

CAYMAN ISLANDS



LEGISLATIVE ASSEMBLY (MANAGEMENT) LAW, 2020

(Law 48 of 2020)

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LEGISLATIVE ASSEMBLY (MANAGEMENT) LAW, 2020

(Law 48 of 2020)

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CAYMAN ISLANDS

(Law 48 of 2020)

I Assent,



Martyn Roper
Governor

Date: 16th day of November, 2020

**LEGISLATIVE ASSEMBLY (MANAGEMENT)
LAW, 2020**

(Law 48 of 2020)

**A LAW TO PROVIDE FOR THE INDEPENDENT MANAGEMENT OF THE
ADMINISTRATIVE FUNCTIONS OF THE LEGISLATIVE ASSEMBLY; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

PART 1 - PRELIMINARY

Short title and commencement

1. (1) This Law may be cited as the Legislative Assembly (Management) Law, 2020.
- (2) This Law shall come into force on such date as may be appointed by Order made by the Cabinet.

Interpretation

2. In this Law —

“**chairperson**” means the chairperson of the Council of the Commission;

“**Chief Officer**” means the Clerk of the Legislative Assembly as provided by section 6;

“**Civil Service Appeals Commission**” means the Civil Services Appeals Commission appointed under section 58 of the *Public Service Management Law (2018 Revision)*;

“**Clerk**” means the person appointed to the office of Clerk of the Legislative Assembly;

“**Commission**” means the Legislative Assembly Management Commission established by section 3;

“**Council**” means the Council of the Commission established under section 5;

“**financial year**” has the meaning assigned by the *Public Management and Finance Law (2018 Revision)*;

“**member**” means a member of the Council;

“**public officer**” has the meaning assigned by the *Cayman Islands Constitution Order, 2009*;

“**Speaker**” means a person elected by the Legislative Assembly in accordance with section 65 of the *Cayman Islands Constitution Order, 2009*; and

“**staff**” means persons who are employed by the Commission and the words “**staff member**” shall be construed accordingly.

PART 2 - THE LEGISLATIVE ASSEMBLY MANAGEMENT COMMISSION

The Legislative Assembly Management Commission

3. (1) There is established a body known as the Legislative Assembly Management Commission which has the functions conferred upon it by this Law.
- (2) Nothing in subsection (1) shall be construed as affecting any power conferred on the Speaker of the Legislative Assembly by any Law in force in the Islands.

General functions of the Commission

4. (1) The Commission shall be responsible for the administration and management of the Legislative Assembly and the functions of the Commission include —
- carrying out the budgetary, financial and operational matters relating to the Legislative Assembly;
 - establishing the executive, management and administrative structure of the Commission for the necessary discharge of the functions of the Commission;
 - preparing regular budgets, financial and operational reports for submission to the Legislative Assembly;



- (d) providing clerical staff, attendants and other staff to enable the Legislative Assembly and committees of the Legislative Assembly to operate efficiently;
 - (e) providing advice on parliamentary procedures and the functions of Parliament generally;
 - (f) providing an accurate and efficient reporting of proceedings of the Legislative Assembly and of meetings of committees of the Legislative Assembly as required;
 - (g) providing adequate library and research facilities and services for members of the Legislative Assembly;
 - (h) providing security services within the precincts of the Legislative Assembly for the safe, orderly and efficient conduct of the business of the Legislative Assembly;
 - (i) selling laws and engaging in similar revenue earning activity;
 - (j) maintaining the Legislative Assembly building; and
 - (k) subject to this Law, making such rules as it thinks fit to regulate its own internal management.
- (2) A copy of the rules made under subsection (1)(k) shall be tabled in the Legislative Assembly and shall be subject to the affirmative resolution procedure.
- (3) The Commission cannot sue or be sued in its own right and any suit relating to any act or omission or alleged act or alleged omission of the Commission shall be brought against the Crown in right of its government of the Islands.

Council of the Commission

5. (1) There shall be a Council of the Commission which, subject to this Law, shall be responsible for carrying out the general functions of the Commission.
- (2) The Council shall comprise —
- (a) the Speaker;
 - (b) the Premier;
 - (c) the Leader of the Opposition;
 - (d) the Deputy Speaker
 - (e) three members of the Legislative Assembly appointed in writing by the Speaker, acting in accordance with the advice of the Premier;
 - (f) two members of the Legislative Assembly appointed in writing by the Speaker, acting in accordance with the advice of the Leader of the Opposition; and
 - (g) the Clerk of the Legislative Assembly (*ex-officio*, non-voting).

- (3) The Speaker shall be the chairperson of the Council.
- (4) The Council shall elect a member, not including the Clerk, to act as chairperson of the Council, in the absence of the Speaker.
- (5) The Clerk shall be the secretary to the Council and, in the absence of the Clerk, the chairperson shall designate another member of staff to act as secretary.
- (6) Where a member participates in the exercise of the powers or the carrying out of the functions of the Commission, neither the Council nor any member shall be liable in damages for anything done or omitted in the discharge of their respective functions or duties unless it is shown that the act or omission was negligent or in bad faith.
- (7) The Commission shall indemnify a member against all claims, damages, costs, charges or expenses incurred by that member in the discharge or purported discharge of the member's functions or duties under this Law except claims, damages, costs, charges or expenses caused by the negligence or bad faith of that member.

The Chief Officer

6. (1) The Clerk shall be the Chief Officer of the Commission and shall be an employee of the Commission.
- (2) The Chief Officer shall be supervised in the performance of the Chief Officer's duties by the Speaker.
- (3) Subject to section 21, after the commencement of this Law, the Chief Officer shall be appointed by the Speaker acting in accordance with the decision of the Council.
- (4) Before appointing a Chief Officer, the Council shall be satisfied that the person to be appointed has the necessary skills, knowledge and integrity to carry out the duties required of the position concerned in a highly competent and politically neutral manner.
- (5) The Chief Officer shall be employed at such remuneration and on such terms and conditions as are equivalent to those of a Chief Officer under the *Public Service Management Law (2018 Revision)*.
- (6) The Chief Officer shall be entrusted with the day to day administration of the Commission to the extent of the authority delegated to the Chief Officer by the Council.
- (7) The Chief Officer shall be answerable to the Council for the acts and decisions made in carrying the Chief Officer's services to the Council.
- (8) The *Public Service Management Law (2018 Revision)* shall apply to the powers, duties and functions of the Chief Officer, except where that Law conflicts with —



- (a) this Law;
 - (b) the *Legislative Assembly (Immunities, Powers and Privileges) Law (2015 Revision)*; and
 - (c) the *Legislative Assembly Standing Orders (2018 Consolidation)*,
- in which case those latter laws and the orders shall prevail to the extent of the inconsistency.
- (9) In the appointment, supervision and termination of the Chief Officer the Speaker, acting in accordance with the decision of the Council, shall exercise the powers, duties and functions assigned to appointing officers under the *Public Service Management Law (2018 Revision)*, but only where the context applies.

Vacation of office by member

7. (1) A member who holds office under section 5(2)(a) to (c) shall vacate office where the member —
- (a) resigns his or her office as the Speaker, Premier or the Leader of the Opposition;
 - (b) resigns as member of the Legislative Assembly, or otherwise ceases to be a member of the Legislative Assembly; or
 - (c) is disqualified as a member of the Legislative Assembly pursuant to section 62 of the Constitution.
- (2) A member of the Council who holds office under section 5(2)(d) or (e) ceases to be a member of the Council if one of the following events occurs —
- (a) the appointment is rescinded by the person making the appointment acting on the advice —
 - (i) of the Premier, if the appointment was made under section 5(2)(d); or
 - (ii) of the Leader of the Opposition if the appointment was made under section 5(2)(e),
 and the person making the appointment resolves to appoint to the Council, instead of that member, another member of the Legislative Assembly;
 - (b) the appointed member ceases to be a Member of the Legislative Assembly before the Legislative Assembly is dissolved or expires; or
 - (c) the appointed member fails to comply with his or her obligations under section 9.
- (3) An appointed member may, by written notice to the chairperson of the Council, resign the office at any time.
- (4) Members of the Council immediately before the dissolution of the Legislative Assembly continue to hold office until the first meeting of the Legislative Assembly after the general election of its members.

Meetings and decisions of the Council

8. (1) The chairperson shall summon regular meetings of the Council as often as may be required, but not less frequently than once in three months, and shall summon extraordinary meetings when required to do so in accordance with rules made under section 22.
- (2) At a meeting of the Council, the chairperson of the Council or, if the chairperson is not present, the member selected by the members present to act as temporary chairperson shall preside at the meeting.
- (3) At every meeting of the Council, a quorum shall consist of five members, and decisions shall be adopted by a simple majority of the votes of the members present and voting.
- (4) The Council may act notwithstanding that a vacancy exists among the appointed members and shall have power to —
- (a) act by sub-committee; and
 - (b) delegate any of its duties and powers from time to time to such sub-committees and to any of their members and to the staff and agents of the Commission.
- (5) A delegation under subsection (4)(a) or (b) is revocable at will and does not prevent the exercise by the Council of any duties or powers so delegated.
- (6) For the purposes of this Law, a member shall be deemed to be present at a meeting of the Council if the member has access to the meeting by conference telephone or by some other conference facility.
- (7) The chairperson shall call an extraordinary meeting of the Council, if requested to do so in writing by three members, and such request shall include a statement of the agenda proposed for the meeting.
- (8) Subject to this Law, the Council may regulate its own procedure.
- (9) The Council may invite anyone, including members of the Legislative Assembly who are not members of the Council, public officers or any member of the public to attend any meeting of the Council and to participate in such meeting or to provide information to the Council on any of the functions of the Council as set out in section 4(1).

Conflicts and pecuniary interest of member

9. (1) If a member has a conflict or pecuniary interest, direct or indirect, in any contract, proposed contract, licence or other matter and is present at a meeting of the Council at which the contract, proposed contract, licence or other matter is the subject of consideration, the member shall, at the meeting and as soon as practicable after its commencement —
- (a) disclose the fact;



- (b) not take part in the consideration or discussion of the contract, proposed contract, licence or other matter or vote on any question with respect to it; and
 - (c) be excluded from the meeting for the duration of the consideration, discussion and voting procedure.
- (2) A disclosure under subsection (1) shall be recorded in the minutes of the Council.

Conflicts and pecuniary interests for the purposes of section 9

- 10.** (1) For the purposes of section 9, a member shall be treated, subject to subsection (2) and to section 11, as having a conflict or indirectly a pecuniary interest in a contract, proposed contract, licence or other matter if —
- (a) the member, or any nominee of the member, is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the licence or other matter under consideration;
 - (b) the member is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the licence or other matter under consideration; or
 - (c) the member or any partner of the member is a professional adviser to a person who has a direct or indirect pecuniary interest in a contract, proposed contract, licence or other matter.
- (2) Subsection (1) does not apply to membership of or employment under any public body.

Removal or exclusion of disability, etc.

- 11.** (1) The Legislative Assembly may, in the public interest and subject to such conditions as it may think fit, appoint persons to act as members for any specified period, in any case in which the number of members disabled by section 9 at any one time would be so great a proportion of the whole as to impede the transaction of business.
- (2) Nothing in section 9 precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Legislative Assembly for the exercise of the powers conferred by subsection (1).
- (3) Section 9 shall not apply to an interest in a contract, proposed contract, licence or other matter which a member has as a member of the public or to an interest in any matter relating to the terms on which the right to participate in any service is offered to the public.

- (4) Where a member has an indirect pecuniary interest in a contract, proposed contract, licence or other matter by reason only of a beneficial interest in securities of a company or other body, and —
- (a) the nominal value of those securities does not exceed one thousand dollars or one-thousandth of the total nominal value of the issued share capital of the company or other body, whichever is the lesser; and
 - (b) if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-thousandth of the total issued share capital of that class,

section 9 shall not prohibit the member from taking part in the consideration or discussion of the contract, proposed contract, licence or other matter or from voting on any question with respect to it, without prejudice, however, to the member's duty to disclose his or her interest.

Power to appoint staff, etc.

12. (1) The Chief Officer shall be responsible for employing, at such remuneration and on such terms and conditions, including retirement medical benefits, as are in accordance with those set out under the *Public Service Management Law (2018 Revision)*, such staff as the Council considers necessary to carry out the functions of the Commission.
- (2) The Chief Officer shall be responsible for engaging persons under contract for services, at such remuneration and on such terms and conditions as are in accordance with those set out under the *Public Service Management Law (2018 Revision)*, for professional, technical or other assistance as the Council considers necessary to carry out the functions of the Commission.
- (3) The Chief Officer, who shall manage the staff of the Commission, shall have the same powers, duties and functions as relate to chief officers under Part VII of the *Public Service Management Law (2018 Revision)*, including the power to appoint, promote, discipline, transfer, terminate and retire staff; and the Chief Officer shall comply with all relevant procedures under that Law as relate to the exercise of such powers, duties and functions.

Structure of the Commission

13. (1) The Council, shall, by Order —
- (a) prescribe the executive, management and administrative structure of the Commission for the necessary discharge of the functions of the Commission;
 - (b) amend Schedule 1 which sets out the salaries, allowances or other benefits of the elected members of the Cabinet, of the other elected members of the Legislative Assembly, and of the Speaker; and



- (c) amend Schedule 2 which sets out the allowances for elected members of Cayman Brac and Little Cayman, for constituency offices and for the office of the Leader of the Opposition.
- (2) An Order under subsection (1) may be amended by the Council and any Order or its amendment shall be subject to the affirmative resolution procedure.

PART 3 - FINANCIAL MATTERS

Chief Officer and accounts

- 14.** (1) The Chief Officer shall be responsible and accountable to the Council for —
- (a) the budget voted by the Legislative Assembly for the work of the Commission; and
 - (b) all monies paid into the Commission.
- (2) The Chief Officer shall prepare in each financial year an estimate, and where necessary, a supplementary estimate of —
- (a) the expenditure of the Commission; and
 - (b) any other expenditure incurred by the Commission in providing any service to the Legislative Assembly or to members of the Legislative Assembly.
- (3) The Chief Officer shall as soon as possible after the preparation of an estimate of the expenditure referred to in subsection (2), first submit the estimate to the Council for approval and thereafter to the Minister of Finance.

Fees paid into the general revenue

- 15.** All fees and other sums payable to the Commission for services and products provided by the Commission shall be paid into the general revenue of the Government.

Accounts and audit

- 16.** (1) The Commission shall keep accounts of its financial transactions in such form and manner as accord with the *Public Management and Finance Law (2018 Revision)* and any other relevant Law.
- (2) The Commission shall in carrying out its financial functions —
- (a) make its decisions in accordance with the budget process established by the Cabinet under section 17 of the *Public Management and Finance Law (2018 Revision)*; and
 - (b) ensure that its decisions are consistent with the principles of responsible financial management set out in section 14(3) of the *Public Management and Finance Law (2018 Revision)*.

- (3) The accounts of the Commission shall be audited by the Auditor General in accordance with the *Public Management and Finance Law (2018 Revision)*.

Expenses

17. Any expenditure required to be made by virtue of this Law shall be charged on and paid out of the general revenue of the Government.

PART 4 - GENERAL

Grievance procedure

18. (1) The Council may, by rules made under section 4, establish procedures for addressing grievances of staff and those procedures shall be based on grievance procedures set out in the *Public Service Management Law (2018 Revision)*.
- (2) For the purposes of this section, a grievance is a matter of concern to a staff member which —
- (a) relates to workplace conditions or safety, the behaviour of a member of the Commission, a member of the Legislative Assembly or another staff member in the workplace; and
 - (b) the staff member wishes to be addressed through a formal grievance process rather than directly through informal interaction with the person against whom the staff member has raised a complaint of grievance.

Appeal to the Civil Service Appeals Commission by staff

19. (1) The Civil Service Appeals Commission shall hear appeals from staff in accordance with this section.
- (2) Subject to this section, the Civil Service Appeals Commission shall follow the procedure set out in the *Public Service Management Law (2018 Revision)* in relation to the hearing of appeals from staff members.
- (3) Subject to subsection (4), a staff member may appeal to the Civil Service Appeals Commission about any decision of the Chief Officer made under this Law in relation to that staff member.
- (4) An appeal by a staff member shall be limited to any decision of a Chief Officer which may be the subject of an appeal to the Civil Service Appeals Commission under Part VII of the *Public Service Management Law (2018 Revision)*.
- (5) Where a staff member makes an appeal under subsection (2), the staff member shall provide evidence to the Civil Service Appeals Commission to show that the Chief Officer has acted in an unfair or biased manner, or in a manner inconsistent with the proper carrying out of any power, duty or function by the Chief Officer in relation to that staff member and its decision shall be final.



- (6) The Civil Service Appeals Commission shall, within thirty days, render a decision and such decision shall be based on the information provided by the staff member together with information provided by the Chief Officer or any other information that the Civil Service Appeals Commission considers relevant.
- (7) Where the decision being appealed against involves dismissal or other termination of employment, the Civil Service Appeals Commission may, before hearing the matter in full and rendering a final decision thereon, make such interim orders as it thinks fit including —
 - (a) temporary reinstatement of the appellant; and
 - (b) placing the staff member on suspension on such terms and conditions as it thinks fit.

Right of appeal by Chief Officer

- 20.** (1) The Civil Service Appeals Commission shall hear appeals from the Chief Officer in accordance with this section.
- (2) Subject to subsection (3), the Chief Officer may appeal to the Civil Service Appeals Commission about any decision of the Speaker made under this Law in relation to the Chief Officer, and must do so within thirty days of a decision being notified.
 - (3) An appeal by the Chief Officer shall be limited to any one or more of the following decisions of the Speaker, that is to say a decision relating to —
 - (a) the remuneration of the Chief Officer;
 - (b) the dismissal and early retirement of the Chief Officer;
 - (c) the annual performance assessment of the Chief Officer; and
 - (d) the calculation of the performance component of the remuneration of the Chief Officer.
 - (4) The Civil Service Appeals Commission shall rule on the appeal referred to in subsection (1) and make a recommendation to the Commission within thirty days of the appeal being lodged; and its recommendation shall be based on the information provided by the appellant together with information provided by the Speaker, and any other information that the Commission considers relevant.
 - (5) The Commission shall act upon the recommendation referred to in subsection (4) as it sees fit.
 - (6) Where the Chief Officer makes an appeal under subsection (1), the Chief Officer shall provide evidence to the Civil Service Appeals Commission to show that the Speaker has acted in an unfair or biased manner, or in a manner which is inconsistent with the requirements relating to the decision appealed against.

Transition of public officers to staff of the Commission

21. (1) A person who is appointed or purported to be appointed prior to the date of the commencement of this Law as a public officer of the Legislative Assembly shall be deemed on that date to have been lawfully appointed by the Council.
- (2) A person who is appointed or purported to be appointed prior to the date of the commencement of this Law to the post of Clerk of the Legislative Assembly shall be deemed, on that date, to have been lawfully appointed by the Council.
- (3) After the commencement date of this Law, and subject to subsection (4), a person who, immediately prior to such date was a public officer of the Legislative Assembly and held office at that date (including the Chief Officer), may, at that person's option, exercisable in accordance with subsection (4), state whether or not the person wishes to be employed by the Commission.
- (4) The option referred to in subsection (3) is exercisable by —
- (a) the person referred to in that subsection, (other than the Chief Officer), giving notice in writing of the option to the Chief Officer within nine months of the commencement of this Law; and
- (b) the Chief Officer giving notice in writing of the option to the Speaker within nine months of the commencement of this Law.
- (5) A person referred to in this section who exercises the option to be employed by the Commission, shall, from one year of the date of commencement of this Law, be employed by the Commission and the employment of that person as a public officer of the Legislative Assembly shall for all purposes be deemed to be continuous service in the service of the Commission.
- (6) Where a person referred to in this section exercises the option not to be employed by the Commission, the provisions of the *Public Service Management Law (2018 Revision)* and the *Personnel Regulations (2019 Revision)* which relate to redundancy shall apply to that person.

Rules regulating Council's internal procedure

22. The Council may, subject to this Law, make such rules as it thinks fit to regulate its own internal procedure.

Regulations by Cabinet

23. (1) The Cabinet, after consultation with the Commission, may make regulations consistent with this Law prescribing anything which by this Law is to be or may be prescribed and generally for the better carrying out of its purposes and provisions.
- (2) Regulations made under this Law are subject to the affirmative resolution procedure.



Binding of the Crown

24. This Law binds the Crown.



SCHEDULE 1*(Section 13)***SALARIES, ALLOWANCES AND OTHER BENEFITS OF MEMBERS OF THE CABINET AND ELECTED MEMBERS OF THE LEGISLATIVE ASSEMBLY**

Position	Starting Grade and Pt	Rules
Premier	A 5	
Deputy Premier	A 3	
Speaker	B 4	Earns one increment for every four-year term completed as Speaker.
Minister	B 1	Earns at B1 then an increase of one increment for each four-year term completed as a Minister. In addition, at the discretion of the Premier, may earn additional increments on Grade B.
Leader of the Opposition	C 1	Earns at C1 and then an increase of one increment for each four-year term completed as the Leader of the Opposition.
Deputy Speaker	D 1	Earns at D1 and then an increase of one increment for each four-year term completed as the Deputy Speaker. Earns an allowance of 2.5% of monthly salary each month, while

		<p>serving as Deputy Speaker.</p>
Deputy Leader of the Opposition	D 1	<p>Earns at D1 and then an increase of one increment for each four-year term completed as the Deputy Leader of the Opposition.</p> <p>Earns an allowance of 2.5% of monthly salary for serving as Deputy Leader of the Opposition.</p>
Councillor /Parliamentary Secretary	D 1	<p>Earns at D1 and then an increase of one increment for each four-year term completed as Councillor or Parliamentary Secretary.</p> <p>Earns a duty allowance between \$1,000 and \$2,000 per month, at the discretion of the Premier, but shall not earn more than a Minister.</p>
MLA's	D 1	<p>Earns at D1 and then an increase of one increment for each four-year term completed as an MLA.</p>



SCHEDULE 2

(Section 13)

MLA CONSTITUENCY ALLOWANCE; ALLOWANCES FOR THE OFFICES OF THE LEADER OF THE OPPOSITION AND FOR ELECTED MEMBERS OF CAYMAN BRAC AND LITTLE CAYMAN

Constituency Allowance

The constituency allowance covers costs of facilitating access by constituents including office expenses (e.g. rent, utilities, supplies, and maintenance).

The constituency allowance is \$5,000 per month per elected member of the Legislative Assembly.

Executive Allowance for the Premier

The Premier shall receive an executive allowance of \$5,000 per month.

Executive Allowance for the Leader of the Opposition

The Leader of the Opposition shall receive an executive allowance of \$3,500 per month.

Allowance for Cayman Brac and Little Cayman Representatives

There are two components to the allowance for Cayman Brac and Little Cayman Representatives and the allowance is \$5,000 per month.

The two components and their corresponding maximum amounts per month are as follows —

Accommodation - \$2,500

Transportation - \$2,500.

Severance

Each Member of the Legislative Assembly who does not stand for re-election or, having stood for re-election, is not elected at the next election, shall be entitled to a severance

payment equal to three months of the salary paid to that member under Schedule 1 as at the date of that election and the payment does not include any duty allowances under Schedule 1 or any allowances permitted under this Schedule.

Passed by the Legislative Assembly the 30th day of October, 2020.

Hon. W. McKeeva Bush
Speaker

Zena Merren-Chin
Clerk of the Legislative Assembly

