

Statutory Instrument 2004 No. 2029

The Cayman Islands (Constitution) (Amendment) Order 2004

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STATUTORY INSTRUMENTS

2004 No. 2029

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Cayman Islands (Constitution) (Amendment) Order 2004

Made 27th July 2004

Laid before Parliament 9th August 2004

*Coming into force in
accordance with article 1(4)*

At the Court at Buckingham Palace, the 27th day of July 2004

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers conferred upon Her by sections 5 and 7 of the West Indies Act 1962[1] 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:-

Citation, construction and commencement

1. - (1) This Order may be cited as the Cayman Islands (Constitution) (Amendment) Order 2004 and shall be construed as one with the Cayman Islands (Constitution) Order 1972[2] (hereinafter referred to as "the principal Order").

(2) The principal Order and this Order may be cited together as the Cayman Islands (Constitution) Orders 1972 to 2004.

(3) In this Order, "the Constitution" means the Constitution set out in Schedule 2 to the principal Order.

(4) This Order shall come into force on such day as the Governor, acting in his discretion, may appoint by proclamation published in a Government Notice.

Amendment of section 18 of the Constitution

2. Section 18 of the Constitution is amended by adding at the end of subsection (2) the following sentence-

" In this subsection the words "other citizenship" do not include British citizenship."

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Constitution of the Cayman Islands so that a British overseas territories citizen who is also a British citizen is not disqualified for election to the Legislative Assembly of the Islands.

Notes:

[1] 1962 c. 19.[back](#)

[2] S.I. 1972/1101, amended by S.I. 1984/126, 1987/2199, 1992/226, 1993/3143, 2003/1515.[back](#)

ISBN 0 11 049658 2

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Prepared 9 August 2004

**EXPLANATORY MEMORANDUM TO THE
CAYMAN ISLANDS (CONSTITUTION) (AMENDMENT No. 2) ORDER 2004**

2004 No. 2673

1. This Explanatory Memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This instrument clarifies which category of British citizens is not disqualified for election to the Legislative Assembly of the Cayman Islands, and extends the life of the current Assembly following the recent hurricane in the Islands.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The Constitution of the Cayman Islands is set out in Schedule 2 to the Cayman Islands (Constitution) Order 1972 (S.I. 1972/1101) as amended. Section 18 of the Constitution disqualifies as a candidate for election to the Legislative Assembly a British overseas territories citizen who has any other citizenship. This was amended by the Cayman Islands (Constitution) (Amendment) Order 2004 (S.I. 2004/2029) to exclude from the disqualification any British citizen. That Order inadvertently omitted to limit that exception to any British citizen who acquired that status by virtue of the British Overseas Territories Act 2002. The present Order corrects that omission.

4.2 Section 47(2) of the Constitution requires the Governor to dissolve the Legislative Assembly no later than four years after the date on which it first met after a general election. That date was 15th November 2000. The present Order modifies section 47(2) by requiring the Governor to dissolve the present Assembly no later than 17th March 2005, thus extending the life of the Assembly by just over four months. Section 48 of the Constitution requires a general election to be held within two months of every dissolution of the Assembly.

5. Extent

5.1 This instrument applies to the Cayman Islands.

6. European Convention on Human Rights

Not applicable.

7. Policy background

7.1 The British Overseas Territories Act 2002 conferred British citizenship on all British overseas territories citizens connected with the Cayman Islands. The inadvertent effect of this would have been to disqualify all such persons from election to the Legislative Assembly (including all its current members). It is therefore necessary to avoid this result by exempting such persons from the disqualification prescribed by the Constitution of the territory.