

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE NATIONAL HONOURS AND
AWARDS LAW 2010 (LAW 20 OF 2010); TO REFORM THE ORDER OF
THE CAYMAN ISLANDS; AND FOR INCIDENTAL AND CONNECTED
PURPOSES**

**THE NATIONAL HONOURS AND AWARDS (AMENDMENT) BILL,
2018**

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to reform the Order of the Cayman Islands and provides for incidental and connected purposes.

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

Clause 2 of the Bill amends section 2 of the National Honours and Awards Law, referred to as the principal Law by removing definitions no longer applicable or necessary in the Law.

Clause 3 of the Bill amends section 2 of the principal Law by inserting new definitions.

Clause 4 of the Bill repeals and substitutes section 3 of the principal Law and establishes a society of honour to be known as the Order of the Cayman Islands.

Clause 5 of the Bill repeals section 4 of the principal Law and establishes the Council of the Order. This clause also inserts section 4A into the principal Law which sets out the duties of the Secretary of the Order.

Clause 6 of the Bill amends section 5 of the principal Law and empowers the Council with the authority to make rules specifying the use of certificates and the wearing of medals and insignia.

Clause 7 of the Bill repeals and substitutes section 6 of the principal Law and makes provision for the criteria for eligibility, who may make nominations under the Law, the manner in which nominations are to be made and the manner in which nominations are to be processed.

Clause 8 of the Bill repeals section 7 of the principal Law and provides for the Warrant of Appointment, quotas of awards to be made under the legislation and special appointments.

Clause 9 of the Bill amends section 8 of the principal Law and places an obligation on the recipient of an award to comply with rules made under the Law and inserts clauses 8A through 8D which make provision for a motto of the

Order, the precedence of the Order in relation to other awards, refusal of acceptance of an award and the termination of membership.

Clause 10 of the Bill repeals and substitutes section 10 of the principal Law and provides for Regulations under the legislation.

Clause 11 amends the Schedule of the principal Law by renumbering it as Schedule 1 and making amendments thereto. The clause also inserts a Schedule 2 which sets out details of the awards and honours under the legislation.

**THE NATIONAL HONOURS AND AWARDS (AMENDMENT) BILL,
2018**

ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Amendment of the National Honours and Awards Law 2010 - substitution of “Chancellor” for “Premier” and “Council” for “Committee”
3. Repeal and substitution of section 2 - interpretation
4. Repeal and substitution of section 3 - Order of the Cayman Islands
5. Repeal and substitution of section 4 - national honours and awards committee and the insertion of section 4A - appointment and duties of Secretary
6. Amendment of section 5 - duties of Committee
7. Repeal and substitution of section 6 - nomination and insertion of section 6A - nominations and section 6B - submission of nominees
8. Repeal and substitution of section 7 - grant of award and insertion of section 7A - quotas; section 7B - special appointments and 7C - investiture
9. Amendment of section 8 - use of certificates and wearing of medals and insignia and insertion of section 8A - motto, section 8B - precedence of Order and when wearing insignia prohibited and section 8C - refusal and 8D - termination of membership
10. Repeal and substitution of section 10 - regulations
11. Amendment of the Schedule - procedure of the Committee and insertion of new Schedule - Schedule 2 - description of insignia, the ribbon and seal

CAYMAN ISLANDS

A BILL FOR A LAW TO AMEND THE NATIONAL HONOURS AND AWARDS LAW 2010 (LAW 20 OF 2010); TO REFORM THE ORDER OF THE CAYMAN ISLANDS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the National Honours and Awards (Amendment) Law, 2018.

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. National Honours and Awards Law, 2010, in this Law referred to as the “principal Law”, is amended, with the exception of sections 3, 4, 6, 7 and 10, as follows -

Amendment of the National Honours and Awards Law 2010 - substitution of “Chancellor” for “Premier” and “Council” for “Committee”

- (a) by deleting the word “Premier” wherever this word appears and substituting the word “Chancellor”;
- (b) by deleting the word “Committee” wherever this word appears and substituting the word “Council”.

Repeal and substitution
of section 2-
interpretation

3. The principal is amended by repealing section 2 and substituting the following section –

“Interpretation

2. In this Law -

“Caymanian” has the meaning assigned by the Immigration Law (2015 Revision);

“Chairman” means the chairman of the Council appointed under section 4 (1);

“Chancellor” means the Premier of the Islands as defined by section 124 of the constitution;

“Constitution” means the Constitution of the Cayman Islands set out in Schedule 2 to the Cayman Islands Constitution Order 2009;

“Council” means the Council for the Order established under section 4;

“Order” means the Order of the Cayman Islands established under section 3;

“permanent resident” has the meaning assigned by the Immigration Law (2015 Revision);

“Premier” means the Premier as defined in section 124 of the Constitution; and

“Secretary” means the Secretary to the Council appointed under section 4(3).”.

Repeal and substitution
of section 3 - Order of
the Cayman Islands

4. The principal Law is amended by repealing section 3 and substituting the following section -

“Order of the
Cayman Islands

3. (1) There is established a society of honour to be known as the Order of the Cayman Islands which shall comprise the Chancellor and Principal Companion and three levels of membership as follows -

- (a) Companion;
- (b) Officer; and
- (c) Member.

(2) The Premier shall, by virtue of that office, be the Chancellor of the Order and Principal Companion of the Order.

(3) The Chancellor is charged with the administration of the Order.”.

5. The principal Law is amended by repealing section 4 and substituting the following sections -

Repeal and substitution of section 4 - national honours and awards committee and the insertion of section 4A - appointment and duties of Secretary

“Council of the Order

4. (1) There is established a Council for the Order to be known as “the Council”, which shall be governed by the procedure in Schedule 1 and which is responsible for considering nominations for the various levels of the Order and shall consist of the following members -

- (a) the Chairman who shall be the Chief Justice or the Chief Justice’s designate;
- (b) two persons designated by the Chancellor;
- (c) one person designated by the Leader of the Opposition; and
- (d) one person designated by the Speaker of the Legislative Assembly.

(2) The members of the Council designated under subsection (1)(b), (c) and (d) may -

- (a) serve for a period of five years;
- (b) be reappointed; and
- (c) resign their tenure.

(3) The names of the persons designated pursuant to subsection (1) shall be published by the Cabinet Secretary by notice published in the Gazette.

(4) A member of the Council may terminate membership from the Council by notifying the Cabinet Secretary in writing of the member’s

intention to terminate that membership and the notification shall include the date upon which the termination is to take effect.

(5) The Chancellor may terminate a member of the Council by notifying the member in writing after consultation with the person who designated the member under subsection (2).

(6) The notification under subsection (5) shall include the date upon which the termination of membership from the Council is to take effect.

Secretary of the Order

4A. (1) The Cabinet Secretary shall, by virtue of that office, be the Secretary of the Order and is responsible for -

- (a) maintaining a stock of insignia;
- (b) maintaining a register of the names of the members of the Order;
- (c) organising investitures of the Order;
- (d) preparing the Warrants of Appointment;
- (e) maintaining the records of minutes of the meetings of the Council; and
- (f) providing administrative support to the Council of the Order.

(2) Where the recipient of an award is promoted from one level to a higher level of award, the insignia of the lower level shall be returned to the Secretary of the Order.”.

Amendment of section 5 - duties of Committee

6. The principal Law is amended in section 5 as follows -

- (a) by deleting the word “and” at the end of paragraph (c); and
- (b) by inserting after paragraph (c) the following paragraph -
“(ca) make rules specifying the use of certificates and the wearing of medals and insignia; and”.

Repeal and substitution of section 6 - nomination and insertion of section 6A - nominations and section 6B - submission of nominees

7. The principal Law is amended by repealing section 6 and substituting the following sections -

“Eligibility

6. (1) The following persons are eligible to be admitted to the Order in the category of membership

stipulated -

- (a) a Caymanian or a permanent resident of the Islands as an Ordinary member; and
- (b) a person other than a Caymanian or a permanent resident of the Islands as an Honorary member.

(2) A citizen of the United Kingdom who lives and works primarily in the United Kingdom or is resident in a foreign country is not eligible to be admitted to the Order.

Nominations 6A. (1) Any person or organisation may submit to the Secretary of the Order, for consideration by the Council, a nomination for admission to any level of the Order.

(2) The person or organisation submitting a nomination under subsection (1) shall do so in the manner prescribed.

Submission of nominees 6B. The Council shall consider the nominations submitted under section 6A and following the Council’s deliberation, the Secretary of the Order will submit the names of the successful nominees to the Chancellor’s office.”.

8. The principal Law is amended by repealing section 7 and substituting the following sections -

Repeal and substitution of section 7 - grant of award and insertion of section 7A - quotas; section 7B - special appointments and 7C - investiture

“Warrant of Appointment 7. Each person admitted to the Order shall receive a Warrant of Appointment signed by the Chancellor and sealed with the seal of the Order.

Quotas 7A. The annual quota of awards to be appointed by the Council is as follows -
(a) Companion - five;
(b) Officer - ten; and
(c) Member - four.

Special appointments 7B. (1) The Chancellor may make appointments to the Order independent of the Council.

(2) The annual quota of awards to be appointed by the Chancellor is as follows -

- (a) Companion - one;
- (b) Officer - two; and
- (c) Member - four.

Investiture 7C. The Chancellor of the Order shall designate the dates for investiture ceremonies to take place.”.

Amendment of section 8 - use of certificates and wearing of medals and insignia and insertion of section 8A - motto, section 8B - precedence of Order and when wearing insignia prohibited and section 8C - refusal and 8D - termination of membership

9. The principal Law is amended in section 8 as follows -

(a) by deleting subsection (2) and substituting the following subsection -

“(2) A recipient of an award shall comply with the rules made by the Committee regarding the use of certificates and the wearing of medals and insignia.”; and

(b) by inserting after section 8 the following sections -

“Motto 8A. The Motto of the Order is “DETERMINATION CONQUERS ALL”.

Precedence of the Order and when wearing insignia prohibited 8B. (1) The Order of the Cayman Islands shall take precedence immediately after all UK Orders and Decorations but before the certificate and Badge of Honour and UK Campaign, Commemorative or Long Service medals.

(2) A Caymanian who is a serving member of the United Kingdom Armed Forces, or Police Force shall not wear the Order whilst in uniform.

Refusal 8C. A person nominated to an award under this Law may refuse to accept that honour or award without being required to provide a reason for doing so and shall not by any person be compelled to provide any such reason.

Termination of membership 8D. (1) The Chancellor may, after consultation with the Council of the Order, terminate the appointment of a member who is deemed unanimously by the Chancellor and the Council of the Order to be unsuitable to remain a member of

the Order.

(2) A person who has accepted an award under this Law may terminate the person’s membership to the Order by notifying the Secretary of the Order, in writing, and returning the award to the Secretary of the Order.”.

10. The principal Law is amended by repealing section 10 and substituting the following section -

Repeal and substitution of section 10 - regulations

“Regulations 10. The Cabinet may make Regulations prescribing all matters that are required or permitted under this Law to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Law and may after consultation with the Council, by regulation, amend a Schedule.”.

11. The principal Law is amended-

Amendment of the Schedule - procedure of the Committee and insertion of new Schedule - Schedule 2 - description of insignia, the ribbon and seal

- (a) by renumbering the Schedule as Schedule 1;
- (b) by amending Schedule 1 as follows -
 - (i) by deleting the word “Committee” wherever it appears and by substituting the word “Council”; and
 - (ii) by repealing paragraph 5;
- (c) by inserting after Schedule 1 the following Schedule -

“ SCHEDULE 2

Description of Insignia, the Ribbon and Seal

1. Miniature Badge

- (a) Members- of the Order may wear the insignia of their particular level in miniature form with other miniature medals, to which they are entitled, on appropriate occasions after 6pm.
- (b) On such occasions when miniatures are worn, Companions' of the Order should also wear their full size neck badge.

2. Insignia of the Order

The Badge of the Order, a stylized five petalled flower with the arms of the Cayman Islands, within a circlet in the centre. The badge is ensigned with a device which may be described as follows -

“Between two wild Banana Orchids or a Cross Azure all issuant from a coronet; or -

- (i) Companions' shall wear a blue enamelled badge of the Order suspended from a ribbon worn around their neck, or in the case of ladies, worn on a bow on the left shoulder;
- (ii) Officers' shall wear a blue enamelled badge of the Order on a ribbon suspended from the left lapel of their jacket, or in the case of ladies, worn on a bow on their left shoulder; and
- (iii) Members shall wear the badge of the Order in gold on a ribbon suspended from the left lapel of their jacket, or in the case of ladies, worn on a bow on their left shoulder.

3. Ribbon of the Order

The ribbon of the Order is Royal blue with thin white borders with a broad white stripe in the centre.

4. Seal of the Order

The Seal of the Order shall consist of the badge of the Order within a circlet bearing the Motto.

Passed by the Legislative Assembly the day of , 2018.

Speaker.

Clerk of the Legislative Assembly.