

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE PUBLIC SERVICE
MANAGEMENT LAW (2013 REVISION) AS A CONSEQUENCE OF THE
ABOLITION OF THE OFFICES OF COMPLAINTS COMMISSIONER
AND INFORMATION COMMISSIONER AND THE CONSTITUTION OF
THE OFFICE OF OMBUDSMAN; AND TO MAKE PROVISION FOR
INCIDENTAL AND CONNECTED MATTERS**

THE PUBLIC SERVICE MANAGEMENT (AMENDMENT) BILL, 2016

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Public Service Management Law (2013 Revision) as a consequence of the abolition of the offices of Complaints Commissioner and Information Commissioner and the constitution of the office of Ombudsman.

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

Clause 2 amends section 2 of the principal Law for the purpose of deleting, from the definition section, references to the Office of the Complaints Commissioner and the Office of the Information Commissioner, and substituting a reference to the Office of the Ombudsman.

Clause 3 amends section 6 of the principal Law in order to remove the Governor's responsibility in relation to the Complaints Commissioner and the Information Commissioner. The clause shifts the Governor's responsibility to the Ombudsman, subject to the Constitution.

Clause 4 repeals sections 37A and 38A of the principal Law thereby removing the provisions dealing with the Information Commissioner's terms of service.

Clause 5 of the Bill amends various provisions in the principal Law for the purpose of transferring miscellaneous powers, from the Complaints Commissioner, to the Ombudsman.

Clause 6 contains transitional provisions.

THE PUBLIC SERVICE MANAGEMENT (AMENDMENT) BILL, 2016

ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Amendment of section 2 of the Public Service Management Law (2013 Revision) - definitions and interpretation
3. Amendment of section 6 - personnel authorities of Governor
4. Repeal of sections 37A and 38A - remuneration and terms and conditions of Information Commissioner; term of office and removal of Information Commissioner
5. Amendment of miscellaneous provisions - substitution of the word “Ombudsman” for the words “Complaints Commissioner”
6. Transitional provisions

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1. (1) This Law may be cited as the Public Service Management (Amendment) Law, 2016.

Short title and commencement

(2) This Law comes into force immediately after the coming into force of the Ombudsman Law, 2016.

2. The Public Service Management Law (2013 Revision), in this Law referred to as the “principal Law”, is amended in section 2(1) as follows -

Amendment of section 2 of the Public Service Management Law (2013 Revision) - definitions and interpretation

- (a) in paragraph (a) of the definition of the words “appointing officers” -
 - (i) by deleting the words “the Complaints Commissioner” and substituting the words “the Ombudsman”; and
 - (ii) by deleting the words “the Information Commissioner,”;
- (b) by repealing paragraphs (f) and (g) of the definition of the words “chief officer” and substituting the following paragraph -
 - “(f) in the case of the Office of the Ombudsman - the Ombudsman;”;

- (c) in the definition of the words “civil service entity” by deleting the words “and the Judicial Administration or the Office of the Complaints Commissioner” and substituting the words “or the Judicial Administration”;
- (d) by deleting the definition of the words “Complaints Commissioner”; and
- (e) by inserting, after the definition of the words “Official Member”, the following definition -

“ “Ombudsman” means the Ombudsman appointed under section 120(2) of the Constitution;”.

Amendment of section 6
- personnel authorities of
Governor

3. The principal Law is amended in section 6 as follows -

- (a) in subsection (7) by deleting the words “Complaints Commissioner” and substituting the word “Ombudsman”; and
- (b) by repealing subsection (8B).

Repeal of sections 37A
and 38A - remuneration
and terms and conditions
of Information
Commissioner; term of
office and removal of
Information
Commissioner

4. The principal Law is amended by repealing sections 37A and 38A.

Amendment of
miscellaneous
provisions - substitution
of the word
“Ombudsman” for the
words “Complaints
Commissioner”

5. The principal Law is amended by deleting the words “Complaints Commissioner” wherever they appear in sections 18(f), 24(i), 36, 37 and 38 and substituting the word “Ombudsman”.

Transitional provisions

6. (1) Every matter commenced under the former Law and partly dealt with by or in relation to the Complaints Commissioner or the Information Commissioner on the operative date, is to be continued and dealt with in all respects under the new Law and the provisions of the new Law are to apply accordingly.

(2) Regulations which relate to the functions or powers of the Complaints Commissioner or the Information Commissioner and which are in force on the day preceding the operative date, shall continue to apply to the Ombudsman on and after the operative date, with all necessary changes being made, as if made under the new Law.

(3) All things lawfully made or done under the former Law shall continue in force on and after the operative date and shall be deemed to have been made or done under the new Law.

(4) In this section -

“Complaints Commissioner” has the meaning assigned under section 2(1) of the former Law;

“former Law” means the principal Law in force immediately before the date of commencement of this Law;

“new Law” means the principal Law as amended by this Law; and

“operative date” means the date of commencement of this Law.

Passed by the Legislative Assembly the day of , 2017.

Speaker.

Clerk of the Legislative Assembly.