



6 November 2018

Constitutional Commission's Message on the 9th Anniversary of the Cayman Islands Constitution

The Cayman Islands Constitution Order, 2009 (the “Constitution”) was laid before the UK Parliament on 10 June 2009 and came into force on 6 November 2009 and, accordingly, this year marks the ninth anniversary of the implementation of the 2009 Constitution.

Did you know...

- The 2009 Constitution provides the Islands with their first ever Bill of Rights, along with establishing other important offices such as Director of Public Prosecutions, a National Security Council and several independent good governance oversight commissions.
- The Constitutional Commission also owes its genesis to the 2009 Constitution. Established as one of the Institutions Supporting Democracy in Part VIII of the Constitution, the Constitutional Commission is charged with promoting understanding and awareness of the Constitution.
- A 2016 constitutional amendment to the 2009 Constitution was passed to modify the administration of judges, including extending the tenure of Grand Court Judges from age 65 to 70, and making new disciplinary provision for judges and magistrates.

In recent times, following the enactment by the United Kingdom Parliament of the Sanctions and Anti-Money Laundering Act 2018, there have been important discussions regarding further revisions to the 2009 Constitution. The genesis for these discussions was highlighted by the Constitutional Commission in its Statement issued on 4 July 2018 for Constitution Day and, as these matters remain live, it is a message that bears repetition on this anniversary of the 2009 Constitution.

Responding to requests from His Excellency, the Governor, the Hon. Premier and the Hon. Leader of the Opposition, the Constitutional Commission produced a Report entitled *Responses to Requests for Comments on Potential Reforms to the Cayman Islands Constitution 2009*, which has been available on the Constitutional Commission's website – www.constitutionalcommission.ky – since 4 July 2018.

In this Report, the Constitutional Commission provided commentary on six potential revisions to the 2009 Constitution, which had been mooted in the wake of the Sanctions and Anti-Money Laundering Act 2018; namely:

1. The powers reserved to Her Majesty under section 125 of the constitution;
2. The extent of the United Kingdom's power over “international affairs”;
3. The extent of the power of internal self-governance in the Cayman Islands;

4. The power of disallowance;
5. The power of Cabinet in relation to, for example, the National Security Council; and
6. The route to the Cayman Islands achieving “Associated Status”.

At the same time the Hon. Premier and the Hon. Leader of the Opposition invited the Constitutional Commission to consider whether there were any other aspects of the Constitution that could be addressed contemporaneously. Focusing on those aspects of the 2009 Constitution which have given rise to confusion or uncertainties in particular, and which would therefore benefit from clarification and greater precision, the Constitutional Commission’s Report recommended consideration of:

1. The appointment and role of councilors;
2. The appointment of the Premier;
3. The qualifications for electors;
4. The disqualification of electors;
5. The qualifications and disqualifications for elected membership to the Legislative Assembly; and
6. The process by which the Constitution may be altered in the future.

The Constitutional Commission understands that all proposals currently under consideration will be subject to some public consultation and debate in the Legislative Assembly prior to any formal presentation to the United Kingdom. As any reform of the Constitution merits careful consideration, the Constitutional Commission encourages the public to engage and to ensure that it is fully informed in respect of these important matters.

Further information about the Constitutional Commission and the Cayman Islands Constitution can also be found at www.constitutionalcommission.ky and persons interested in contacting the Constitutional Commission or accessing the Cayman Islands Constitution in written, audio and braille formats may email the Constitutional Commission at info@constitutionalcommission.ky or call 244-3685.

Ends.