

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE JUDGES EMOLUMENTS AND
ALLOWANCES LAW (2006 REVISION) TO MAKE PROVISION FOR
THE LAW TO APPLY TO MAGISTRATES; TO ENHANCE THE
EMPLOYMENT BENEFITS AVAILABLE TO
MAGISTRATES; AND FOR INCIDENTAL AND CONNECTED
PURPOSES**

**THE JUDGES EMOLUMENTS AND ALLOWANCES (AMENDMENT)
BILL, 2016**

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Judges Emoluments and Allowances Law (2006 Revision) to place Magistrates on a separate judicial salary scale and within a separate pensions scheme along with judges, in order to recognize their independence as a part of the judiciary and their separation from the general Public Service.

Consequently, the Bill makes provision for Magistrates to become eligible to participate in the defined contributions part of the Judicial Pensions Plan from 1st January, 2016.

The Bill also makes provision for enhanced terms and conditions of employment for Magistrates.

Clause 1 provides for the citation and the commencement date of the proposed Law.

Clause 2 amends the short title to reflect the expanded application of the Law to include Magistrates.

Clause 3 amends section 2 of the Law by repealing and replacing subsection (1) to make provision for Magistrates to come within the operation of the Law, in particular to be eligible to receive pensions and other allowances and emoluments. It further provides for the enhancement of the terms and conditions of service of Magistrates and the express statutory protection of those terms and conditions of service.

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ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Judges' Emoluments and Allowances (Amendment) Law, 2016.

Short title and commencement

(2) This Law is deemed to have come into force on 1st January, 2016.

2. The Judges' Emoluments and Allowances Law (2006 Revision), is amended in section 1 by inserting after the word "Judges", the words "and Magistrates".

Amendment of section 1 of the Judges' Emoluments and Allowances Law (2006 Revision) - short title

3. The Judges' Emoluments and Allowances Law (2006 Revision) is amended in section 2 by -

Amendment of section 2 of the Judges' Emoluments and Allowances Law (2006 Revision) - salaries, etc.

- (a) repealing subsection (1) and substituting the following subsection

“(1) The Chief Justice, other Judges of the Grand Court, The Chief Magistrate and other Magistrates of the Summary Court, shall be paid annual salaries, pensions, other allowances, emoluments and benefits from such other ancillary terms and conditions of employment as may be agreed, from dates specified, and in accordance with scales to be prescribed, from time to time, by Order by the Governor acting in his or her discretion.”; and

- (b) by inserting after subsection (1), the following subsections -

“(1A) Any payment of pensions in respect of the Chief Magistrate or any other Magistrate from the Judicial Pensions Plan shall be restricted to payments from the defined contribution part of the Judicial Pensions Plan from the date of their inclusion in that part of the Plan on 1st January, 2016.

(1B) For the avoidance of doubt, no payments shall be made to the Chief Magistrate or any other Magistrate from the defined benefit part of the Judicial Pensions Plan, irrespective of the date on which the Chief Magistrate or other Magistrate was appointed.”.

Passed by the Legislative Assembly the day of 2016.

Speaker.

Clerk of the Legislative Assembly.