

CAYMAN ISLANDS



Standards in Public Life Law, 2014

(Law 3 of 2014)

STANDARDS IN PUBLIC LIFE REGULATIONS, 2020

(SL 8 of 2020)

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CAYMAN ISLANDS**Standards in Public Life Law, 2014****(Law 3 of 2014)****STANDARDS IN PUBLIC LIFE REGULATIONS,
2020****(SL 8 of 2020)**

In exercise of the powers conferred by section 35 of the Standards in Public Life Law, 2014 the Cabinet makes the following Regulations —

Citation

1. These Regulations may be cited as the Standards in Public Life Regulations, 2020.

Preliminary**Declaration Form**

2. The declaration required under section 11 of the Law shall be completed as follows —
 - (a) a person in public life specified in paragraphs 1, 2, 3, 4, 5, 9 or 10 of Schedule 1 to the Law shall complete the form provided in Schedule 1; and
 - (b) a person in public life specified in paragraphs 6, 7 or 8 of Schedule 1 to the Law shall complete the form provided in Schedule 2.

Limitations on content of declarations

3. Where the spouse or a dependant of a declarant under section 11 of the Law has not been residing in the same household of the declarant for a continuous period of three months immediately preceding the filing of the declaration, the declarant may limit the details to be included under section 12 of the Law to such assets held by the spouse or the dependant in trust for or as the agent of the declarant.

Inspection of Register

4. (1) An inspection of the register, pursuant to a request from a member of the public, shall take place at the Offices of the Commissions Secretariat.
- (2) A person who is inspecting the register shall not take photographs, make photocopies, scan, video record or otherwise mechanically or electronically reproduce any part of the register.

Report of breach

5. (1) A person who wishes to make a report alleging that a person in public life is in breach of the Law shall make the report within one year from the date on which the person became aware of the breach.
- (2) In determining whether to conduct an investigation of an allegation of breach of the Law, the matters which the Commission may consider include —
- (a) the extent to which the allegation appears to the Commission to raise a matter of substance;
 - (b) any undue delay in making the allegation; and
 - (c) whether an allegation is frivolous or vexatious.

Commission may make rules

6. The Commission, in carrying out its functions, may make such rules for the conduct of its meetings or hearings, including setting the hours, times and places for sittings as they may, from time to time, think fit and as are in accordance with the Law.

Investigations**Appointment of investigator**

7. The Commission may, from time to time, appoint an investigator who is suitably qualified to carry out investigatory work and shall be paid such remuneration commensurate with the nature of the investigatory work assigned.

Conduct of investigation

8. (1) The Commission shall serve a notice on a person in public life where the Commission reasonably suspects that the person in public life has committed a breach of the Law and the Commission intends to commence an investigation under Part 5 of the Law.



- (2) At the time of serving the notice under paragraph (1), the Commission shall set out the matter being investigated and its requests for information, verification and supporting documents from the person in public life.
- (3) The Commission may require the person in public life or a connected person to make representations in response to the questions from the Commission within twenty-one days after receipt the notice and the representations may be in writing or orally.
- (4) The Commission may, where it is reasonable to do so, extend the period of time in paragraph (3) by such period of time that it considers appropriate.

Production of statements and information

9. (1) Any person who is required to produce books, records, statements or other information pursuant to an investigation shall satisfy the request made by the Commission within twenty-eight days after the person receives the request.
- (2) Where a person objects to the request made under paragraph (1) on the grounds of legal professional privilege or any other ground, the person shall submit an objection to the request, with reasons, no later than twenty-one days of the receipt of the request.
- (3) Notwithstanding the time to satisfy a request or to object to a request, the Commission may, where it is reasonable to do so, extend the period of time in paragraphs (1) and (2) by such period of time that it considers appropriate.

Further and better particulars

10. (1) The Commission shall review representations and any supporting documentation with a view to determining whether to request any further and better particulars from the person in public life.
- (2) In the event that the Commission requires further and better particulars, it shall make the request within seven days after receipt of the representation or supporting documentation and the person in public life shall within twenty-eight days after receipt of the request for further and better particulars provide such particulars.
- (3) Notwithstanding the time to satisfy a request or to object to a request, the Commission may, where it is reasonable to do so, extend the period of time in paragraphs (1) and (2) by such period of time that it considers appropriate.

Consideration of representations

11. (1) The Commission shall within fourteen days after —
 - (a) the receipt of information referred to in regulation 9 where further and better particulars are not required; or
 - (b) the receipt of the further and better particulars under regulation 10,

make a determination as to whether the matter may be closed without further action or whether it should proceed to an oral examination.

- (2) The Commission shall notify the person in public life of its determination under paragraph (1) and, where applicable, the date for an oral examination shall not be less than thirty days after the date on which the notification is received by the person in public life.
- (3) Where the Commission determines that the matter should proceed to an oral examination, the person may elect to have the matter dealt with on the papers and the person in public life shall communicate that decision within three days after being notified by the Commission.
- (4) The Commission may, where it is reasonable to do so, extend the period of time in paragraphs (1), (2) and (3) by such period of time as it considers appropriate.

Examination

- 12.** (1) Where a person in public life wishes to call a witness for an examination, the name of the witness shall be provided to the Commission seven days before the scheduled hearing date.
- (2) There shall be a minimum of two members of the Commission, one of whom shall be the Chairman, present at an examination.
- (3) Decisions of the Commission which cannot be made by consensus shall be made by majority votes and the Chairman shall have a casting vote.

Person in public life may request to be heard

- 13.** (1) Notwithstanding regulations 8, 9 and 10, the Commission where it is conducting an investigation shall give a person in public life opportunity to make representations in person or by an attorney-at-law.
- (2) If a person in public life wishes to be heard by the Commission the person may request a hearing.
- (3) The hearing shall be scheduled no earlier than seven days or no later than thirty days after the Commission receives the request for the hearing.
- (4) A person in paragraph (1) shall submit a written statement summarizing the person's representations to the Commission five days before the date of the hearing.
- (5) There shall be a minimum of two members of the Commission, one of whom shall be the Chairman, present at a hearing.
- (6) The Commission may, where it is reasonable to do so, extend the period of time in paragraph (3) by such period of time that it considers appropriate.



Oaths and evidence

- 14.** (1) The Commission shall have the same powers to summon witnesses, administer oaths and affirmations and take evidence as a magistrate has in a court of summary jurisdiction.
- (2) A witness shall be examined by the Commission and may be examined by the person in public life or the person's attorney-at-law.

Commission shall notify respondent

- 15.** (1) The Commission shall where it determines on the basis of an enquiry, that neither —
- (a) a breach of Part 5 of the Law; nor
- (b) an offence,
- has been committed, notify the respective person in public life, in writing, of its determination within twenty-eight days of the hearing.
- (2) Where the Commission determines on the basis of an enquiry that an offence has been committed, it shall immediately notify, in writing, the person in public life of its determination and of its referral of the matter to the Royal Cayman Islands Police Service and the Director of Public Prosecutions.
- (3) The Commission may extend the period of time under paragraph (1) where an extension is reasonably required.

Duty of confidentiality**Duty of confidentiality**

- 16.** (1) Facts and particulars relating to any matter falling for consideration by the Commission or any decision of the Commission that has not been published shall be treated as confidential by a person appointed to assist the Commission in carrying out its functions.
- (2) A person under paragraph (1) shall not disclose facts or particulars otherwise than in the proper performance of the person's duties under this Law or in compliance with the order of a court of competent jurisdiction or a Commission issued under the *Commissions of Enquiry Law (1997 Revision)*.
- (3) A person who fails to comply with paragraphs (1) or (2) commits an offence and shall be liable on summary conviction to a fine of one thousand dollars.

Breach of duty of confidentiality

- 17.** (1) A person who alleges that the duty of confidentiality under regulation 16 has been breached shall file a report detailing the breach within one year of the date on which the alleged breach occurred or the date on which the person became aware of the breach.

- (2) The Commission may, where it is reasonable to do so, extend the period of time under subsection (1) as it considers appropriate.

Report

- 18.** Where the Commission is satisfied that, in accordance with section 22 of the Law, a breach or an offence has been committed, the accompanying report for the Royal Cayman Islands Police Service and the Director of Public Prosecutions shall include the following —

- (a) a summary of the matter that gave rise to the investigation;
- (b) a record of the investigation;
- (c) the Commission's findings;
- (d) the Commission's recommendations; and
- (e) any other information that the Commission considers appropriate.

General

Record in the Register

- 19.** Where steps are taken under section 11(5) of the Law to recover an unpaid penalty, the Commission shall record the recovery in the Register.

Information received by the Commission

- 20.** Information received by the Commission, except information that appears in the Register of Interests, shall be exempt records for the purposes of the *Freedom of Information Law (2020 Revision)*.



SCHEDULE 1*(regulation 2)***Declaration Form for Persons Appointed Under Paragraphs 1, 2, 3, 4,
5, 9 or 10 of Schedule 1 to the Law****COMMISSION FOR STANDARDS IN PUBLIC LIFE
(Standards in Public Life Law, 2014)****DECLARATION OF INTERESTS, INCOME, ASSETS AND LIABILITIES
FOR THE YEAR ENDED....., 20__***(Pursuant to section 12 of the Standards in Public Life Law, 2014)*

(Please read the instructions carefully before completing this form)

PART 1**PERSONAL DETAILS**

NAME OF DECLARANT: _____

Last Name, Middle Name, First Name

ADDRESS: _____

Post Office Box Number, Post Code, Street Address

CONTACT NUMBERS: _____

Home, Work, Mobile

EMAIL ADDRESS: _____

MARITAL STATUS: _____

Single, Married, Separated, Divorced, Widowed

PUBLIC OFFICE: _____

*Title and the relevant Department/Ministry/Portfolio/Statutory Authority/Government
Company/Constituency*

DATE OF APPOINTMENT TO CURRENT POSITION: _____

DATE WHEN CURRENT TERM OR CONTRACT ENDS: _____



LENGTH OF APPOINTMENT: _____

PART 2

DETAILS OF CONNECTED PERSONS

("Connected person" is defined in section 2 of the Standards in Public Life Law, 2014)

CONNECTED PERSON NUMBER 1: _____

Last Name, Middle Name, First Name

DETAILS OF CONNECTION:

CONNECTED PERSON NUMBER 2: _____

Last Name, Middle Name, First Name

DETAILS OF CONNECTION

(Continue as necessary for each connected person)

PART 3

STATEMENT OF INTERESTS, INCOME, ASSETS AND LIABILITIES

The following information is provided pursuant to section 12(1) of the *Standards in Public Life Law, 2014*

- (a) I hold shareholdings and directorships in the following companies and other corporate bodies: _____

Name and address of company or corporate body

- (b) I have contracts with the following public entities: _____

*Provide date of contract, brief particulars of rights and obligations
under the contract*

- (c) I have invested money in the following companies, partnerships or associations: _____

Name of company/partnership/association, address



(d) I am trustee of the following trusts:

*Give the name of the trust, the position you hold in the trust,
and who is the beneficiary of the trust.*

(e) I own the following land, beneficially or otherwise,

Proprietorship of land, location and block and parcel.

(f) I hold an interest in the following investment funds:

*Details relating to investment funding including name and
location of the fund.*

(g) In addition to my salary and other perquisites of office, I have the following sources of income: _____

State the source, nature and frequency.

(h) I hold the following substantial pecuniary interest or other interest, as the case may be, which raises or may appear to raise a material conflict of interest: _____

Source, indication of conflict or potential conflict

(i) I have the following loans, secured or unsecured, from institutions other than from an institution regulated under “regulated laws” as defined by section 2 of the *Monetary Authority Law (2020 Revision)*: _____

Source, nature of loan.

(j) I have received hospitality, gifts or entertainment each instance of which are set out below:

I DECLARE THAT in this Declaration I have given the full particulars, as are known to me, and as are required to be provided in accordance with the Standards in Public Life Law, 2014, in respect of the year ended 30th June, 20 __.

Dated this day of , 20__

Signature of Declarant

Signature of Witness:

Full Name of Witness

Postal Address:

Physical Address:



SCHEDULE 2*(regulation 2)***Declaration Form for Persons Appointed Under Paragraphs 6, 7 and 8 of Schedule 1 to the Law****COMMISSION FOR STANDARDS IN PUBLIC LIFE**
(Standards in Public Life Law, 2014)**DECLARATION OF INTERESTS, INCOME, ASSETS AND LIABILITIES FOR
THE YEAR ENDED....., 20__**
(Pursuant to section 12 of the Standards in Public Life Law, 2014)

(Please read the instructions carefully before completing this form)

PART 1**PERSONAL DETAILS**

NAME OF DECLARANT: _____

Last Name, Middle Name, First Name

ADDRESS: _____

Post Office Box Number, Post Code, Street Address

CONTACT NUMBERS: _____

Home, Work, Mobile

EMAIL ADDRESS: _____

MARITAL STATUS: _____

Single, Married, Separated, Divorced, Widowed

PUBLIC OFFICE: _____

Title and the relevant /Statutory Authority/Government Company/Commission

DATE OF APPOINTMENT TO CURRENT POSITION: _____

DATE WHEN CURRENT TERM OR CONTRACT ENDS: _____

LENGTH OF APPOINTMENT: _____

PART 2**DETAILS OF CONNECTED PERSONS***(“Connected person” is defined in section 2 of the Standards in Public Life Law, 2014)*

CONNECTED PERSON NUMBER 1: _____



Last Name, Middle Name, First Name

DETAILS OF CONNECTION:

CONNECTED PERSON NUMBER 2: _____

Last Name, Middle Name, First Name

DETAILS OF CONNECTION

(Continue as necessary for each connected person)

PART 3

STATEMENT OF INTERESTS, INCOME, ASSETS AND LIABILITIES

In accordance with section 12(5), this Part (paragraphs (a) to (j)) is to be completed where there is possible or perceived conflict with the declarant's functions on the entity to which the declarant is appointed arising out of the declarant's interest, income assets or liabilities.

The following information is provided pursuant to section 12(1) of the Standards in Public Life Law, 2014

- (a) I hold shareholdings and directorships in the following companies and other corporate bodies: _____

Name and address of company or corporate body

- (b) I have contracts with the following public entities: _____

Provide date of contract, brief particulars of rights and obligations under the contract

- (c) I have invested money in the following companies, partnerships or associations: _____

Name of company/partnership/association, address

- (d) I am trustee or beneficiary to the following trusts]: _____

Give the name of the trust, the position you hold in the trust, and who is the beneficiary of the trust.



- (e) I own the following land, beneficially or otherwise:

Proprietorship of land, location and block and parcel.

- (f) I hold an interest in the following investment funds:

Details relating to investment funding including name and location of the fund.

- (g) In addition to my salary and other perquisites of office, I have the following sources of income: _____

State the source, nature and frequency.

- (h) I hold the following substantial pecuniary interest or other interest, as the case may be, which raises or may appear to raise a material conflict of interest: _____

Source, indication of conflict or potential conflict

- (i) I have the following loans, secured or unsecured, from institutions other than from an institution regulated under “regulated laws” as defined by section 2 of the *Monetary Authority Law (2020 Revision)*: _____

Source, nature of loan.

- (j) I have received hospitality, gifts or entertainment each instance of which is set out below : _____

I DECLARE THAT I have given the full particulars, as are known to me, required to be filled in accordance with the provisions of the Standards in Public Life Law, 2014, in respect of the year ended 30th June, 20 ____.

Dated this _____ day of _____, 20__

Signature of Declarant

Signature of Witness:



Full Name:

Postal Address:

Physical Address:

Made in Cabinet this 18th day of February, 2020.

Kim Bullings
Clerk of the Cabinet

