

## SCHEDULE 2

### The Constitution of the Cayman Islands

## PART IX

### MISCELLANEOUS

#### **Official language of the Cayman Islands**

**123.** The official language of the Cayman Islands is English.

#### **Interpretation**

**124.—(1)** In this Constitution, unless it is otherwise provided or required by the context—

“Assembly” means the Legislative Assembly;

“Bill of Rights” means the Bill of Rights, Freedoms and Responsibilities set out in Part I of this Constitution;

“Caymanian” has the meaning ascribed to it in the laws of the Cayman Islands for the time being in force;

“Court of Appeal” means the court established by section 99;

“functions” includes jurisdiction, powers and duties;

“Government” means the Government of the Cayman Islands;

“Government Notice” means a Cayman Islands Government Notice;

“Governor” means the person for the time being holding the office of Governor of the Cayman Islands, and includes any person for the time being lawfully performing the functions of that office and, to the extent to which a person appointed under section 36 is authorised to act (but except where the word “Governor” appears in that section), that person;

“Grand Court” means the court established by section 94;

“high judicial office” means the office of judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in Ireland or a court having jurisdiction in appeals from such a court;

“Judicial and Legal Services Commission” means the Commission established by section 105;

“law” includes any instrument having the force of law made in exercise of a power conferred by law;

“Leader of the Opposition” means a Leader of the Opposition appointed under section 68;

“Legislature” means the Legislature established by section 59(1);

“Minister” means a member of the Cabinet who is appointed as the Premier or other Minister;

“oath” includes affirmation;

“political party” means a group of persons who have united to contest election for membership of the Legislative Assembly;

“Premier” means a Premier appointed under section 49;

“public office” means, subject to subsection (2), an office of emolument in the public service;

“public officer” means the holder of any public office, and includes a person appointed to act in any public office;

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“the public service” means the service of the Crown in a civil capacity in respect of the government of the Cayman Islands;

“session” means the meetings of the Legislative Assembly commencing when the Assembly first meets after being constituted under this Constitution, or after its prorogation or dissolution at any time, and terminating when the Assembly is prorogued or is dissolved without having been prorogued;

“sitting” means a period during which the Legislative Assembly is sitting continuously without adjournment and includes any period during which the Assembly is in committee.

(2) For the purposes of this Constitution, references to public offices shall not be construed as including—

- (a) references to the office of Speaker, Deputy Speaker or elected member of the Legislative Assembly, Premier or other Minister, or Leader of the Opposition;
- (b) except in section 110, references to the office of judge of the Grand Court or the Court of Appeal;
- (c) references to a member of the Judicial and Legal Services Commission, the Human Rights Commission, the Commission for Standards in Public Life, the Constitutional Commission, an Electoral Boundary Commission, or the Advisory Committee on the Prerogative of Mercy, or to the Complaints Commissioner;
- (d) references to any office the holder of which is declared by any law in force in the Cayman Islands not to be disqualified for election as a member of the Assembly,

and a person shall not be considered as holding a public office by reason only that he or she is in receipt of a pension or other like allowance in respect of service under the Crown.

(3) Any person who has vacated his or her seat in any body, or has vacated any office established by this Constitution, may, if qualified, again be appointed or elected as a member of that body or to that office, as the case may be, from time to time.

(4) A reference in this Constitution to the holder of an office by the term designating his or her office shall be construed as a reference to any person for the time being acting in that office or otherwise lawfully performing the functions of that office.

(5) Without prejudice to subsection (4)—

- (a) where the holder of any office constituted by or under this Constitution is on leave of absence pending the relinquishment of that office, the person or authority having power to make appointments to that office may appoint another person to it; and
- (b) where two or more persons concurrently hold the same office by virtue of paragraph (a), the person last appointed shall in respect of any function conferred on the holder of that office be deemed to be the sole holder of it.

(6) Any power conferred by this Constitution to make any proclamation, rules, regulations or order or to give any directions shall be construed as including a power exercisable in like manner to amend or revoke any such proclamation, rules, regulations, order or directions.

(7) Where a person is required by this Constitution to make an oath he or she shall, if he or she so desires, be permitted to comply with that requirement by making an affirmation in accordance with the Schedule to this Constitution.

(8) For the purposes of this Constitution, the resignation of a member of any body or the holder of any office established by it that is required to be addressed to any person shall, unless otherwise expressly provided, be deemed to have effect from the time at which it is received by that person.

(9) For the purposes of this Constitution, a person shall not be regarded as absent from the Cayman Islands or as unable to perform any of his or her functions under it by reason only that he

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or she is in passage between any one of the Cayman Islands and another or from one part of any Island to another part.

**Power reserved to Her Majesty**

**125.** There is reserved to Her Majesty full power to make laws for the peace, order and good government of the Cayman Islands.