

SCHEDULE 2

The Constitution of the Cayman Islands

PART VIII

INSTITUTIONS SUPPORTING DEMOCRACY

Commission for Standards in Public Life

117.—(1) There shall be in and for the Cayman Islands a Commission for Standards in Public Life (referred to in this section as “the Commission”).

(2) The Commission shall consist of a Chairman and not less than two nor more than four other members, who shall be appointed by the Governor, acting after consultation with the Premier and the Leader of the Opposition, and who shall be people of the highest integrity with knowledge of practice in the private or public sector.

(3) At least one member of the Commission shall be a chartered or certified accountant of at least ten years’ experience.

(4) At least one member of the Commission shall be a legal practitioner who has practised in the Commonwealth for at least ten years.

(5) A person shall not be appointed as a member of the Commission if—

- (a) he or she is a member of the Legislative Assembly;
- (b) he or she holds, or has at any time during the preceding three years held, a public office;
- (c) he or she has at any time during the preceding five years held office in a political party; or
- (d) he or she is not a Caymanian.

(6) The office of a member of the Commission shall become vacant—

- (a) at the expiration of four years from the date of his or her appointment;
- (b) if the member is absent from three consecutive meetings of the Commission, unless the absence is approved by the Governor;
- (c) if the member resigns office by writing under his or her hand addressed to the Governor;
- (d) if the member is removed from office by the Governor for inability to discharge the functions of his or her office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour; or
- (e) if the member with his or her consent is nominated for election to the Legislative Assembly or is appointed to any public office.

(7) If the office of a member of the Commission is vacant or a member is for any reason unable to perform the functions of his or her office, the Governor, acting in accordance with subsection (2), may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission, and any person so appointed shall, subject to subsection (6), continue so to act until the expiration of his or her term of office.

(8) In the exercise of their functions, the Commission and its members shall not be subject to the direction or control of any other person or authority.

(9) The functions of the Commission shall be—

- (a) to assist in the setting of the highest standards of integrity and competence in public life in order to ensure the prevention of corruption or conflicts of interest;

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- (b) to monitor standards of ethical conduct in the Legislative Assembly, the Cabinet, and on the part of public authorities and public officers;
- (c) to supervise the operation of registers of interest and to investigate breaches of established standards;
- (d) to review and establish procedures for awarding public contracts;
- (e) to review and establish procedures for appointing members to public authorities, and the terms of their appointment;
- (f) to recommend codes of conduct to prevent any Minister, public authority or public officer employing their power for any personal benefit or advantage, and to recommend legislation to provide appropriate sanctions;
- (g) to report to the Legislative Assembly at regular intervals, and at least every six months; and
- (h) to exercise such other functions as may be prescribed by a law enacted by the Legislature.