

Cayman Islands Constitution – Chronology

1863 to present

2020

- **Cayman Islands (Constitution) (Amendment) Order 2016 (SI 2016 No. 780)**
 - This Order makes several amendments to the Constitution of the Cayman Islands.
 - In particular, it changes the name of the Legislative Assembly to the Parliament, it abolishes the power of disallowance and introduces instead some pre-legislative controls, and it makes clearer that the Cayman Islands Cabinet has autonomous capacity with respect to domestic affairs.
 - It also changes the circumstances in which the Governor must consult the Cabinet, and provides for Parliamentary Secretaries and a Police Service Commission.
 - It provides an obligation for the Secretary of State to notify the Premier of proposed Acts of the United Kingdom Parliament that would extend directly to the Cayman Islands or Orders in Council extending any provisions of an Act of the United Kingdom Parliament to the Cayman Islands.

2016

- **Cayman Islands (Constitution) (Amendment) Order 2016 (SI 2016 No. 780)**
 - This Order amends the Cayman Islands Constitution Order in the following ways.
 - Firstly, the tenure of judges of the Grand Court is extended from the age of 65 to 70.
 - Secondly, the Governor's power to exercise disciplinary control over the Chief Justice and the President of the Court of Appeal is removed.
 - And thirdly, the power to exercise disciplinary control over judges of the Grand Court and magistrates and judges of the Court of Appeal is transferred to the Chief Justice and the President of the Court of Appeal respectively.
 - The Governor's constitutional power to remove the Chief Justice, the President of the Court of Appeal, judges of the Grand Court, magistrates and judges of the Court of Appeal from office is unaffected by this Order.

2009

- **The Cayman Islands (Constitution) Order 2009 (SI 2009 No. 1379)**
 - This Order establishes a new Constitution for the Cayman Islands, to replace the Constitution of 1972.
 - The new Constitution includes, for the first time, a Bill of Rights setting out the fundamental rights and freedoms of the individual and provisions for their enforcement.
 - It provides for a Governor as Her Majesty's representative in the Islands, and for a Premier and other Ministers who form a Cabinet together with the Deputy Governor and the Attorney General.

- It provides for an elected Legislative Assembly, which together with Her Majesty forms the Legislature.
- It provides for a Grand Court and a Court of Appeal as superior courts, and a Judicial and Legal Services Commission to advise on judicial and senior legal appointments.
- Provision is also made for a Human Rights Commission, a Commission for Standards in Public Life, and a Constitutional Commission.
- A new National Security Council is established, as is the new office of Director of Public Prosecutions.
- Provision is also made for the public service, public finance, a Complaints Commissioner, a Register of Interests, and freedom of information.

2008

- **The Cayman Islands (Constitution) (Amendment) Order 2008 (SI 2004 No. 3127)**
 - This Order amends the Constitution of the Cayman Islands so as to permit a person to be registered as an elector if he will have attained the age of eighteen years on or before the polling day at an election.
 - This will entitle a person to vote who at the date of registration has not yet attained the age of eighteen years.
 - This changes the previous situation where, to be entitled to vote, a person had to have attained the age of eighteen years at the date of registration.

2004

- **Cayman Islands (Constitution) (Amendment) (No. 2) Order 2004 (SI 2004 No. 2673)**
 - This Order amends the Constitution of the Cayman Islands so that a British overseas territories citizen who is also a British citizen by virtue of the British Overseas Territories Act 2002 is not disqualified for election to the Legislative Assembly of the Islands.
 - This provision corrects the Cayman Islands (Constitution) (Amendment) Order 2004 (S.I.2004/2029) in which reference to the British Overseas Territories Act 2002 was inadvertently omitted.
 - This Order also modifies the Constitution of the Cayman Islands to require the Governor to dissolve the current Legislative Assembly no later than 17th March 2005, thus extending the life of the Assembly by a few months following the recent hurricane in the Islands.
- **The Cayman Islands (Constitution) (Amendment) Order 2004 (SI 2004 No. 2029)**
 - This Order amends the Constitution of the Cayman Islands so that a British overseas territories citizen who is also a British citizen is not disqualified for election to the Legislative Assembly of the Islands.

2003

- **The Cayman Islands (Constitution) (Amendment) Order 2003 (SI 2003 No. 1515)**
 - This Order amends the Constitution of the Cayman Islands to enable an Electoral Boundary Commission to make recommendations on the establishment of seventeen single-member constituencies for elections to the Legislative Assembly.
 - It also formally establishes the offices of Leader of Government Business and Leader of the Opposition, and renames the Executive Council as the Cabinet.

1993

- **The Cayman Islands (Constitution) (Amendment) Order 1993 (SI 1993 No. 3143)**
 - This Order makes various amendments to the Constitution of the Cayman Islands. The principal changes are:
 - — As regards the Executive, provision is made for increasing the number of members elected to the Executive Council by the Legislative Assembly from four to five; such members will be styled “Ministers”. New provision is made for the Attorney–General and Auditor–General designed to protect their tenure of office and the independence of the Attorney–General in respect of the conduct of prosecutions.
 - — More specific provision is made for the offices of Speaker and Deputy Speaker and new provision is made for disqualifying members of the Assembly in the event of their being convicted of offences punishable by at least one year’s imprisonment by any court (not only as hitherto a Commonwealth court) and for a period of five years after such a sentence has been served.
 - — Provision is also made for a Commissioner for Complaints, for a Register of Interests and for referenda; and the Superior Court of first instance (the Grand Court) is now established by the Constitution rather than by a law of the Islands.

1992

- **The Cayman Islands (Constitution) (Amendment) Order 1992 (SI 1992 No. 226)**
 - This Order amends the provisions of the Constitution of the Cayman Islands to provide for an increase in the numbers of elected members of the Legislative Assembly for the Islands and an increase in the numbers of members of the Assembly constituting a quorum.

1987

- **The Cayman Islands (Constitution) (Amendment) Order 1987 (SI 1987 No. 2199)**
 - This Order amends the provisions of the Constitution of the Cayman Islands to provide that electors and candidates for election to the Legislative Assembly must have closer ties to the Cayman Islands hitherto.
 - No one who is entitled to be registered as an elector immediately before commencement of the relevant amendments is disenfranchised.

1984

- **The Cayman Islands (Constitution) (Amendment) Order 1978 (SI 1984 No. 126)**
 - This Order provides that electors and persons putting up for election to the Legislative Assembly shall have closer ties to the Cayman Islands than hitherto.
 - No one who is enfranchised or who is qualified for elections to the Legislative Assembly immediately prior to this Order is disenfranchised or disqualified.
 - This Order also makes fresh provision for the hearing and determination of appeals from the Grand Court of the Cayman Islands.

1972

- **The Cayman Islands (Constitution) Order 1972 (SI 1972 No. 1101)**

- This Order which is made under section 5 of the West Indies Act 1962, confers a new constitution on the Cayman Islands and supersedes the Cayman Islands (Constitution) Order 1965, which is revoked.
 - The Constitution contains provision with regard to the office of the Governor, the Executive Council, the Legislature and appeals from the Grand Court.
 - While the Constitution requires the Governor, in general, to exercise his functions in accordance with the advice of the Executive Council, it provides for him to be responsible in his discretion for defence, external affairs, internal security, the police and certain matters relating to the public service.
 - Provision is made for the assignment of responsibility for business or departments of the Government to members of the Executive Council.
 - The composition of the Legislative Assembly is altered by abolition of three seats of nominated members.
 - There is provision whereby a speaker can be appointed by the Governor if the Legislative Assembly resolve that such an appointment be made.
- **The Cayman Islands (Constitution) (Amendment) Order 1972 (SI 1972 No. 808)**
 - This Order amends the provisions of the Constitution of the Cayman Islands relating to the qualifications which entitle a person to be registered as an elector for elections to the Legislative Assembly.

1971

- **The Cayman Islands (Legislative Assembly – Extension of Duration) Order 1971 (SI 1971 No. 2100)**
 - This Order extends the maximum life of the Cayman Islands Legislative Assembly for a further year beyond the period of three years after its first meeting.
- **The Cayman Islands (Constitution) (Amendment) Order 1971 (SI 1971 No. 1737)**
 - This Order changes the title of the Administrator of the Cayman Islands to that of Governor and replaces references to the Administrator by references to the Governor in the Cayman Islands Constitution Orders 1965 and 1967, and in other laws in force in the Cayman Islands.

1967

- **The Cayman Islands (Constitution) Amendment Order 1967 (SI 1967No. 970)**
 - Conferred law-making power "for the peace, order and good government of the Islands" on the Administrator (later the Governor) with the advice and consent of the Legislative Assembly, with power reserved to Her Majesty in Council.

1965

- **The Cayman Islands (Constitution) Order 1965 (SI 1965 No. 1860)**
 - The 1962 Order in Council was inadvertently not laid before Parliament and was brought into force retrospectively by The Cayman Islands (Constitution) Order 1965 (SI 1965 No. 1860).

1962

- **The Cayman Islands (Constitution) Order in Council 1962 (SI 1962 No. 1646)**
 - Revoked the 1959 Order in Council (SI 1959 No. 863).

1959

- **The Cayman Islands (Constitution) Order in Council 1959 (SI 1959 No. 863)**
 - Provided for the Governor of Jamaica to be ex-officio the Governor of the Cayman Islands, with limited legislative powers conferred concurrently on the Governor with the advice and consent of the Cayman Legislative Assembly (on the one hand) and the legislature of Jamaica (on the other hand), with power being reserved to Her Majesty in Council to amend or vary the Order in Council.

1958

- **The Cayman Islands and Turks and Caicos Islands Act 1958**
 - Repealed the Cayman Islands Act 1863 and provided for the Cayman Islands to have a new constitution, granted by The Cayman Islands (Constitution) Order in Council 1959 (SI 1959 No. 863).

1863

- **An Act for the Government of the Cayman Islands Act 1863**
 - The Cayman Islands were a British colony acquired by settlement but governed (under the Cayman Islands Act 1863 of the Westminster Parliament) as a dependency of Jamaica.
 - Validates Acts or Resolutions made by Magistrates and other persons in Vestry.