

Statutory Instrument 1987 No. 2199

The Cayman Islands (Constitution) (Amendment) Order 1987

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STATUTORY INSTRUMENTS

1987 No. 2199

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Cayman Islands (Constitution) (Amendment) Order 1987

Made 18th December 1987

Laid before 8th January
Parliament 1988

Coming into force in accordance with
section 1(3)

At the Court at Buckingham Palace, the 18th day of December 1987

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue 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 1987 and shall be construed as one with the Cayman Islands (Constitution) Order 1972^[2].

(2) The Cayman Islands (Constitution) Order 1972 and this Order may be cited together as the Cayman Islands (Constitution) Orders 1972 to 1987.

(3) This Order shall come into force on 30th January 1988, save that sections 2, 3, 4 and 5 shall come into force on such later date or dates as may be notified by the Governor, acting in his discretion, by proclamation published as a Government Notice.

Replacement of section 18 of Constitution.

2. Section 18 of the Constitution of the Cayman Islands shall be replaced by the following—

"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) 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 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.

(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) 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." .

Amendment of section 20 of Constitution.

3. Section 20(3)(c) of the Constitution of the Cayman Islands shall be replaced by the following—

"(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;" .

Replacement of section 25 of Constitution.

4. Section 25 of the Constitution of the Cayman Islands shall be replaced by the following—

"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 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." .

Amendment of section 50.

5. Section 50(1) of the Constitution of the Cayman Islands shall be amended by substituting for paragraph (a) of the definition of "appointed day" the following:

"(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;" .

Preparatory measures.

6.—(1) The registration of electors, using the provisions of sections 4 and 5 of this Order, may take place at any time after the commencement of this Order although those sections have not yet come into force but no person so registered may vote until those sections have come into force.

(2) Any procedures begun in pursuance of subsection (1) of this section may be continued after sections 4 and 5 of this Order have come into force.

G. I. de Deney

Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Constitution of the Cayman Islands to provide that electors and candidates for election to the Legislative Assembly must have closer ties with the Cayman Islands than hitherto. No one who is entitled to be registered as an elector immediately before commencement of the relevant amendment is disenfranchised.

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Notes:

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

[2] S.I. 1972/1101, amended by S.I. 1984/126. [back](#)

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