

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE PUBLIC MANAGEMENT AND
FINANCE 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 MANAGEMENT AND FINANCE (AMENDMENT) BILL,
2016**

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Public Management and Finance 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 repeals sections 45A and 81A of the principal Law thereby removing the provisions dealing with the Information Commissioner's responsibility to the Legislative Assembly and the Information Commissioner's independence.

Clause 4 of the Bill amends various provisions in the principal Law for the purpose of transferring miscellaneous powers, from the Complaints Commissioner and the Information Commissioner, to the Ombudsman.

Clause 5 contains transitional provisions.

**THE PUBLIC MANAGEMENT AND FINANCE (AMENDMENT) BILL,
2016**

ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Amendment of section 2 of the Public Management and Finance Law (2013 Revision) - definitions
3. Repeal of sections 45A and 81A - application of Part IV to Office of the Information Commissioner; Law not to affect independence of Information Commissioner
4. Amendment of miscellaneous provisions - substitution of the word “Ombudsman” for the words “Complaints Commissioner”; deletion of the words “Information Commissioner”
5. Transitional provisions

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A BILL FOR A LAW TO AMEND THE PUBLIC MANAGEMENT AND FINANCE 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

1. (1) This Law may be cited as the Public Management and Finance (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 Management and Finance Law (2013 Revision), in this Law referred to as the “principal Law”, is amended in section 2 as follows -

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

- (a) in the definition of the words “centralised banking system” by deleting the words “Complaints Commissioner, the Office of the Information Commissioner” and substituting the word “Ombudsman”;
- (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 “core government”, “entire public sector”, “entity”, “entity assets”, “entity expenses”, “entity liabilities”, “entity revenue”, “equity investment”, “executive assets”, “executive expenses”, “ministry”, “non-governmental output supplier”, “portfolio” and “trust assets”, respectively, by deleting the words “Complaints Commissioner, the Office of the Information Commissioner” and substituting the word “Ombudsman”; and
- (d) 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;”.

Repeal of sections 45A and 81A - application of Part IV to Office of the Information Commissioner; Law not to affect independence of Information Commissioner

- 3. The principal Law is amended by repealing sections 45A and 81A.

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

- 4. The principal Law is amended as follows -

- (a) in sections 9(3)(a), 23(2)(g), 54(l), (m) and (o), 55(4)(a), 57(1)(a) and (d), 60(1)(c)(iii), 64(1)(d) and 70(3), paragraph 4(a) (ii) of Schedule 2, paragraph 1(1)(b) of Schedule 5 and paragraph 15 of Annex A of Schedule 6, by deleting the words “Complaints Commissioner, the Office of the Information Commissioner” and substituting the word “Ombudsman”;
- (b) in sections 35(e), (f) and (g), and 36(1) and (2), by deleting the words “Complaints Commissioner, the office of the Information Commissioner” and substituting the word “Ombudsman”;
- (c) in sections 45 and 81 by deleting the words “Complaints Commissioner” wherever they appear and substituting the word “Ombudsman”; and
- (d) in section 60(1)(c)(ii) by deleting the words “Complaints Commissioner; or the Office of the Information Commissioner” and substituting the word “Ombudsman”.

Transitional provisions

- 5. (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 -

“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.