

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE DEVELOPMENT BANK LAW
(2004 REVISION), TO ADDRESS OPERATIONAL CONCERNS; TO
REPLACE THE WORDS “GOVERNOR IN CABINET” WITH THE
WORD “CABINET” THROUGHOUT THE LAW; TO APPOINT NEW
MEMBERS TO THE BOARD OF DIRECTORS OF THE BANK; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

THE DEVELOPMENT BANK (AMENDMENT) BILL, 2016

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Development Bank Law (2004 Revision) (the “principal Law”) to address operational concerns; to replace the words “Governor in Cabinet” with the word “Cabinet” throughout the Law; to appoint new members to the Board of Directors of the Bank and to provide for incidental and connected purposes.

Clause 1 of the Bill sets out the short title and commencement.

Clause 2 of the Bill amends the Development Bank Law (2004 Revision) (the “principal Law”) by removing the words “Governor in Cabinet” wherever these words appear in the principal Law and substituting the word “Cabinet”.

Clause 3 of the Bill amends section 4 of the principal Law so that the Chief Officer in the Ministry charged with responsibility for the Bank or that Chief Officer’s designate and the Financial Secretary or the Financial Secretary’s designate are *ex officio* non-voting members of the Board.

Clause 4 of the Bill amends section 12 of the principal Law so that the onus to comply with directions given by the Minister is placed on the Board of Directors rather than the Bank.

Clause 5 of the Bill amends section 13 of the principal Law so that certain persons are prohibited from acting as personal guarantors for loans from the Bank.

Clause 6 of the Bill amends section 21 of the principal Law so that the financial year begins on 1st January and ends on December 31st.

Clause 7 of the Bill amends paragraph 2 of the First Schedule so that the areas of expertise from which directors are selected is changed.

THE DEVELOPMENT BANK (AMENDMENT) BILL, 2016

ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Amendment of the Development Bank Law (2004 Revision) - sections 4, 9, 10, 12, 13, 14, 16, 17, 18, 19, 24 and 31 and paragraphs 1, 2, 4 and 12 of the First Schedule
3. Amendment of section 4 - Board of Directors
4. Amendment of section 12 - directions by Minister
5. Amendment of section 13 - powers of the Bank
6. Amendment of section 21 - accounts
7. Amendment of the First Schedule - CAYMAN ISLANDS
DEVELOPMENT BANK, Board of Directors, appointment and tenure of directors

CAYMAN ISLANDS

A BILL FOR A LAW TO AMEND THE DEVELOPMENT BANK LAW (2004 REVISION), TO ADDRESS OPERATIONAL CONCERNS; TO REPLACE THE WORDS “GOVERNOR IN CABINET” WITH THE WORD “CABINET” THROUGHOUT THE LAW; TO APPOINT NEW MEMBERS TO THE BOARD OF DIRECTORS OF THE BANK; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Development Bank (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 and different dates may be appointed for different provisions of this Law and in relation to different matters.

2. The Development Bank Law (2004 Revision), in this Law referred to as the “principal Law”, is amended in sections 4, 9, 10, 12, 13, 14, 16, 17, 18, 19, 24 and 31 and paragraphs 1, 2, 4 and 12 of the First Schedule by deleting the words “Governor in Cabinet” wherever these words appear in these sections and paragraphs and substituting the word “Cabinet”. Amendment of the Development Bank Law (2004 Revision) - sections 4, 9, 10, 12, 13, 14, 16, 17, 18, 19, 24 and 31 and paragraphs 1, 2, 4 and 12 of the First Schedule

3. The principal Law is amended in section 4 by repealing subsection (2) and substituting the following subsection - Amendment of section 4 - Board of directors

“(2) The Board shall consist of -

- (a) seven directors appointed by the Cabinet in accordance with the First Schedule; and
 - (b) the following *ex officio* members who shall be non-voting members of the Board -
 - (i) the Chief Officer in the Ministry charged with responsibility for the Bank or that Chief Officer's designate; and
 - (ii) the Financial Secretary or the Financial Secretary's designate.”.
- Amendment of section 12 - directions by Minister
4. The principal Law is amended in section 12 as follows -
- (a) in subsection (2) by deleting the word “Bank” and substituting the words “Board of Directors”; and
 - (b) in subsection (3) -
 - (i) by deleting the words “Governor in Cabinet” and substituting the word “Cabinet”; and
 - (ii) by deleting the word “Bank” wherever the word appears and substituting the words “Board of Directors”.
- Amendment of section 13 - powers of the Bank
5. The principal Law is amended in section 13 by inserting after subsection (3) the following subsection -
- “(3A) The following persons are prohibited from acting as a personal guarantor in support of a loan from the Bank -
- (a) a Member of the Legislative Assembly;
 - (b) a Member of the Board of Directors; or
 - (c) a senior employee of the Bank.”.
- Amendment of section 21 - accounts
6. The principal Law is amended in section 21(6) as follows -
- (a) by deleting the words “1st July” and substituting the words “1st January”; and
 - (b) by deleting the words “30th June” and substituting the words “31st December”.
- Amendment of the First Schedule - CAYMAN ISLANDS DEVELOPMENT BANK, Board of Directors, appointment and tenure of directors
7. The principal Law is amended in the First Schedule as follows -
- (a) in paragraph 1 as follows -
 - (i) by deleting the words “satisfy himself” and substituting the words “be satisfied”;
 - (ii) by deleting the words “his functions” and substituting the words “that person’s functions”;
 - (iii) by deleting the word “he” wherever the word appears and substituting the words “the Cabinet”; and

- (iv) by deleting the word “him” and substituting the words “to the Cabinet”;
- (b) in paragraph 2 as follows -
 - (i) in paragraph (1)(a) by deleting the words “his opinion” wherever these words appears and substituting the words “the opinion of the Cabinet”; and
 - (ii) by repealing paragraph (1)(b) and substituting the following paragraph -
 - “(b) five directors of the Board who, in the opinion of the Cabinet, are persons qualified for appointment as having had experience and shown capacity respectively in -
 - (i) accounting;
 - (ii) banking;
 - (iii) finance;
 - (iv) economics; and
 - (v) industry.”.

Passed by the Legislative Assembly the day of , 2016.

Speaker.

Clerk of the Legislative Assembly.