

CAYMAN ISLANDS



**LIMITED LIABILITY PARTNERSHIP
(AMENDMENT) LAW, 2019**

(Law 12 of 2019)

Supplement No. 3 published with Legislation Gazette No. 28 dated 8th August, 2019.

PUBLISHING DETAILS



CAYMAN ISLANDS



**LIMITED LIABILITY PARTNERSHIP
(AMENDMENT) LAW, 2019**

(Law 12 of 2019)

Arrangement of Sections

Section	Page
1. Short title and commencement	5
2. Amendment of section 9 of the Limited Liability Partnership Law, 2017 – registered office	6
3. Insertion of section 44A - registrar to provide information.....	6
4. Amendment of section 69 - limits on searches that may be executed	7
5. Amendment of section 81 - failure of a limited liability partnership to establish or maintain beneficial ownership register.....	7
6. Amendment of section 82 - failure to comply with notices	8
7. Amendment of section 83 - failure to provide information	8

CAYMAN ISLANDS

(Law 12 of 2019)

I Assent,



Martyn Roper
Governor

Date: 7th August, 2019

LIMITED LIABILITY PARTNERSHIP (AMENDMENT) LAW, 2019

(Law 12 of 2019)

A LAW TO AMEND THE LIMITED LIABILITY PARTNERSHIP LAW, 2017 TO MAKE CERTAIN INFORMATION RELATED TO LIMITED LIABILITY PARTNERSHIPS ACCESSIBLE; TO REQUIRE LIMITED LIABILITY PARTNERSHIPS TO KEEP CERTAIN INFORMATION UP TO DATE; TO INCREASE THE PENALTIES FOR THE FAILURE TO COMPLY WITH BENEFICIAL OWNERSHIP REQUIREMENTS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

Short title and commencement

1. (1) This Law may be cited as the Limited Liability Partnership (Amendment) Law, 2019.
- (2) This Law shall come into force on such date as may be appointed by Order made by the Cabinet and different dates may be appointed for different provisions of this Law and in relation to different matters.

Amendment of section 9 of the Limited Liability Partnership Law, 2017 – registered office

2. The *Limited Liability Partnership Law, 2017*, in this Law referred to as the “principal Law”, is amended in section 9 as follows—

- (a) in subsection (3)(f), by inserting after the words “a copy of the partnership agreement” the words “, including the nature of each category of partnership interest issued by the limited liability partnership”;
- (b) in subsection (4)(c), by inserting after the word “hours” the words “on payment of ten dollars or such lesser sum as the limited liability partnership may specify for each inspection”; and
- (c) by inserting after subsection (4), the following subsections —
 - “(5) A person who inspects the register of partners under subsection (4)(c) may receive a copy of any part of the register of partners on payment of one dollar for every page required to be copied.
 - (6) Where a limited liability partnership unreasonably refuses to allow a person to —
 - (a) inspect the register of partners under subsection (4)(c); or
 - (b) make a copy of the register of partners under subsection (5) respectively,the limited liability partnership, managing partner or partner who knowingly authorises or permits the refusal is liable to a fine of five hundred dollars for each refusal.
 - (7) A person who is refused under subsection (6) may apply to a judge sitting in chambers for an order to compel the limited liability partnership to allow the person to inspect the register of partners.
 - (8) A judge sitting in chambers may, upon an application by a person who has been refused under subsection (6), by order, compel an immediate inspection of the register of partners.”.

Insertion of section 44A - registrar to provide information

3. The principal Law is amended by inserting after section 44, the following section —

“Registrar to provide information

- 44A.** (1) The Registrar shall, upon request in writing by an entity under subsection (2), provide any information required to discharge any function or exercise any power, under the following Laws —
- (a) the *Anti-Corruption Law (2019 Revision)*;
 - (b) the *Monetary Authority Law (2018 Revision)*;



- (c) the *Proceeds of Crime Law (2019 Revision)*; or
 - (d) the *Tax Information Authority Law (2017 Revision)*.
- (2) For the purposes of subsection (1), the following entities may request information from the Registrar —
- (a) the Anti-Corruption Commission established under section 3 of the *Anti-Corruption Law (2019 Revision)*;
 - (b) the Cayman Islands Monetary Authority established under section 5 of the *Monetary Authority Law (2018 Revision)*;
 - (c) the Financial Crimes Unit of the Royal Cayman Islands Police Service;
 - (d) the Financial Reporting Authority as defined under section 2 of the *Proceeds of Crime Law (2019 Revision)*;
 - (e) the Tax Information Authority designated under section 4 of the *Tax Information Authority Law (2017 Revision)*; or
 - (f) a competent authority as defined under section 2(1) of the *Proceeds of Crime Law (2019 Revision)*, which is assigned responsibility for monitoring compliance with the money laundering regulations under section 4(9) of the *Proceeds of Crime Law (2019 Revision)*.
- (3) Where a request for information is made under subsection (1), the information shall be provided within forty-eight hours of receipt of the request.
- (4) The recipient of any information provided by the Registrar under this section shall —
- (a) use the information for the purpose for which it was provided;
 - (b) retain the information for as long as is necessary to carry out the purpose for which it was provided; and
 - (c) not disclose the information for any purpose other than the purpose for which it was provided, without the consent of the Registrar.”.

Amendment of section 69 - limits on searches that may be executed

4. The principal Law is amended in section 69(1) by inserting after the words “search platform” the words “, within forty-eight hours of receipt of a request,”.

Amendment of section 81 - failure of a limited liability partnership to establish or maintain beneficial ownership register

5. The principal Law is amended in section 81 as follows —
- (a) by renumbering the section as section 81(1);

- (b) in subsection (1) as renumbered, by repealing paragraphs (a) and (b) and substituting the following paragraphs —
- “(a) in the case of a first offence, to a fine of twenty-five thousand dollars; or
 - (b) in the case of a second or subsequent offence, to a fine of one hundred thousand dollars.”; and
- (c) by inserting after subsection (1) as renumbered, the following subsection —
- “(2) Where a limited liability partnership is convicted of a third offence under subsection (1), the court may order that the limited liability partnership be struck off the register by the Registrar in accordance with section 31, as if it is a limited liability partnership that the Registrar has reasonable cause to believe is not carrying on business or is not in operation.”.

Amendment of section 82 - failure to comply with notices

6. The principal Law is amended in section 82(3) by repealing paragraph (a) and substituting the following paragraph —
- “(a) on conviction on indictment —
 - (i) in the case of a first offence, to a fine of twenty-five thousand dollars; or
 - (ii) in the case of a second or subsequent offence, to a fine of fifty thousand dollars or to imprisonment for a term of two years, or to both; or”.

Amendment of section 83 - failure to provide information

7. The principal Law is amended in section 83(2) by repealing paragraph (a) and substituting the following paragraph —
- “(a) on conviction on indictment —
 - (i) in the case of a first offence, to a fine of twenty-five thousand dollars; or



- (ii) in the case of a second or subsequent offence, to a fine of fifty thousand dollars or to imprisonment for a term of two years , or to both; or”.

Passed by the Legislative Assembly the 26th day of July, 2019.

Hon. W. McKeeva Bush

Speaker

Zena Merren-Chin

Clerk of the Legislative Assembly

