

Important Facts

1. Why is the Constitution referred to as a “living document”?

The Constitution is the highest Law of the land. “Living document” tends to refer to the fact that it has an impact on every day life whether we are aware of it or not. In interpreting the Constitution, it is said to grow, expand and adapt. In this way, it can evolve like a living thing.

2. When and where did the Constitutional negotiations take place?

The Constitutional Negotiations between the United Kingdom Government and the Cayman Islands Delegation comprised three round of meetings held from 29 September, 2008 – 5 February, 2009. The last round was held in London.

3. Who participated in the Constitutional negotiations?

A number of persons participated in the negotiation meetings including representatives from the Cayman Islands Government, Honourable Ministers and Members of Cabinet as well as other elected Officials spanning all political parties; representatives of the United Kingdom Foreign Commonwealth Office; and a number of non Governmental organizations.

4. How can the people call a Referendum?

The new Constitution permits 25 percent of voters to present a signed petition to Cabinet, which would result in Cabinet settling the wording of the referendum question or questions and determining the date of the referendum. Once Cabinet has completed these tasks the Legislature is required to enact a referendum law so that the referendum can be held.

People-initiated referendums must be held on matters of national importance, but those matters cannot contravene any part of the Bill of Rights or any other part of the Constitution.

5. Can the Constitution be amended without the consent of the people of the Cayman Islands?

Yes, during the negotiations the Cayman Islands Delegation proposed that any future amendments should require the authorization of a referendum, unless the change was declared to be minor or uncontroversial by the Premier and the Leader of the Opposition.

As stated in the letter of entrustment, the United Kingdom Government agreed with the idea that major amendments should receive the consent of the people of the Cayman Islands and pledged to use its best endeavours to honour this referendum requirement. However the United Kingdom has reserved for itself the power to amend the Constitution without the consent of the people.

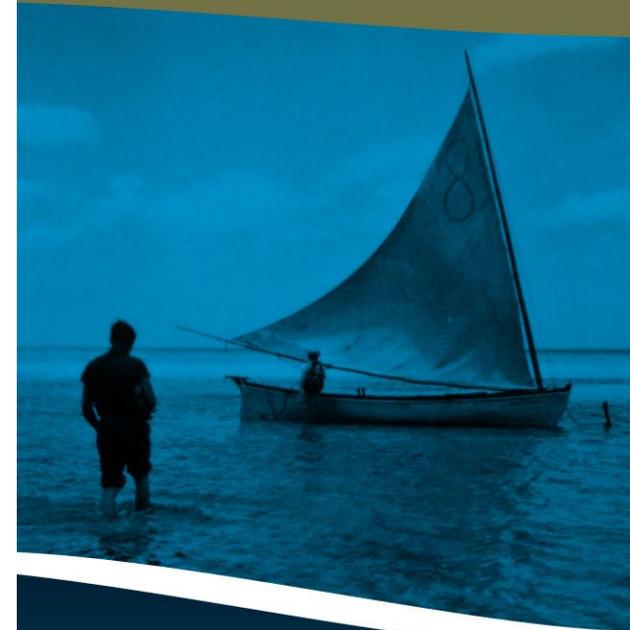
6. Is there a holiday honouring the Constitution?

Yes, it is observed on the first Monday in July of each year. The 4th July, 1959 was when the first Constitution for the Cayman Islands was written.

7. How can I contact the Constitutional Commission?

- E-mail: deborah.bodden@gov.ky
- Telephone: 244-3685
- Fax: 945-8649
- Mailing address:
P.O. Box 391 Grand Cayman KY1-1106
- Physical Address:
2nd Floor Smith Road Centre
- FOI request: foi.cos@gov.ky

CONSTITUTIONAL COMMISSION



• Promotion of Public Understanding and Awareness of the Constitution and Its Values

• Providing Advice on Constitutional Status and Development

Working Our Constitution

The Constitutional Commission

The Constitutional Commission comprises three members. Established under section 118 of the Constitution, it is the first body of its kind to obtain Constitutional recognition among the Overseas Territories. The primary responsibility of the Commission is to promote understanding and awareness of the Constitution and its values. The remit of the Commission also includes advising the Government on questions concerning Constitutional status and development in the Cayman Islands and to publish reports, discussion papers, information papers and other documents on Constitutional matters affecting the Cayman Islands.



Constitutional Commission Chairman Mr. Pastor Al Ebanks (centre) and Members Mrs. Julene Banks(L) and Mr. Wil Pineau(R).

The Cayman Islands Constitution Order 2009

The Cayman Islands Constitutional Order is the product of a lengthy process which included extensive public consultation and negotiations between the Cayman Islands and the United Kingdom Governments.

The Constitution establishes the system of governance, creates procedures and structure for the government and sets out the government's powers. The Constitution also includes a Bill of Rights, Freedoms and Responsibilities that sets out the fundamental rights of the people in the Cayman Islands, which the government cannot breach without just cause.

The Constitution came into effect on 6 November, 2009 and the Bill of Rights comes into effect on 6 November, 2012 with the exception of the sections dealing with the treatment of prisoners which comes into effect on 6 November, 2013. The Order consists of a preamble, transitional provisions, and nine sections. The nine sections of the Constitution are as follows:

1. The Bill of Rights, Freedoms and Responsibilities;
2. The Governor;
3. The Executive;
4. The Legislature;
5. The Judicature;
6. The Public Service;
7. Finance;
8. Institutions Supporting Democracy; and

Important Milestones in the Modernization of the Cayman Islands Constitution

January 2008, the Government published its Summary of Proposals and held numerous meetings with the public and other key stakeholder groups within the Cayman Islands.

February 2009, the Cayman Islands Constitutional Negotiation Team concluded formal negotiations with the Foreign and Commonwealth Office and the Minister with responsibility for the Overseas Territories in London.

20 May 2009, 62.66% of the electorate that participated in the referendum approved the Draft Constitution. This paved the way for the Privy Council to approve the Order in London in June 2009.

6 November, 2010 the Cayman Islands Constitution Order came into effect. On this historic day the first Premier, Deputy Premier and Deputy Governor were sworn in on the steps of the Legislative Assembly.

