

SCHEDULE 2

The Constitution of the Cayman Islands

PART VI

THE PUBLIC SERVICE

Overriding duty of public officers

108. Subject to this Constitution, all public officers must—

- (a) act in accordance with the best interests of the Cayman Islands and not in their own private interests; and
- (b) implement Government policy to the best of their ability and in accordance with the directions given to them by the Cabinet or other responsible person or authority.

Appointment, etc., of public officers

109.—(1) Power to make appointments to public offices, and to transfer, remove or exercise disciplinary control over persons holding or acting in such offices, is, subject to this Constitution, vested in the Governor acting in his or her discretion.

(2) Subject to subsections (3) and (4), the Governor, acting in his or her discretion, may by regulations delegate, to such extent and subject to such conditions as may be specified in the regulations, the powers vested in him or her by subsection (1) to such public officers as may be specified.

(3) Subject to subsection (4), a law enacted by the Legislature may provide for the powers vested in the Governor by subsection (1) to be exercised by public officers subordinate to the Governor, and may enable the Governor to delegate those powers to such public officers in his or her discretion.

(4) No regulations made under subsection (2) shall delegate any powers vested in the Governor in relation to the offices of Financial Secretary, Commissioner of Police, Auditor General, Information Commissioner, Complaints Commissioner or to any office to which section 106 applies, and no law enacted by the Legislature may provide for any person or authority other than the Governor to exercise those powers.

Applicability of pensions law

110.—(1) The law applicable to the grant and payment to any officer, or to his or her widow or widower, children, dependants or personal representatives, of any pension, gratuity or other like allowance (in this section referred to as “an award”) in respect of the service of that officer in a public office shall be that in force on the relevant day or any later law not less favourable to the person concerned.

(2) For the purposes of this section the relevant day is—

- (a) in relation to an award granted before the appointed day, the day on which the award was granted;
- (b) in relation to an award granted or to be granted on or after the appointed day to or in respect of a person who was a public officer before that day, the day immediately before that day;
- (c) in relation to an award granted or to be granted to or in respect of a person who first becomes a public officer on or after the appointed day, the day on which he or she becomes a public officer.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) In subsection (2) “the appointed day” means the date of commencement of this Constitution.

(4) For the purposes of this section, insofar as the law applicable to an award depends on the option of the person to or in respect of whom it is granted or to be granted, the law for which he or she opts shall be taken to be more favourable to him or her than any other law for which he or she might have opted.

(5) Where any sum is required for the payment of an award and no, or insufficient, provision has been made for it under a law made by the Legislature, that sum shall be charged on and paid out of the revenues of the Cayman Islands.