

CAYMAN ISLANDS



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**THE LEGISLATIVE ASSEMBLY (AMENDMENT) STANDING  
ORDERS, 2017**

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CAYMAN ISLANDS

**THE LEGISLATIVE ASSEMBLY (AMENDMENT) STANDING ORDERS, 2017**

In exercise of the powers conferred on the Legislative Assembly by section 71(1) and 71(3) of Schedule 2 to the Cayman Islands (Constitution) Order, 2009, and in accordance with Standing Order 87 of the Legislative Assembly Standing Orders (2006 Revision), the following amendments to the Legislative Assembly Standing Orders (2006 Revision) were approved by the Legislative Assembly on the 27<sup>th</sup> day of March, 2017 -

1. These Standing Orders may be cited as the Legislative Assembly (Amendment) Standing Orders, 2017. Citation
  
2. Standing Order 2 is amended in the definition of the word “Constitution” by deleting the words “Cayman Islands (Constitution) Orders, 1972 to 2004” and substituting the words “Cayman Islands Constitution Order, 2009”. Amendment of Standing Order 2 of the Legislative Assembly Standing Orders (2006 Revision) - definitions
  
3. Standing Order 3 is amended by deleting the words “section 44” and substituting the words “section 60(3)”. Amendment of Standing Order 3 - Oath or affirmation of allegiance
  
4. Standing Order 4 is amended as follows - Amendment of Standing Order 4 - presiding officer
  - (a) in paragraph (1)(c), by deleting the words “of the House”; and
  - (b) in paragraph (2), by deleting the words “section 31A” and substituting the words “section 65”.
  
5. Standing Order 5 is amended by revoking Standing Order 5 and substituting the following Standing Order - Revocation and substitution of Standing Order 5 - procedure for election of Members of Cabinet
  5. (1) Where a political party gains a majority of the seats of elected Members, the Governor shall appoint as Premier the elected Member recommended by a majority of the elected Members who are Members of that party.
  
  - (2) If no political party gains such a majority or if no recommendation is made under paragraph (1), the

“Appointment and of composition of Cabinet

Speaker shall cause a ballot to be held among the elected Members to determine which elected Member commands the support of the majority of such Members, and shall record the vote of each Member voting; and, where such a ballot is held, the Governor shall appoint as Premier the elected Member who obtains a majority of the votes of the elected Members.

(3) Notwithstanding paragraphs (1) and (2), the Governor shall not appoint as Premier a person who has held office as Premier during two consecutive parliamentary terms unless at least one parliamentary term has expired since the person last held that office; and for the purposes of this paragraph a parliamentary term shall be deemed to be a period commencing when the House first meets after being constituted under this Constitution or after its dissolution at any time, and terminating when the House is next dissolved.

(4) After the Premier's appointment, the Premier shall advise the Governor to appoint the other Ministers.

(5) The Cabinet shall consist of -

- (a) a Premier appointed by the Governor in accordance with section 49(2) or (3) of the Constitution;
- (b) six other Ministers, one of whom shall be Deputy Premier, appointed by the Governor, acting in accordance with the advice of the Premier, from among the elected Members; and
- (c) the Deputy Governor and the Attorney General, *ex officio*.

(6) The number of Ministers referred to in subsection (1) may be increased by a law made pursuant to section 60(2) of the Constitution which increases the number of elected Members; but in no circumstances may the number of Ministers exceed two-fifths of the total number of elected Members.

(7) Appointments of the Premier and the other Ministers shall be made by the Governor by instrument

under the public seal.

(8) If occasion arises for making an appointment of any Minister between a dissolution of the House and the polling in the next following general election, a person who was an elected Member immediately before the dissolution may be appointed as a Minister.

(9) The Governor shall, without delay, report to Her Majesty through a Secretary of State every appointment referred to in this Standing Order.”.

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| 6. Standing Order 6 is amended by deleting the words “section 20(3)(b)” and substituting the words “section 52(1)(d)”.   | Amendment of Standing Order 6 - absence of Members   |
| 7. Standing Order 7(10) is amended by deleting the words “sections 46(1) and 47(1)” and substituting the words “sections 83(1) and 84(1) and (2)”.   | Amendment of Standing Order 7 - duties of the Clerk and the Sergeant-at-arms               |
| 8. Standing Order 8(1) is amended by deleting the words “section 46(1)” and substituting the words “section 83(1)”.  | Amendment of Standing Order 8 - meetings and sittings                                      |
| 9. Standing Order 12(2)(b) is amended by deleting the words “seven or more” and substituting the words “a majority of”.  | Amendment of Standing Order 12 - adjournment - definite matter of urgent public importance |
| 10. Standing Order 13 is amended as follows -<br>(a) by deleting paragraph (1) and substituting the following paragraph -<br>“(1) The quorum of the House shall consist of a majority of elected Members in addition to the person presiding.”; and<br>(b) by inserting after paragraph (1) the following paragraph -<br>“(1a)The quorum of a Committee of the whole House shall consist of a majority of Members in addition to the person presiding.”. | Amendment of Standing Order 13 - quorum  |
| 11. Standing Order 23 is amended by revoking paragraph (8) and substituting the following paragraph -<br><br>“(8) Any question which has not received an oral answer by 11:00 a.m. shall be postponed and placed upon the Order Paper for reply at some  | Amendment of Standing Order 23 - manner of asking and answering questions                  |

later sitting within the same meeting but if all other business for the meeting has been disposed of, such postponed questions and all other questions listed on a Business Paper but not placed on the Order Paper shall be answered in writing by the relevant Member to whom the question was addressed, and copies of the answer shall be sent immediately thereafter to the Clerk, who shall send a copy to the Member in whose name the question stood and to all other Members.”.

Amendment of Standing Order 44 - notice of presentation of Bills

12. Standing Order 44 is amended by revoking paragraph (3) and substituting the following paragraph -

“(3) Except on the recommendation of the Minister responsible for finance, the Legislative Assembly shall not -

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the Speaker, makes provision for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of the Cayman Islands, for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Cayman Islands;
- (b) except in the case of a motion proposing a resolution under section 69 of the Constitution, proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding in the House, is that provision would be made for any of the purposes aforesaid; or
- (c) receive any petition which, in the opinion of the person presiding in the House, requests that provision be made for any of the purposes aforesaid.”.

Amendment of Standing Order 55 - examination of Bills

13. Standing Order 45(1)(e) is amended by deleting the words “the Governor’s recommendation” and by substituting the words “the recommendation of the Minister responsible for finance”.

Amendment of Standing Order 46 - reading of Bills

14. Standing Order 46 is amended by revoking paragraph (1) and substituting the following paragraph -

“(1) If a Bill complies with the requirements of Standing Order 45 (Examination of Bills) the Clerk shall -

- (a) cause the text thereof and the explanatory memorandum to be gazetted as soon as possible but in any case at least twenty-one days before the commencement of the meeting at which it is scheduled to be introduced; and

- (b) at the time of sending the Bill for gazetting, send copies of it to every Member not less than twenty-one days before the commencement of the meeting at which it is scheduled to be introduced.”.
15. Standing Order 51 is amended in the marginal note by deleting the word “on” where it first appears and by inserting the word “in”. Amendment of Standing Order 51 - procedure on committee on Bills
16. Standing Order 57(1) is amended by deleting the words “section 40” and substituting the words “section 79”. Amendment of Standing Order 57 - Governor’s amendments
17. Standing Order 62(2) is amended by deleting the word “have” and by substituting the word “has”. Amendment of Standing Order 62 - procedure on private Bills
18. Standing Order 69 is amended by deleting the word “2005” and substituting the word “2017”. Amendment of Standing Order 69 - resolution for the provisional collection of custom duties
19. The Legislative Assembly Standing Orders (2006 Revision) are amended by deleting the word “select” from the heading following Standing Order 74. Amendment of heading following Standing Order 74
20. Standing Order 75 is amended as follows - Amendment of Standing Order 75 - Finance Committee
- (a) by revoking paragraphs (1) and (2) and substituting the following paragraphs -
- “(1) There shall be a standing committee, to be styled the Finance Committee, to consider in detail the estimates of revenue and expenditure of the Islands laid before the House by the Minister responsible for finance, and to examine and consider all financial Bills and such other matters relating to the finances of the Islands as may from time to time be referred to it by the House and to report on them to the House.
- (2) The Finance committee shall consist of all the elected Members and shall be chaired by the Minister responsible for finance.”;
- (b) in paragraph (4), by deleting the words “eight members” and substituting the words “a majority of Members”; and
- (c) in paragraph (5), by deleting the words “Financial Secretary” and substituting the words “Minister responsible for finance”.

Amendment of Standing Order 77 - Public Accounts Committee

21. Standing Order 77 is amended as follows -

- (a) in paragraph (1), by deleting the word “select”;
- (b) in paragraph (2), as follows -
  - (i) by deleting the word “five” and substituting the word “six”;
  - and
  - (ii) by deleting the word “three” and substituting the words “a majority of”;
- (c) by revoking paragraph (8) and substituting the following paragraph -

“(8) The Auditor General, the Chief Officer in the Ministry with responsibility for finance and the Accountant General shall be in attendance when Chief Officers or other persons are providing information or explanations to the Committee.”; and

- (d) by inserting after paragraph (9) the following paragraph -

“(10) Nothing in this Standing Order shall be read as abridging the generality of any powers conferred by section 87 of the Constitution.”.

Amendment of Standing Order 78 - Standing Orders Committee

22. Standing Order 78 is amended as follows -

- (a) in paragraph (1), by deleting the word “select”;
- (b) in paragraph (2), by deleting the words “Chief Secretary” and substituting the words “Presiding Officer”; and
- (c) in paragraph (3), by deleting the word “seven ” and substituting the words “a majority of”.

Revocation and substitution of Standing Order 79 - other standing select committees and insertion of Standing Order 79A - composition of standing committees

23. Standing Order 79 is amended by revoking Standing Order 79 and substituting the following Standing Orders -

“Other standing committees

79. The House may establish one or more other standing committees of the House, each of which may be charged with responsibility for monitoring the conduct of business of the Government for which responsibility has been assigned to a Minister under section 54 of the Constitution.

Composition of standing committees

79A. The composition of all standing committees shall, so far as possible, reflect proportionately the numerical strength of all political parties or groups making up the elected membership of the House.”.

Amendment of Standing Order 80 - duration

24. Standing Order 80 is amended by deleting the word “select” wherever that word appears.



25. Standing Order 81 is amended by deleting the word “select” wherever that word appears. Amendment of Standing Order 81 - sitting and procedure

26. The Legislative Assembly Standing Orders (2006 Revision) are amended by inserting after Standing Order 89 the following Heading and Standing Order - Insertion of new heading- electronic devices in the Chamber and insertion of Standing Order 90 - use of electronic devices

**“Electronic Devices in the Chamber**

Use of electronic devices

90. (1) A person may use an electronic device in the Chamber if the use of the device is necessary for the purpose of conducting the business of the House.

(2) For the purpose of paragraph (1) “electronic device” means a handheld device with its own power source that is capable of performing the tasks of a personal computer.”.

Made by the Legislative Assembly the 27<sup>th</sup> day of March, 2017.

Zena Merren-Chin

Clerk of the Legislative Assembly.

Approved by the Governor the 22<sup>nd</sup> day of June, 2017.

Helen Kilpatrick

Governor.