

Important Facts

1. Why is the Constitution referred to as a “living document”?

The Constitution is the highest Law of the land. “Living document” tends to refer to the fact that it has an impact on everyday life whether we are aware of it or not. In interpreting the Constitution, it is said to grow, expand and adapt. In this way, it can evolve like a living thing.

2. When and where did the Constitutional negotiations take place?

The Constitutional negotiations between the United Kingdom Government and the Cayman Islands delegation comprised three rounds of meetings held from 29 September 2008 through to 5 February 2009. The last round was held in London.

3. Who participated in the Constitutional negotiations?

A number of stakeholders participated in the negotiation meetings including representatives from the Cayman Islands Government, Honourable Ministers and Members of Cabinet as well as other elected Officials spanning all political parties; representatives of the United Kingdom Foreign Commonwealth Office; and a number of non-Governmental organisations.

4. How can the people call a Referendum?

The new Constitution permits that a petition signed by 25% of voters can be presented to Cabinet, which would trigger Cabinet to settle the wording of the referendum question(s) and determine the date of the referendum. Once Cabinet has completed these tasks the Legislature is required to enact a referendum law so that the referendum can be held. People-initiated referendums must be held on matters of national importance, but those matters cannot contravene any part of the Bill of Rights or any other part of the Constitution.

5. Can the Constitution be amended without the consent of the people of the Cayman Islands?

Yes, during the negotiations the Cayman Islands delegation proposed that any future amendments should require the authorisation of a referendum, unless the change was declared to be minor or uncontroversial by the Premier and the Leader of the Opposition. As stated in the letter of entrustment, the United Kingdom Government agreed with the idea that major amendments should receive the consent of the people of the Cayman Islands and pledged to use its best endeavours to honour this referendum requirement. However, the United Kingdom has reserved for itself the power to amend the Constitution without the consent of the people.

6. Is there a holiday honouring the Constitution?

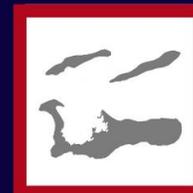
Yes, it is observed on the first Monday in July of each year. The 4th of July 1959 was when the first Constitution for the Cayman Islands took effect.

7. How can I contact the Constitutional Commission?

- **E-mail:** info@constitutionalcommission.ky
- **Web:** www.constitutionalcommission.ky
- **Telephone:** +1 (345) 244-3685
- **Mailing Address:** PO Box 391, Grand Cayman, KY1-1106
- **Physical Address:** 2nd Floor, Artemis House, #67 Fort Street
- **FOI request:** foi.cos@gov.ky

DISCLAIMER

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CONSTITUTIONAL COMMISSION



PROMOTION OF PUBLIC
UNDERSTANDING AND
AWARENESS OF THE
CONSTITUTION AND ITS
VALUES

PROVIDING ADVICE ON
CONSTITUTIONAL
STATUS AND
DEVELOPMENT

The Constitutional Commission

www.constitutionalcommission.ky

The Constitutional Commission comprises of three members. Established under section 118 of the Constitution, it is the first body of its kind to obtain Constitutional recognition among the Overseas Territories.

The primary responsibility of the Commission is to promote understanding and awareness of the Constitution and its values.

The remit of the Commission also includes advising the Government on questions concerning Constitutional status and development in the Cayman Islands, and to publish reports, discussion papers, information papers and other documents on Constitutional matters affecting the Cayman Islands.

The Cayman Islands Constitution Order 2009

The Cayman Islands Constitution Order, 2009 is the product of a lengthy process which included extensive public consultation and negotiations between the Cayman Islands and the United Kingdom Governments.

The Constitution establishes the system of governance, creates procedures and structure for the government, and sets out the government's powers. The Constitution also includes a Bill of Rights, Freedoms and Responsibilities that sets out the fundamental rights of the people in the Cayman Islands, which the government cannot breach without just cause.

The Constitution came into effect on 6 November 2009 and the Bill of Rights came into effect on 6 November 2012 with the exception of the sections dealing with the treatment of prisoners which came into effect on 6 November 2013. The Order consists of a preamble, transitional provisions, and nine parts. The Constitution's nine parts are as follows:

1. The Bill of Rights, Freedoms and Responsibilities;
2. The Governor;
3. The Executive;
4. The Legislature;
5. The Judicature;
6. The Public Service;
7. Finance;
8. Institutions Supporting Democracy; and
9. Miscellaneous.

Milestones in Constitutional Modernisation

January 2008 the Government published its Summary of Proposals and held numerous meetings with the public and other key stakeholder groups within the Cayman Islands.

February 2009 the Cayman Islands Constitutional Negotiation Team concluded formal negotiations with the Foreign and Commonwealth Office and the Minister with responsibility for the Overseas Territories in London.

20 May 2009 62.66% of the electorate that participated in the referendum approved the Draft Constitution. This paved the way for the Privy Council to approve the Order in London in June 2009.

6 November 2009 the Cayman Islands Constitution Order came into effect. On this historic day the first Premier, Deputy Premier and Deputy Governor were sworn in on the steps of the Legislative Assembly (now Parliament).

6 November 2012 the Cayman Islands Bill of Rights, Freedoms, and Responsibilities (Part I of the Constitution Order) was implemented.

6 November 2013 sections of the Constitution dealing with the treatment of prisoners came into effect.

12 August 2016 the Cayman Islands Constitution (Amendment) Order 2016 came into force, which extended the tenure of Grand Court judges, and removed the Governor's power to exercise disciplinary control over judges and magistrates.

3 December 2020 the Cayman Islands Constitution (Amendment) Order 2020, which was approved on 11 November 2020 came into effect. The Order makes several amendments to the Constitution, most notably the name change of the Legislative Assembly to Parliament, abolishment of the power of disallowance and introduction of some pre-legislative controls, more defined autonomy of the Cayman Islands Cabinet regarding domestic affairs, the provisions for Parliamentary Secretaries and a Police Service Commission, and an obligation for the Secretary of State to notify the Premier of proposed Acts of the United Kingdom Parliament that directly extend to the Cayman Islands.