

CAYMAN ISLANDS



PUBLIC LANDS (AMENDMENT AND VALIDATION) BILL, 2023

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A BILL FOR AN ACT TO AMEND THE PUBLIC LANDS ACT (2020 REVISION) AS IT RELATES TO, AMONG OTHER THINGS, THE COMPOSITION AND TERMS OF APPOINTMENT OF THE MEMBERS OF THE PUBLIC LANDS COMMISSION; TO VALIDATE THE APPOINTMENTS OF TWO COMMISSION MEMBERS AND THE CONSTITUTION OF THE COMMISSION; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of District Administration and Lands (DAL)



Memorandum of OBJECTS AND REASONS

This Bill seeks to amend the Public Lands Act (2020 Revision) (“the principal Act”) as it relates to, among other things, the composition and terms of appointment of the members of the Public Lands Commission (“the Commission”). The Bill further seeks to validate the appointments of two Commission members, and to provide for incidental and connected purposes.

Clause 1 provides the short title of the legislation.

Clause 2 provides for the amendment of the principal Act by repealing and substituting section 6 to provide for the chairperson to be a Caymanian appointed by Cabinet, apart from the Caymanian members appointed under subsection (1)(b). The clause also provides for Cabinet to appoint the Deputy Chairperson from among the six Caymanian members of the Commission from each of the six districts named in subsection (1)(b).

Clause 2 removes the term limits for Commission members by providing that members, after the expiry of their initial two-year term, may be re-appointed for additional two-year terms without a limit set on the number of times that they may be re-appointed.

Clause 2 also provides that the civil servant members of the Commission named in subsection (1)(c) to (g) are *ex-officio* members and as such are not entitled to vote.

Clause 3 provides for deletions and substitutions of specified words to ensure consistency throughout the legislation.

Clause 4 validates the appointments of the two members of the Commission who were re-appointed for a term beyond the maximum permitted under section 6 of the principal Act. The clause provides that their appointments shall be treated as if they were made under this amending and validating Act.

The clause further provides that the acts or omissions of the two Commission members shall not be regarded as invalid by reason only of the appointments being for a period beyond the term permitted under the principal Act, that is, the period following the expiry of their appointments on 1st December, 2021 up to the date on which this amending and validating Act comes into force.

Clause 4 further provides that the Commission shall not be regarded as improperly constituted from 1st December, 2021 up to the commencement of this Act because of the re-appointment of two Commission members beyond the period of expiry of their second two-year term.

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ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Act may be cited as the Public Lands (Amendment and Validation) Act, 2023.

**Repeal and substitution of section 6 of the Public Lands Act (2020 Revision)
- membership of the Commission**

2. The *Public Lands Act (2020 Revision)*, in this Act referred to as the “principal Act”, is amended by repealing section 6 and substituting the following section—

“Membership of the Commission

6. (1) The Commission shall consist of—
- (a) a chairperson who is Caymanian;
 - (b) six other Caymanian members of the public among whom there shall be at least one person from each of the following districts—
 - (i) West Bay;
 - (ii) George Town;
 - (iii) Bodden Town;
 - (iv) North Side;
 - (v) East End; and
 - (vi) Cayman Brac or Little Cayman;
 - (c) the Director of Lands and Survey or the Director’s designate;
 - (d) the chief officer of the Ministry with responsibility for lands or the chief officer’s designate;
 - (e) the chief officer of the Ministry with responsibility for tourism or the chief officer’s designate;
 - (f) the chief officer of the Ministry with responsibility for commerce or the chief officer’s designate; and
 - (g) the chief officer of the Ministry with responsibility for planning or the chief officer’s designate.
- (2) The civil servant members of the Commission named in subsection (1)(c) to (g) are *ex-officio* members of the Commission.
- (3) The Cabinet, on the recommendation of the Minister, shall appoint—
- (a) the chairperson of the Commission, who shall not be from among the six Caymanian members of the public named in subsection (1)(b); and
 - (b) the deputy chairperson of the Commission, who shall be from among the six Caymanian members of the public named in subsection (1)(b).



- (4) The members of the Commission appointed by Cabinet under subsection (3) shall hold office for a term of two years and are eligible for re-appointment on the expiry of their two-year term for additional two-year terms.
- (5) The secretary to the Commission shall be a civil servant appointed by the chief officer of the Ministry in accordance with section 11(1) and shall carry out the duties of secretary to the Commission in accordance with section 11(2).
- (6) The Commission is deemed to be properly constituted, notwithstanding that there is a vacancy in the office of chairperson or of one of the members of the Commission.”.

Miscellaneous amendments - deletions and substitutions of various words throughout the principal Act

3. The principal Act is amended as follows —

- (a) in section 7(4)(a), 7(5), and 7(6) by deleting the word “Chairperson” and substituting the word “chairperson”; and
- (b) in sections 5(e), 8(2), 11(1), 11(3), 12(2)(a) and 13(1)(a) by deleting the words “Chief Officer” and substituting the words “chief officer”.

Validation

4. (1) Where, before the commencement of this amending and validating Act, two members of the Commission were re-appointed under section 6 of the principal Act as members of the Commission from 1st December, 2021 for a two-year period, such period going beyond the term permitted under the principal Act, the re-appointments are declared to be valid as they would have been if this amending and validating Act had been in force at that date.
- (2) The acts or omissions of the two Commission members referred to in subsection (1) in relation to the Commission shall not be regarded as invalid by reason only that their re-appointments were for a period beyond the term permitted under the principal Act.

- (3) The Commission shall not be regarded as improperly constituted during the period from 1st December, 2021 up to the commencement of this amending and validating Act because of the re-appointment of the two Commission members referred to in subsection (1) beyond the period of expiry of their second two-year term.

Passed by the Parliament the day of , 2023.

Speaker

Clerk of the Parliament

