CAYMAN ISLANDS

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THE REGISTER OF INTERESTS LAW, 1996
(LAW 13 OF 1996)

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CAYMAN ISLANDS

Law 13 of 1996

I assent

JOHN OWEN

Governor

7 October, 1996

A LAW TO GIVE EFFECT TO SECTION 53A OF THE CONSTITUTION OF THE CAYMAN ISLANDS AND FOR ALL PURPOSES INCIDENTAL THERETO AND CONNECTED THEREWITH

ENACTED by the Legislature of the Cayman Islands

Short title and commencement

1. This Law may be cited as the Register of Interests Law, 1996 and shall come into force on 8th October, 1996.

Interpretation

2. In this Law unless the context otherwise requires-

"child" means a person who has not attained the age of 18, and includes a stepchild, an adopted child and in the case of relationships between father and child, an illegitimate child for whose upbringing the father has accepted some responsibility;

"Committee" means the Standing Select Committee of the Legislative Assembly charged for the time being with the consideration of matters relating to the register of interests referred to in section 53A of the Constitution of the Cayman Islands;

"declarant" means the holder of an office or an occupation specified in Schedule 1 who is required to make a declaration of interests;

"declaration of interests" means the declaration of interests referred to in section 53A of the Constitution of the Cayman Islands and section 4;

"interest" means any beneficial interest in property held by or on behalf of a member;

"member" means a member of the Legislative Assembly;

"office" includes membership of the Legislative Assembly; and "assumes the functions of an office" includes-

(a) the occasion on which a person makes an oath of allegiance pursuant to section 44 of the Constitution;
(b) the occasion when a person has accepted a nomination as a candidate for an election; and
(c) the date on which the person having the occupation specified in paragraph 9 of Schedule 1 first attends a meeting of the Legislative Assembly or any of its committees in the capacity of a journalist or reporter;

"register" means the Register of Interests established under section 3;

"Registrar" means the Registrar of Interests appointed by the Governor under section 53A of the Constitution of the Cayman Islands.

Register of interests

3. (1) The Registrar shall keep a register of interests in accordance with this Law.

(2) The register shall contain-

(a) a list of the offices and occupations specified in Schedule 1 the holders of which are required to make a declaration of interests to the Registrar under this Law;
(b) the names and addresses of the declarants; and
(c) the details of declarations of interests made in accordance with this Law.

(3) The register shall be open for public inspection at the office of the Legislative Assembly at all times during normal business hours.

Declaration of interests

4. (1) A declaration of interests under this section-

(a) shall be made in respect of interests held on the date on which the duty to make the declaration arose; and

(b) shall, where required by the registration form, include a declaration in respect of the interests held on that date by a child or spouse of the declarant.

(2) A declarant, other than the holder of an occupation specified in paragraph 9 of Schedule 1, shall make a declaration of interests in the form set out in Schedule 2 to this Law-

(a) on the date on which he assumes the functions of his office; and
(b) on each subsequent anniversary of that date.

(3) A declarant who is the holder of an occupation specified in paragraph 9 of Schedule 1 shall make a declaration of interests in the form set out in Schedule 3.

(4) (a) A declarant holding the office specified in paragraph 7 of Schedule 1 shall not be required to make a subsequent declaration if he is not elected to be a member of the Legislative Assembly.

(b) Where a person has made a declaration on the date of his acceptance of a nomination as an election candidate, he shall not be required, if elected, to make a further declaration on the date that he makes an oath of allegiance in accordance with section 44 of the Constitution.

(5) Where a declarant other than a declarant referred to in subsection 4(a) has made a declaration of interests and he subsequently acquires a beneficial interest in property additional to that referred to in his previous declaration or declarations he shall within 28 days of the acquisition make a further declaration of interests in respect of his interest in that additional property.

(6) If any person, being a declarant other than a member, makes a declaration containing particulars which he knows, or ought to know, are false, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding $5,000.

Duties of the Registrar

5. (1) The Registrar shall act as Clerk to the Committee.

(2) Subject to the following provisions of this section, the Registrar shall enter in the register the interests declared in every declaration of interests.

(3) Before entering the interests declared in any declaration of interests in the register, the Registrar shall, for the purpose of satisfying himself that a full and accurate declaration has been prepared-

(a) examine each declaration and ensure that the declaration has been made in the form set out in Schedule 2 to this Law; and

(b) obtain from any declarant such information as in the opinion of the Registrar, would assist him in examining a declaration furnished to him.

(4) Where the Registrar is satisfied that an entry in the register has been made as a result of a fraudulent or materially misleading declaration of interest-

(a) the Registrar shall-

(i) mark the entry as cancelled; and

(ii) by notice, require the declarant to make a new declaration of interests in respect of the interests held at the date the fraudulent or materially misleading declaration was made;

and

(b) the declarant referred to in paragraph (a) shall be required to make the new declaration within 28 days from the date of the notice.

(5) The Registrar shall mark as cancelled any entry which has been incorrectly made.

Information

6. (1) The Registrar may by notice require any person to-

(a) supply to him such information; and

(b) produce to him such records,

as may be specified in the notice, being information and records the supply and production of which the Committee considers necessary or desirable for the purpose of enabling the Registrar to carry out his functions under this Law.

(2) A notice under subsection (1) shall require the information to be supplied and the records to be produced within such period as may be specified in the notice being not less than 14 days from the date of the notice.

(3) Where the Registrar gives a notice under subsection (1) to the declarant, the Registrar shall not register that declaration unless-

(a) the declarant complies with the notice; or

(b) before the end of the period allowed for compliance, the declarant shows to the satisfaction of the Registrar that he has reasonable grounds for not complying with it.

(4) If any person other than the declarant referred to in the notice fails without reasonable excuse to comply with a notice under subsection (1) he shall

be guilty of an offence and liable on summary conviction to a fine not exceeding $5,000.

(5) If any person other than the declarant in purported compliance with a notice under subsection (1), knowingly or recklessly supplies information which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 2 years or to both.

Registrar's report

7. Where a member-

(a) fails to make a declaration of interests under section 4 within a period of 3 months from the date on which the duty to make that declaration accrued; or

(b) fails to comply with a notice given by the Registrar under section 5 (4) and has not within the period allowed for compliance with the notice, shown that he has reasonable grounds for not complying with it; or

(c) has failed to comply with a notice given by the Registrar under section 6(1) and has not, before the end of the period allowed for compliance with the notice, shown to the satisfaction of the Registrar that he has reasonable grounds for not complying with it; or

(d) has made a statement which the Registrar is satisfied is false or misleading in a material particular,

the member shall be in breach of the provisions of this Law, and the Registrar shall, within 14 days of the knowledge of such breach, submit a report of such breach to the Committee, which shall meet to consider the report within 21 days of its submission.

Report submitted to Assembly

8. (1) After the receipt of a report from the Registrar and where the Committee, after hearing the member and such witnesses as the member desires to call, and after due consideration of the matter, is satisfied that-

(a) a member is in breach in accordance with section 7(a) and (c), the Committee may require the member to remedy his failure by making the declaration of interests or complying with the notice of the Registrar within such period not exceeding 28 days as it may determine; or

(b) a member is in breach in accordance with sections 7(b) or (d), the Committee shall make a report to the Legislative Assembly

which may be accompanied by a recommendation as to the type of action to be taken.

(2) The Legislative Assembly shall debate the report submitted by the Committee under subsection (1) at a special meeting to be held within 14 days of the date of the report.

(3) Where the Legislative Assembly, after debating the report of the findings of the Committee is satisfied that the member is in breach as described in section 7(b) or (d), the Assembly may impose on the member a fine not exceeding $5,000 or suspend the member from sitting or voting in the Assembly for such period (not to exceed two consecutive meetings of the Assembly) as the Assembly may determine or both.

(4) Where a member fails to comply with a requirement under subsection (l)(a) within the period determined under that section by the Committee, the Committee shall prepare a report on that failure and present it to the Legislative Assembly.

(5) The Legislative Assembly shall debate a report submitted by the Committee under subsection (4) at a special meeting to be held within 14 days of the date of the report.

(6) Where the Legislative Assembly, after debating the report of the Committee is satisfied that the member has failed to comply with a requirement under subsection (1)(a) to remedy his earlier failure within the period determined by the Committee, the Assembly may impose on the member a fine not exceeding $5,000, or suspend the member from sitting or voting in the Assembly for such period (not to exceed two consecutive meetings of the Assembly) as the Assembly may determine or both.

(7) A declarant other than a member who fails to comply with any notice given by the Registrar under this Law or with any other provisions of this Law shall be refused entry to the Legislative Assembly for such period as the Registrar may determine.

Complaints of members

9. (1) Where a member wishes to allege that a member is in breach of this Law relating to the declaration of interests that member shall make such allegation by affidavit to the Registrar, and shall include a written summary of the evidence as to the accuracy of his allegations.

(2) The Registrar shall within 14 days refer any written allegation made by a member to the Committee and shall provide to the member against whom the allegation is made details of the allegation.

(3) The Committee shall, within 21 days of a referral of an allegation to it under this section-

(a) hear the evidence of both members on oath; and
(b) permit the member against whom the allegation is made to make written representations and allow both members to call such witnesses as the members deem necessary to give evidence on oath.

(4) After a hearing of the allegation the Committee, if the allegations are found to be justified, shall report to the Legislative Assembly.

(5) The Legislative Assembly shall debate any report submitted by the Committee under subsection 4 at a special meeting within 14 days of the submission of the report.

(6) Where the Legislative Assembly, after debating the report of the Committee is satisfied that the member is in breach as alleged by the other member, the Assembly may impose on the member a fine not exceeding $5,000 or suspend the member from sitting or voting in the Assembly for such period (not to exceed two consecutive meetings of the Assembly) as the Assembly may determine or both.

Complaints by the public

10. (1) If any person other than a member wishes to allege that a declarant is in breach of this Law relating to the declaration of interests, that person shall make such allegation by affidavit to the Registrar.

(2) A person who makes an allegation under subsection (1) shall include-

(a) details of his name and address; and
(b) a written summary of the evidence as to the accuracy of his allegation.

(3) Where a person fails to provide the details required under subsection (2) the Registrar shall not take any action in respect of the allegation.

(4) (a) The Registrar shall, upon receiving an allegation against a member which contains the details specified in subsection (2)-

(i) provide the member with the details of the allegation made against him; and

(ii) permit the member to submit written representations on the matter.

(b) If the Registrar is satisfied after considering the written representations of the member that the member has failed to comply with this Law, the Registrar shall report the matter to the Committee.

(c) The Registrar shall upon receiving an allegation against a declarant other than a member-

(i) provide that declarant with details of the allegation against him; and

(ii) hear the declarant and any witnesses the person making the allegation and the declarant desire to call.

(d) If the Registrar, after hearing the declarant and any witnesses, is satisfied that the declarant has failed to comply with this Law, the Registrar shall refuse the declarant entry to the Legislative Assembly for a period of one year or such longer period as the Registrar may determine.

(5) Where a member confirms that an allegation is true, the Committee shall not later than 2 days after such confirmation, submit a report of the matter to the Legislative Assembly which may be accompanied by a recommendation of the action to be taken.

(6) The Committee shall, where a member disputes the allegation, within 21 days-

(a) hear the evidence of both the member and the person making the accusation;

(b) hear the evidence of any witnesses the member or the person making the allegation desire to call; and

(c) consider any written representations made by the member or the person making the allegation,

and may thereafter, if it is satisfied that the allegation is well-founded, submit a report of the matter to the Legislative Assembly.

(7) The Legislative Assembly shall debate any report submitted by the Committee under this section at a special sitting of the House which shall be held within 14 days.

(8) Where the Legislative Assembly, after debating the report of the Committee is satisfied that the member is in breach as alleged, the Assembly may impose on the member a fine not exceeding $5,000 and suspend the member

from sitting or voting in the Assembly for such period (not to exceed two consecutive meetings of the Assembly) as the Assembly may determine or both.

Contempt of the Legislative Assembly

11. (1) Where a member fails to comply with any decision made by the Committee pursuant to section 8(1)(a) or fails to pay any fine imposed in pursuance of sections 8(3), 8(6), 9(6) or 10 (8) such failure shall constitute a contempt of the Assembly for which the Assembly may order the member's suspension from sitting and voting in the Assembly for such period as the Assembly may determine.

(2) In the event of the member's contempt being purged to the satisfaction of the Assembly, the Assembly may lift the suspension in accordance with the procedure prescribed from time to time in the Legislative Assembly Standing Orders.

Computer records

12. (1) In this Law, "records" includes any document in whatever form it is held.

(2) Where any records are held in or kept by means of computer the powers of the Registrar to require the supply of information and production of records shall include powers-

(a) to require any person having charge of, or otherwise concerned with the operation of a computer or associated apparatus which is or has been in use in connection with such information or records, to afford to the Registrar such assistance as he may reasonably require; and

(b) to require the records to be produced or copied in any form which he may reasonably request.

Amendments to forms

13. The Committee shall have power to prescribe changes in the forms of declaration set out in Schedules 2 and 3 and the format of the register.

Section 3

SCHEDULE 1

Offices and Occupations, the holders of which are required to register interests

1. The elected members of the Legislative Assembly.

2. The Speaker.

3. The Chief Secretary.

4. The Attorney-General.

5. The Financial Secretary.

6. The Registrar of Interests.

7. Candidates nominated for election to the Legislative Assembly.

8. Any person appointed to assume for the time being the functions of an office referred to in paragraphs 2 - 6 of this Schedule during the absence or incapacity of the holder of the office.

9. Any person having received permission to attend a meeting of the Legislative Assembly, or a meeting of any of its committees, for the purposes of reporting in any newspaper or periodical, or in any radio or television broadcast, the meeting or any matter related to the meeting.

Section 4

SCHEDULE 2

Registration form for declaration of interests

CAYMAN ISLANDS' LEGISLATIVE ASSEMBLY

REGISTRATION OF FINANCIAL INTERESTS

REGISTRATION FORM

The main purpose of the Register of Members' Interests is to provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Legislative Assembly, or actions taken in his or her capacity as a Member. For the details of the information which is required to be registered, please refer first to the explanatory notes in each section of the form.

If there is not enough space in any section of this Form for the information required, additional sheets may be attached to it; but each such sheet should carry the Member's signature.

Subsequent changes or additions to your entry should be notified to the Registrar within one month of any change occurring.

NAME (Block capitals, please):

CONSTITUENCY:

1. DIRECTORSHIPS
Do you have any remunerated or unremunerated directorships in any company which is not an exempt or non-resident company?

YES/NO (Please delete as appropriate)

If yes, please list the names of the companies, briefly stating the nature of the business of the company in each case.

Notes: (i) You should include directorships which are individually unremunerated but where remuneration is paid through another company in the same group.

(ii) In this category and category 2 (over) "remunerated" should be read as including allowances or benefits.

2. REMUNERATED EMPLOYMENT, OFFICE, PROFESSION, ETC.
Do you have any employment, office, trade, profession or vocation (apart from membership of the House or ministerial office) for which you are remunerated or in which you have any pecuniary interest?

YES/NO (Please delete as appropriate)

If yes, please set out the details. Actual amounts of remuneration need not be stated. When registering employment with a company or firm, please briefly indicate the nature of its business.

Note: Membership of Lloyd's should be registered under this category. If you register membership of Lloyd's, you should also list your syndicate numbers for the current year and your membership of any syndicates which remain unclosed.

3. CLIENTS

Does any of the paid employment registered in categories 1 or 2 entail the provision to clients of services which depend essentially upon or arise out of your position as a Member of the Legislative Assembly, including Official Members (see Note (i) below)?

YES/NO (Please delete as appropriate)

If yes, please list all clients to whom you personally provide such services. Please also state in each case the nature of the client's business.

Notes: (i) The services covered by this category include action connected with any parliamentary proceeding, sponsoring meetings or functions in the Legislative Assembly building, making representations to Ministers, fellow Members or public servants, accompanying delegations to Ministers, and the provision of advice on parliamentary or public affairs.

(ii) Where you receive remuneration from a company or partnership engaged in consultancy business which itself has clients, you should list any of those clients to whom you personally provide such services or advice, directly or indirectly.

4. SPONSORSHIP

(a) Did you benefit from any sponsorship before your election, where, to your knowledge, the financial support in any case exceeded in aggregate $1,000?

YES/NO (Please delete as appropriate)

If yes, please list your sponsor(s). Where a company is named as sponsor, please indicate briefly the nature of its business, its directors and shareholders.

(b) Do you benefit from any other form of sponsorship or financial or material support as a Member of the Legislative Assembly?

YES/NO (Please delete as appropriate)

If yes, please give details, including the name of the person, organisation or company providing the support. Where a company is named, please indicate briefly the nature of the business, its directors and shareholders.

(c) Do the arrangements registered under category 4(b) involve any payment to you or any material benefit or advantage which you personally receive?

YES/NO (Please delete as appropriate)

Notes: (i) You should register under this section any financial or material benefit, direct or indirect; for example the provision of free or subsidised accommodation, or the provision of the services of a research assistant free or at a subsidised salary rate.

(ii) You should register money given to you by your election committee and money spent by your election committee in connection with your election with your written permission.

(iii) Election candidates should note that, although they may not be able to answer question 4 at the time of their nomination, they will be required to complete a further declaration if they are elected.

(iv) The answer to question 4(a) need not contain information in respect of elections which took place prior to the enactment of the Register of Interests Law 1996.

5. GIFTS, BENEFITS AND HOSPITALITY (CAYMAN ISLANDS)

Have you, or your spouse to your knowledge, received any gift of a value greater than CI$175, or any material advantage of a value greater than 0.5 percent of the

current parliamentary salary, from any company, organisation or person within the Cayman Islands which in any way relates to your membership of the House?

YES/NO (Please delete as appropriate)

If yes, please give details.

Notes: (i) You should include any hospitality given and services or facilities offered free or at a price below that generally available to members of the public, except that where the advantage is known to be available to all Members of the Legislative Assembly, it need not be registered.

(ii) You should include not only gifts and material advantages received personally by you and your spouse, but also those received by any company or organisation in which you (or your and your spouse jointly) have a controlling interest.

6. OVERSEAS VISITS

Have you or your spouse made any overseas visits relating to or in any way arising out of your Membership of the Legislative Assembly where the cost of the visit was not wholly borne by yourself or by the Cayman Islands' public funds?

YES/NO (Please delete as appropriate)

If yes, please list relevant visits in chronological order.

Countries visited	Dates of visit	Who paid?

Note: You are not required to register visits undertaken on behalf of the Commonwealth Parliamentary Association, the Inter-Parliamentary Union, the Council of Europe, the Western European Union, the North Atlantic Assembly or the CSCE Parliamentary Assembly. Other categories of overseas visits which are

exempt from the requirement to register are listed in the guidance pamphlet on Registration and Declaration of Members' Interests.

7. OVERSEAS BENEFITS AND GIFTS

Have you, or your spouse to your knowledge, received any gift of a value greater than CI$175 or any material advantage of a value greater than 0.5 percent of the current parliamentary salary, from or on behalf of any foreign Government, organisation or person which in any way relates to your Membership of the Legislative Assembly?

YES/NO (Please delete as appropriate)

If yes, please give details.

Note: Overseas hospitality and travel facilities should be entered under category 6. Otherwise the notes under category 5 apply here also.

8. LAND

Do you have any land, other than any home used solely for the personal residential purposes of you or your family.

YES/NO (Please delete as appropriate)

If yes, please indicate below the nature of the land (e.g. Estate, Farm, Smallholding, Woodland, Residential rented/leasehold land, Commercial rented/leasehold land) and give the section, block and parcel number, and the street and number (if appropriate) of the land in each case.

Nature of Land	Location
.....	Section No: Block No: Parcel No: Address:
.....	Section No: Block No: Parcel No: Address:

..... Section No:
Block No:
Parcel No:
Address:

9. SHAREHOLDINGS

Do you have (either yourself or with or on behalf of your spouse or dependent children) interests in shareholdings in any company (other than exempt or non-resident companies)or other body which have a nominal value (a) greater than $25,000.00, or (b) less than $25,000.00 but greater than 1 percent of the issued share capital of the company or body?

YES/NO (Please delete as appropriate)

If so, please list each company or body, indicating in each case the nature of its business and whether your holding falls under sub-category (a) or (b) above.

10. MISCELLANEOUS

If, bearing in mind the definition of purpose set out in the introduction to this Form, you have any relevant interests which you consider should be disclosed but which do not fall within the nine categories set out above, please list them:

I declare that the information contained in this declaration is a complete and accurate description of all of the interests that I am liable to declare under the Register of Interests Law 1996.

SIGNATURE:

DATE:

SCHEDULE 3

Section 4

Registration form for declaration of journalists' interests

CAYMAN ISLANDS' LEGISLATIVE ASSEMBLY

JOURNALISTS' REGISTRATION OF INTERESTS FORM

NAME Mr/Mrs/Miss.....

Sponsoring Employer.....

1. Have you any paid occupation or employment, other than that with your sponsoring employer for which you received permission to attend the Legislative Assembly, to which your access to the Legislative Assembly is relevant?

YES/NO (Please delete as appropriate)

2. If the answer to question 1 is yes, please state its name and, using a separate sheet of paper if necessary, the name of the employer or client, listing them in the following order:

Names of Local publications

Local radio

Local television

Newspapers

Regional Newspaper group

Other publications

Press agencies

Consultancies, naming clients for whom a service has been rendered

Public relations companies, naming clients for whom a service has been rendered

Other organisations

Other employment

3. If you are replacing another journalist or broadcaster, please give his or her name:.....

SIGNATURE:

DATE:

Passed by the Legislative Assembly the 18th day of July, 1996.

Sybil McLaughlin

Speaker.

Georgette Myrie

Clerk of the Legislative Assembly.