

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE SUNDAY TRADING LAW (2014
REVISION) TO EMPOWER TRADE OFFICERS AND THE DIRECTOR
OF THE DEPARTMENT OF COMMERCE AND INVESTMENT, TO
ENFORCE THE LAW; AND FOR INCIDENTAL AND CONNECTED
PURPOSES**

THE SUNDAY TRADING (AMENDMENT) BILL, 2016

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Sunday Trading Law (2014 Revision) (“the Law”) by empowering trade officers, and the Director of the Department of Commerce and Investment, to enforce the Law.

It is anticipated that these measures, in addition to the powers that already reside with the police under the Law, will facilitate greater enforcement of the Law.

Clause 1 of the Bill provides the short title and commencement.

Clause 2 amends section 2 by inserting definitions of “Director” and “trade officer”.

Clause 3 repeals and replaces section 4 and empowers the Director, and trade officers, both of the Department of Commerce and Investment, to enforce the Law. It makes provision for both of them to have the same powers as a constable when discharging their duties under the Law. In addition, clause 3 retains reference to constable, which means that the police will remain empowered to enforce the Law, (as previously provided for) and will therefore still have the power to close a place of business which is not in compliance with the Law.

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A BILL FOR A LAW TO AMEND THE SUNDAY TRADING LAW (2014 REVISION) TO EMPOWER TRADE OFFICERS AND THE DIRECTOR OF THE DEPARTMENT OF COMMERCE AND INVESTMENT, TO ENFORCE THE LAW; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Sunday Trading (Amendment) Law, 2016.

Short title and commencement

(2) This Law shall come into force on such date as may be appointed by Order made by the Cabinet.

2. The Sunday Trading Law (2014 Revision) is amended by repealing section 2 and substituting the following section -

Repeal and substitution of section 2 of the Sunday Trading Law (2014 Revision) - definition

“Definitions 2. In this Law -

“Director” means the Director of the Department of Commerce and Investment;

“prohibited day” means a Sunday, Good Friday or Christmas Day; and

“trade officer” means a public officer in the Department of Commerce and Investment appointed as such under the Trade and Business Licensing Law , 2014 (Law 21 of 2014).”.

Law 21 of
2014

Repeal and substitution
of section 4 of the
Sunday Trading Law
(2014 Revision) -
powers of police

3. The Sunday Trading Law (2014 Revision) is amended by repealing section 4 and substituting the following section -

“Powers of
Director,
trade officers
and police to
enforce the
Law

4. (1) The Chief Officer of the ministry with responsibility for commerce, or the Chief Officer’s designate, shall assign trade officers to carry out the duties of trade officers under this Law.

(2) A trade officer shall have the authority and power to carry out instructions which may be given by the Director in accordance with this Law and may exercise on behalf of the Department of Commerce and Investment, any powers granted to it under this Law.

(3) Each trade officer assigned under this section shall be provided with an identification card prepared and signed by the Chief Officer, or the Chief Officer’s designate, and the identification card shall contain the photograph of the respective trade officer.

(4) The Director and a trade officer shall have all the rights, powers, privileges and immunities of a constable when discharging their duties under this Law.

(5) The Director, a trade officer, or a constable, may require any person who is not in compliance with section 3 to close the place of business concerned and it shall be the duty of that person to comply with the requirement without delay.

(6) The Director, a trade officer, or a constable, on proof of identity, may enter on and inspect any commercial premises in the Islands or any place within the curtilage of such premises at any time when the business is open to the

public, for the purpose of detecting any breach of this Law or of any licence, and in the case of a trade officer or a constable, upon discovering any breach of this Law or any licence, shall forthwith report any such breach to the Director.

(7) Any person who prevents the entry of any licensed premises, or any place within the curtilage thereof, by the Director, a trade officer, or a constable, or obstructs the Director, a trade officer, or a constable, in the execution of their duty under this Law, commits an offence and may be liable to penalties imposed under section 9 of this Law.”.

Passed by the Legislative Assembly the day of 2016.

Speaker.

Clerk of the Legislative Assembly.