament of the United Kingdom and instruments made thereunder) having effect as part of the law of the Islands immediately before the appointed day.

Power reserved to Her Majesty.

58. Her Majesty hereby reserves to Herself power, with the advice of Her Privy Council, to make laws for the peace, order and good government of the Islands.

SCHEDULE TO THE CONSTITUTION

FORMS OF OATHS AND AFFIRMATIONS

1. *Oath of Allegiance*

I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God.

2. *Oath for due execution of office*

I do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office (*here insert the description of the office*). So help me God.

3. *Affirmations.* In the forms above respectively set forth, for the word “swear” there shall be substituted the words “solemnly and sincerely affirm and declare”, and the words “So help me God” shall be omitted.

SCHEDULE II

FORMS OF OATHS AND AFFIRMATIONS

1. *Judicial Oath*

I do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of (*here insert the description of the office*) and I will do right to all manner of people according to the law without fear or favour affection or ill-will. So help me God.

2. *Judicial Affirmation*

I do solemnly and sincerely affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of (*here insert the description of the office*) and I will do right to all manner of people according to the law without fear or favour affection or ill-will.