

THE EXEMPTED LIMITED PARTNERSHIP (AMENDMENT) BILL, 2013

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Exempted Limited Partnership Law (2012 Revision).

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

Clause 2 amends section 2 of the principal Law to insert a definition of the words “registered office provider” for the purposes of the legislation.

Clauses 3 and 4 respectively amend sections 11 and 12 of the principal Law to specify the circumstances under which a general partner may be required to make its register and accounts available at its registered office.

THE EXEMPTED LIMITED PARTNERSHIP (AMENDMENT) BILL, 2013

ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Amendment of section 2 of the Exempted Limited Partnership Law (2012 Revision) - definitions
3. Amendment of section 11 - register of limited partnership interests
4. Amendment of section 12 - accounts

CAYMAN ISLANDS

A BILL FOR A LAW TO AMEND THE EXEMPTED LIMITED PARTNERSHIP LAW (2012 REVISION) TO MAKE FURTHER PROVISION IN RESPECT OF THE PRODUCTION OF RECORDS BY GENERAL PARTNERS; AND TO PROVIDE FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Exempted Limited Partnership (Amendment) Law, 2013. Short title and commencement

(2) This Law comes into force immediately after the Exempted Limited Partnership (Amendment) Law, 2012 comes into force.

2. The Exempted Limited Partnership Law (2012 Revision), in this Law referred to as the “principal Law”, is amended in section 2 by inserting, after the definition of the words “public in the Islands”, the following definition - Amendment of section 2 of the Exempted Limited Partnership Law (2012 Revision) - definitions

“ “registered office provider” means in relation to an exempted limited partnership the person who provides the registered office for that exempted limited partnership;”.

3. The principal Law is amended in section 11 as follows - Amendment of section 11 - register of limited partnership interests

- (a) in subsection (1) by inserting after the word “partnership” the words “, or such other place either within or without the Islands as the general partner may from time to time determine, ”; and
- (b) by after subsection (1) the following subsection -

“ (1A) Where the register described in subsection (1) is kept at a place other than the registered office of the exempted limited partnership, the general partner shall make available at the registered office, in electronic form or any other medium, the register described in subsection (1) upon service of an order or notice by the Tax Information Authority pursuant to the Tax Information Authority Law (2009 Revision); and if the general partner fails to comply with the order or notice without reasonable excuse, the general partner shall incur a penalty of five hundred dollars and a further penalty of one hundred dollars for every day during which such non-compliance continues.”.

Amendment of section
12 - accounts

4. The principal Law is amended in section 12 by inserting after subsection (2) the following subsection -

“ (2A) Where the general partner keeps the books of account described in subsection (2) at any place other than at the registered office of the exempted limited partnership or at any other place within the Islands, the general partner shall, upon service of an order or notice by the Tax Information Authority pursuant to the Tax Information Authority Law (2009 Revision), make available, in electronic form or any other medium, at its registered office copies of its books of account, or any part or parts thereof, as are specified in such order or notice; and if the general partner fails to comply with the order or notice without reasonable excuse, the general partner shall incur a penalty of five hundred dollars and a further penalty of one hundred dollars for every day during which such non-compliance continues.”.

Passed by the Legislative Assembly the _____ day of _____, 2013.

Speaker.

Clerk of the Legislative Assembly.