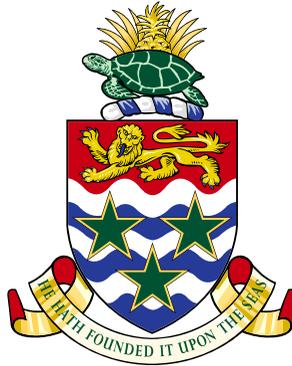


CAYMAN ISLANDS



LAW REFORM COMMISSION LAW

(2007 Revision)

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CAYMAN ISLANDS**LAW REFORM COMMISSION LAW****(2007 Revision)****Arrangement of Sections**

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CAYMAN ISLANDS



LAW REFORM COMMISSION LAW

(2007 Revision)

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the Law Reform Commission Law (2007 Revision).

Definitions

2. In this Law —

“**Chairman**” means the chairman of the Commission, appointed under section 4(1)(a);

“**Commission**” means the Law Reform Commission established under section 3;

“**Governor**”, other than in section 10, means the Governor in Cabinet;

“**judicial office**” means an office of judge of the Grand Court or judge of the Court of Appeal; and

“**Law Reform Legal Director**” means the person appointed as such under section 10; and

“**member**” means a member of the Commission appointed under section 4.

Establishment of Law Reform Commission

3. For the purpose of promoting the reform of the law, there shall be established a commission to be known as the *Cayman Islands Law Reform Commission*.



Composition of Commission

4. (1) The Commission shall consist of a Chairman and not less than four other persons appointed, on the recommendation of the Attorney-General, by the Governor.
- (2) A person appointed to be Commissioner shall be a person who, in the opinion of the Governor, is by reason of his special qualifications, training or experience, suitable for appointment to the Commission.
- (3) A person appointed to be Commissioner shall be appointed for such period, not exceeding five years, and on such terms and conditions as may be determined by the Governor at the time of the appointment.
- (4) At the expiration of their term of office, the Chairman and members of the Commission shall be eligible for re-appointment.
- (5) For the avoidance of doubt, it is declared that age shall not be a consideration in the appointment of any member of the Commission.
- (6) The validity of any proceedings of the Commission shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

Resignation and revocation of appointment

5. (1) A member of the Commission may, by writing under his hand addressed to the Governor, resign his office.
- (2) The Governor may revoke the appointment of a member of the Commission by reason of misconduct or physical or mental incapacity or for any good cause.
- (3) The appointment of a member of the Commission shall be revoked if the member becomes bankrupt or insolvent or compounds with his creditors.
- (4) Where a member of the Commission resigns or has his appointment revoked, the Governor shall appoint another person to replace that member.
- (5) Notwithstanding subsection (4), if the Chairman is unable to act, dies, resigns or otherwise vacates his office before the expiry of the term for which he has been appointed, another member may be appointed by the Attorney-General to act temporarily as chairman until the Governor appoints a substantive replacement for the Chairman who has vacated office.

Remuneration

6. (1) The members of the Commission shall be paid such allowances as the Governor may determine.
- (2) The payment of such allowances shall be made out of the revenue of the Islands.



Functions of Commission

7. The functions of the Commission are to study and keep under constant review the statutes and other laws comprising the law of the Cayman Islands with a view to its systematic development and reform, including in particular —
- (a) the modification of any branch of the law as far as that is practicable;
 - (b) the elimination of anomalies in the law, the repeal of obsolete and unnecessary enactments and the simplification and modernisation of the law;
 - (c) the development of new areas in the law with the aim of making them more responsive to the changing needs of Cayman Islands society;
 - (d) the adoption of new or more effective methods for the administration of the law and the dispensation of justice; and
 - (e) the codification of the unwritten laws of the Cayman Islands.

Powers and duties of Commission

8. In the performance of its functions, the Commission may —
- (a) review and consider any proposals for the reform of the law which may be referred to it by any person or authority;
 - (b) prepare and submit to the Attorney-General, from time to time, a programme for the study and examination of any branch of the law with a view to making recommendations for its improvement, modernisation and reform;
 - (c) initiate and carry out, or direct the initiation and carrying out of, studies and research necessary for the improvement and modernisation of the law;
 - (d) undertake, pursuant to any such recommendation approved by the Attorney-General, the formulation and preparation of drafts in the form of Bills or other instruments for consideration by the Governor and the Legislative Assembly;
 - (e) provide, at the instance of Government departments and other authorities concerned, advice, information and proposals for reform or amendment of any branch of the law; and
 - (f) with the approval of the Attorney-General, appoint or empanel committees, whether from among members of the Commission or from among persons outside the Commission or both, to study and make recommendations to the Commission on any aspect of the law referred to it by the Commission.

Meetings of Commission

9. (1) The chairman shall summon regular meetings of the Commission as often as may be required but not less than four times in any one year.
- (2) Meetings of the Commission shall be held at such places, on such days and at such times as the Chairman shall determine, and due notice of such place, date and time shall be given to each member in writing at least seven days before the time at which the meeting is to be held.
- (3) The Chairman may at any time call a special meeting of the Commission within three days of receipt of request for that purpose addressed to him in writing and signed by any three members.
- (4) A meeting of the Commission shall be presided over by —
- (a) the Chairman; or
 - (b) in the absence of the Chairman, a member chosen by a majority of the members present to act as chairman at that meeting.
- (5) The quorum for meetings of the Commission shall be three.
- (6) All decisions at meetings of the Commission shall be taken by a majority of the members present and voting and, in the event of an equality of votes, the Chairman shall have a casting vote.

Law Reform Legal Director and staff of Commission

10. (1) There shall be a Law Reform Legal Director of the Commission who shall be its administrative head.
- (2) The Governor shall, on the recommendation of the Attorney-General, appoint the Law Reform Legal Director on such terms and conditions (including remuneration) as the Governor may decide.
- (3) The Law Reform Legal Director shall be responsible for —
- (a) the day to day administration of the Commission;
 - (b) the conduct of legal research for the Commission;
 - (c) the preparation of draft legislation, reports and other documents for the use of the Commission; and
 - (d) such other tasks as may be assigned by the Attorney-General.
- (4) The Law Reform Legal Director shall be assisted in the discharge of his duties by such persons as the Governor may appoint.



Records

11. The Law Reform Legal Director shall cause to be established and maintained —
- (a) a register containing the names and addresses of all members of the Commission and members of any committee of the Commission, including all employees, consultants and experts of the Commission;
 - (b) a minute book recording the minutes of all meetings of the Commission;
 - (c) records of the work and activities of the Commission; and
 - (d) such other records or particulars with respect to the Commission as the Commission may consider necessary.

Report and recommendations

12. When the Commission completes a study undertaken or directed by it, it shall prepare and submit to the Attorney-General a report on the results of the study and shall include in the report its recommendations in such form as it considers appropriate.

Appointment of consultants and experts

13. (1) The Commission may, with the approval of the Attorney-General, appoint consultants and experts to assist it in the performance of its functions.
- (2) The consultants and experts appointed under subsection (1) may be paid such remuneration as the Commission may, after consultation with the Attorney-General, approve.
- (3) Any remuneration paid under subsection (2) shall be paid out of the Treasury.

Annual report

14. The Commission shall, within three months from the beginning of each year, prepare and submit to the Attorney-General a report containing a summary of its activities for the preceding year in such form and containing such information with respect to any studies or other activities undertaken or directed by it, or referred to it by the Attorney-General or any person or authority, as the Attorney-General may direct.

Laying of reports

15. The Attorney-General shall, within one month of the receipt of a report under section 14, cause it to be laid before the Legislative Assembly.

Rules

16. The Governor may make rules for the proper and efficient carrying out of the functions of the Commission.

**Publication in consolidated and revised form authorised by the Governor in Cabinet
this 19th day of June, 2007.**

Carmena Watler
Clerk of Cabinet

