



CAYMAN ISLANDS  
Office of the Governor  
Grand Cayman  
Cayman Islands

FROM THE ACTING GOVERNOR

5 February 2016

MLA's McLean, Eden, Miller, Suckoo and Connolly  
Members of the Legislative Assembly  
Grand Cayman  
Cayman Islands

Dear Sirs,

**News reports of a call for early elections by Hon Alden McLaughlin, Premier**

Thank you for your letter of 28 January 2016 to HE The Governor in which you express your concerns about the recent news reports that the Honourable Premier Alden McLaughlin has stated that an early election is an option.

I have discussed this reply at length with the Governor who is currently off Island.

Section 84(3) of the Constitution provides that the Governor shall dissolve the Legislative Assembly (LA) at the expiration of four years from the date when the Assembly first meets after any general election *unless* it has been sooner dissolved pursuant to this Constitution. The use of the word 'unless' clearly means that there is the possibility of a general election to be held earlier than four years, The enabling provision for doing so is Section 84 (2) which states that the Governor, acting after consultation with the Premier, may at any time, by proclamation, dissolve the Legislative Assembly.

The significance of this latter section is that there may very well be circumstances in which the Governor in his or her discretion, but after consulting the Premier, considers it necessary to dissolve the Legislative Assembly for general elections before the usual four years duration.

Apart from defections of members from the Government side that may cause a Premier to speak to the Governor about potential early elections there may very well be other reasons why, even with a clear majority, he may wish to seek early elections if in his opinion it has become impossible for his government to properly function.

In such circumstances there may be a compelling constitutional imperative to consider dissolving the Legislative Assembly to pave the way for early or fresh elections. Good administration would require that the Governor gives great weight to such a request and

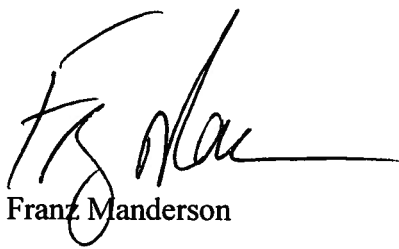
that barring compelling counter reasons, may be minded to agree to it, but it is ultimately the Governor's decision whether or not to accede to the request.

You have asserted that the Governor has an obligation to consult all members of the Legislative Assembly before agreeing to call an early election. The Constitution has no such requirement. The only consultation mandated by the Constitution is that to be found in Section 84(2) and that is consultation with the Premier.

The Nineteen Single Member Electoral Districts Boundaries Order 2015 ("the Order") was published on 25 November 2015. Clause 1(2) of the Order states that the Order shall come into force upon the next dissolution of the LA. Accordingly, any dissolution of the Legislative Assembly in furtherance of an election will automatically trigger the Order. It follows therefore, that any future elections, early or constitutionally due, can only be conducted on the new system of nineteen single member electoral districts.

Given that the Premier has not asked for an early election, I am not persuaded that it would be appropriate for me to make a public statement at this stage.

I hope this helps to clarify this matter.

A handwritten signature in black ink, appearing to read 'FM', with a long horizontal line extending to the right.

Franz Manderson

Cc: The Honorable Premier, Alden McLaughlin, MBE, JP, MLA  
The Honorable Acting Premier, Moses Kirkconnell, JP, MLA