



CPR CAYMAN

Cruise Port Referendum Cayman

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12 November 2019

BY HAND, E-MAIL AND POST

TO: The Cayman Islands Government
Government Administration Building
133 Elgin Avenue, PO Box 907
Grand Cayman, KY1-1103
Cayman Islands

Attention: His Excellency the Governor, Martyn Roper OBE
The Premier, Hon. Alden McLaughlin Jr. MBE JP MLA
The Speaker, the Hon. William McKeeva Bush
The Attorney General. Hon. Samuel Bulgin QC



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Dear Sirs and Mesdames

Judicial Review Letter Before Action - Response Requested by 4pm on 15 November 2019

INTRODUCTION

1. The letter is written in anticipation of an application for judicial review of certain decisions made by the Cayman Islands Government in respect to the Cruise Port Referendum, as more particularised below, and a stay of the referendum pending determination of the proposed judicial review challenge.
2. The proposed applicant is CPR Cayman, being a non-profit organisation established for the purpose of promoting and partnering with organisations concerned with community awareness and constitutional rights in the Cayman Islands (“**CPR Cayman**”).
3. The decisions proposed for challenge:
 - 3.1. The *Referendum (People-Initiated Referendum Regarding the Port) Law 2019*;
 - 3.2. The *Referendum (People-Initiated Referendum Regarding the Port) (Referendum Day) Notice 2019*;
 - 3.3. The *Referendum (People-Initiated Referendum Regarding the Port) (Referendum Question) Regulations 2019*;
 - 3.4. The decision to publish and circulate the leaflet in support of the cruise berthing project entitled “Truth Matters”;
 - 3.5. The decision to spend public funds for campaigning purposes;



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3.6. Any other decisions made by the Cayman Islands Government that tend to frustrate the constitutional right to a fair and effective people-initiated referendum, as set out below.

BACKGROUND

4. Section 70 of the Constitution provides:

People-initiated referendums

70.—(1) Without prejudice to section 69, a law enacted by the Legislature shall make provision to hold a referendum amongst persons registered as electors in accordance with section 90 on a matter or matters of national importance that do not contravene any part of the Bill of Rights or any other part of this Constitution.

(2) Before a referendum under this section may be held—

(a) there shall be presented to the Cabinet a petition signed by not less than 25 per cent of persons registered as electors in accordance with section 90;

(b) the Cabinet shall settle the wording of a referendum question or questions within a reasonable time period as prescribed by law; and

(c) the Cabinet shall make a determination on the date the referendum shall be held in a manner prescribed by law.

(3) Subject to this Constitution, a referendum under this section shall be binding on the Government and the Legislature if assented to by more than 50 per cent of persons registered as electors in accordance with section 90.

5. On 12 June 2019, the CPR Cayman presented a petition to the Governor (the chair of the Cabinet) calling for a referendum on the question whether to proceed with the cruise port project at George Town. After significant delay, the Cabinet accepted that the petition was valid and, on 3 October 2019, laid the *Referendum (People-Initiated Referendum Regarding the Port) Bill 2019* before the Legislative Assembly.

6. On 3 October 2019, the Premier's Office announced that the referendum would be held on 19 December 2019 and that the Cabinet had determined the referendum question to be: "*Should*



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the Cayman Islands continue to move forward with building the cruise berthing and enhanced cargo port facility?”

7. On the same date, the Government laid the *Referendum (People-Initiated Referendum Regarding the Port) Bill 2019* before the Legislative Assembly. The recital to the original Bill provided, in part: “*in accordance with section 70(2)(b) and (c) of the Constitution of the Cayman Islands, the Cabinet has settled the wording of the referendum question and has made a determination on the date for the holding of the referendum in a manner prescribed by this Law*” (emphasis added).

8. Clause 4 of the original Bill stated:

“(1) The matter of national importance is whether the Islands should continue to move forward with the building of the cruise berthing and enhanced cargo port facility.

(2) For the purpose of determining the matter of national importance under subsection (1), the following question shall be asked in the referendum —
‘Should the Cayman Islands continue to move forward with building the cruise berthing and enhanced cargo port facility?’.

(3) The ballot paper to be used for the purpose of the referendum shall be in the form set out in Schedule 1.

(4) The outcome of the referendum shall be binding on the Government and the Legislature if more than fifty per cent of persons registered as electors pursuant to the Elections Law (2017 Revision), vote in the referendum in favour of, or against, the question specified in subsection (2).”

9. On 27 October 2019, the CPR Cayman published a legal opinion which expressed the view (*inter alia*) that it was unlawful for the Cabinet to set the date of the referendum and/or to determine the referendum question before a law was made prescribing how those matters should be determined.

10. The opinion explained that it was particularly important that the wording of the referendum be determined in accordance with a law because the wording determined by the Cabinet on 3



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October was: (i) prolix, (ii) not impartial, and (iii) included the proposed cargo port, which was not the subject of the petition.

11. The opinion explained that it was particularly important that the date of the referendum be determined in accordance with a law because the date chosen by the Cabinet (i) left insufficient time for electors to be provided with sufficient, balanced information in advanced of the referendum, (ii) appeared to have been chosen by the Cabinet to suppress voter numbers and thereby advance its own cause, (iii) would disenfranchise 200+ voters who had registered to vote between July and October 2019, and (iv) would mean CPR Cayman had insufficient time to train observers, as is their right under clause 7 of the Bill, to observe the conduct of the referendum at each counting station.
12. On 27 October 2019, the Premier released a statement responding to the legal opinion and defending the wording of the referendum question. He stated: *“The Government has taken legal advice on the conduct of this matter from our customary noted constitutional counsel in London and we are more than satisfied that the process being followed is fair and proper in every respect”*.
13. On 28 October 2019, the Premier repeated that position in a speech to the Legislative Assembly.
14. On 29 October 2019, the Premier tabled notice of proposed amendments to the Bill, to be considered at Committee stage. The recital to the notice stated that it was made in accordance with Standing Order 52(1) and (2). The amendment substituted clause 4 (2)-(4) of the Bill as follows:

“(2) The Cabinet shall, in accordance with section 70(2)(b) of the Constitution, settle the wording of the referendum question for determining the matter of national importance under subsection (1) within thirty days of the coming into force of this Law.

(3) In settling the wording of the referendum question the Cabinet shall, as far as possible, ensure that the referendum question is—

- (a) clear and simple;
- (b) directed at the core matter of national importance under subsection (1);
- (c) unambiguous; and



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(d) neutral.

(4) Upon settling the wording of the referendum question under subsection (2), the Cabinet shall promptly publish the referendum question—

- (a) by regulations in the Gazette;
- (b) in at least one newspaper circulating in the Islands; and
- (c) on Government websites.

(5) Cabinet shall prescribe the form of the ballot paper to be used for the purpose of the referendum in regulations made under subsection (4)(a).

(6) The outcome of the referendum shall be binding on the Government and the Legislature if more than fifty per cent of persons registered as electors pursuant to the Elections Law (2017 Revision) vote in the referendum in favour of, or against, the referendum question”.

15. Standing Order 52(2) of the Legislative Assembly Standing Orders (2006 Revision) provides that at least two days’ notice of any amendment proposed to be moved to a Bill must be given and, except with leave of the Chairman, no amendment of which notice has not been given may be moved.

16. The Committee stage began in the afternoon of 30 October 2019, the day after the Premier had tabled his amendment to the Bill. The Opposition raised concerns that they had only received notice of the proposed amendment an hour before the Committee stage and that, in the absence of notice, it was not possible properly to scrutinise the proposed amendments.

17. The Committee was chaired by the Speaker, the Hon. William McKeever Bush. Notwithstanding the obvious unfairness of the failure to give proper notice of the proposed amendments in accordance with the Standing Orders, the Speaker waived the requirement for notice. Significantly, on 23 October 2019, the Speaker had posted his strong support for the Government’s position on the port proposal on his personal Facebook page (the profile picture for which shows him presiding as Speaker in the Legislative Assembly):

“Dear friends much is being said by persons who don’t want the enhanced cruise facilities and our cargo Dock improved



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They complain that Govt is doing nothing to insure jobs and business opportunities for Caymanians.

The advertising of the job and business opportunities is a means for all to see that Govt is doing something about what they have said

Surely if voters say no to the improved facilities

Then there won't be those opportunities there.

But why can anyone complain that the developer is making the public aware that here are the benefits which they ask for and some say Will not exist.

I support the proposed enhanced facilities. It is needed now it will be good for cayman when and if completed and it will enhance our tourism product in the future.

To build anywhere else will mean much more damage and impact on the marine environment.

And remember we have one harbor

It is the harbour of Grand Cayman

It is not a marine park.”

The waiving of notice to enable the proper scrutiny of amendments to the Bill, in the context of that prior expression of support for one of the parties to the referendum, gives rise to an appearance of bias on the part of the Speaker.

18. On the same day (30 October 2019), the Legislative Assembly passed the Bill, as amended.

19. On 31 October 2019, the Governor assented to the Bill becoming law.

20. On the same day (31 October 2019), the Cabinet:

20.1. made the regulations prescribing the referendum question, in identical terms to the wording it had determined on 3 October 2019. No record of the Cabinet's reasoning has been published;

20.2. issued a notice prescribing the date on which the referendum would be held, which was the same date that it had determined on 3 October 2019.



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21. To date, the Government has disclosed spending of CI\$217,000 on advertising in support of the port project. In addition, the Government has spent and/or is proposing to spend substantial additional sums on attempting to persuade electors to vote “yes” on the referendum question.

THE ISSUES

Predetermination of the referendum date and question

22. Section 70(2)(b) of the Constitution provides that “*the Cabinet shall settle the wording of a referendum question or questions within a reasonable time period as prescribed by law*”. Section 70(2)(c) provides: “*the Cabinet shall make a determination on the date the referendum shall be held in a manner prescribed by law*”. The words “*prescribed by law*” attach to the manner in which the Cabinet shall settle the wording of a referendum question and set the date of the referendum.
23. In breach of that requirement, the Cabinet resolved the date of the referendum and the wording of the referendum question on or around 3 October 2019, before any law existed as to the manner in which the Cabinet should exercise those functions. Please disclose the minutes and any other record of the Cabinet’s decision to set the date of the referendum and the wording of the referendum question on or around 3 October 2019.
24. There is no indication that the Cabinet ever revoked that resolution. If you contend that it did, please identify the date on which the resolution was revoked and provide the minutes of the resolution to revoke.
25. The unlawful decision of 3 October 2019 to set the referendum date for 19 December 2019 undermined the making of the Law. It led to the perception that the Bill needed to be passed in good time to enable the referendum to be held on 19 December 2019, including to enable provision to be made for postal and mobile voting. Thus, the Cabinet’s decision to set the date of the referendum for 19 December 2019 (taken on or around 3 October 2019) reduced the level of legislative scrutiny that could be applied to the Bill and, in particular, to the significant amendments to the Bill. Please disclose the correspondence with the Supervisor of Elections relating to the timing of the referendum.



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26. Section 4 of the Law, as passed on 31 October 2019, required the Cabinet to give genuine, fresh consideration to the appropriate wording of the referendum question in light of the matters set out at s 4(3) of the Law and all material considerations, which included the representations received from the Proposed Claimant on 27 October 2019. Similarly, s 3 of the Law required the Cabinet to give genuine, fresh consideration to the appropriate date for the referendum in light of all material considerations, which included the representations received from the Proposed Claimant on 27 October 2019.
27. In breach of sections 3 and 4 of the Law, there was no genuine consideration by Cabinet as to the appropriate date of the referendum or the wording of the referendum question following the passing of the Law on 31 October 2019. The Claimants rely on the following matters:
- 27.1. The Cabinet was not independent or impartial. It had expressed the strongest possible views in favour of the port proposal;
- 27.2. It had previously made up its mind on the date of the referendum and the wording of the referendum question;
- 27.3. It had not revoked either determination;
- 27.4. The Premier had repeatedly stated that it was lawful for the Cabinet to have set the date of the referendum and the wording of the referendum question prior to the Law being passed and had (he said) received a legal opinion to that effect (the Proposed Claimant requests a copy of the legal opinion on which the Premier has publicly relied);
- 27.5. The date of the referendum and the wording of the referendum question on 31 October 2019 were identical to those determined on or around 3 October 2019;
- 27.6. The Cabinet had no regard to the representations made by CPR Cayman as to the wording of the referendum question. In particular, the Cabinet failed to have regard to the representations that:
- 27.6.1. The wording previously chosen by Cabinet was prolix and therefore unclear;



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- 27.6.2. The wording previously chosen by Cabinet sought to advance its side of the argument and was therefore biased;
- 27.6.3. The proposed cargo port was not part of the petition and was therefore should not have been included in the referendum question.
- 27.7. The Cabinet had no regard to the representations made by CPR Cayman as to the timing of the referendum. In particular, the Cabinet failed to have regard to the representations that:
- 27.7.1. The date previously chosen by the Cabinet left insufficient time for electors to be provided with sufficient, balanced information in advanced of the referendum;
- 27.7.2. The date previously chosen by the Cabinet was chosen to suppress voter numbers and thereby advance its own cause;
- 27.7.3. The date previously chosen by Cabinet would disenfranchise 200+ voters who had registered to vote between July and October 2019 thereby advancing the Cabinet's own cause;
- 27.7.4. The date previously chosen by Cabinet would leave the CPR Cayman insufficient time to train observers, thereby stifling its right to observe the conduct of the referendum at each counting station.
- 27.8. The Cabinet had no regard to the National Trust's concerns, raised in its press release dated 31 October 2019, that the referendum date previously chosen by Cabinet would occur before an updated environmental impact statement is published, thereby depriving electors of vital information about the environmental damage that the port proposal would cause.



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- 27.9. On 27 October 2019, the Premier released a statement responding to the legal opinion and defending the wording of the referendum.
- 27.10. It is unlikely that Cabinet consulted the Constitutional Commission of the Cayman Islands, the Elections Office or any independent or expert body for assistance in drafting the question or setting an appropriate date.
- 27.11. The regulations giving effect to the Cabinet's decision to set the date of the referendum and the wording of the referendum question were made on the same date that the Law was passed, leaving very little or no time for genuine fresh consideration.
28. If you contend that there was genuine consideration of the date of the referendum and the wording of the referendum question, please identify: (a) the time on 31 October 2019 that the Governor notified the Cabinet of his assent to the bill becoming law; (b) the time on 31 October 2019 that the Cabinet determined the date of the referendum and the wording of the referendum; (c) disclose any request for or provision of advice from any external person or body which informed the Cabinet's decision; (d) disclose all documents provided to the Cabinet to inform their decision and identify the date on which those documents were provided to Cabinet, and (e) disclose the minutes or other document recording the Cabinet's deliberation of the date of the referendum and the wording of the referendum.

The referendum question breaches s 4(3) of the Law

29. Section 4(3) of the Law requires that the referendum question be clear and unambiguous, and neutral. This aspect of the Law is consistent with the Code of Good Practice on Referendums promulgated by the European Commission for Democracy through Law ("**the Venice Commission's Code**") which provides that "*The question put to the vote must be clear; it must not be misleading; it must not suggest an answer...*" (Guideline I.3.1(c)).
30. There was a particular need for the Cabinet to be cautious in setting the referendum question because of the Cabinet's lack of independence and impartiality and the fact that it had previously made up its mind on the wording of the referendum question before the Law was made.



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31. In breach of s 4(3) of the Law, the wording of the referendum question is neither clear and unambiguous, nor neutral.
32. First, the words “continue to move forward with building” are not neutral. “Move forward” means to progress or modernise, which implies that the proposal is positive. The words are wholly unnecessary; it would have been clearer simply to say “build”. Accordingly, the words in issue serve only to distort the question and suggest an answer.
33. Second, the word “enhanced” is not neutral. It means improved, which implies that the proposal is positive. A neutral word could easily have been used, such as “larger”. Again, the word in issue serves to distort the question and suggest an answer.
34. Third, inclusion of the cargo port together with the cruise berthing facility conflates two independent issues. This could cause ambiguity, particularly in the foreseeable circumstance where a voter has a different view on the construction of each separate facility.

Undermining the purpose of section 70 of the Constitution

35. The Constitution, made by Order of the Queen in Council pursuant to s 5(1) of the *West Indies Act 1962*, is the supreme source of law in the Cayman Islands. The Legislative Assembly derives its legislative powers from the Constitution: s 59 provides that the Legislative Assembly may only legislate “subject to” the Constitution. Thus, any law passed by the Legislative Assembly is in principle amenable to challenge, by way of judicial review by the Grand Court, on the ground that it is incompatible with the Constitution.
36. The Legislative Assembly, and all public officials and bodies, are bound by the *Padfield* principle (*Padfield v Minister of Agriculture* [1968] AC 997). The *Padfield* principle is an important facet of the rule of law. It establishes that public bodies must not act so as to frustrate the purpose of primary legislation enacted by the legislature. It is for the courts to determine the object and purpose of the legislation and whether a particular action would frustrate that object and purpose. Although developed in the context of primary legislation in the United



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Kingdom, the principle must apply *a fortiori* to the Constitution of the Cayman Islands, given the supreme nature of that instrument.

37. Fairness plainly requires that in any referendum (a) electors are provided with fair and balanced information on the issues; and (b) proponents and opponents of the proposal are afforded a fair and balanced opportunity to present their cases. That common sense requirement of fairness is reflected in the Venice Commission’s Code, which provides:

37.1. Guideline I.2.2(a) provides: *“Equality of opportunity must be guaranteed for the supporters and opponents of the proposal being voted on. This implies a neutral attitude by administrative authorities, in particular with regard to: ...iii. public funding of campaign and its actors...”*.

37.2. That is developed by guideline I.2.2 (d), which provides: *“Equality must be ensured in terms of public subsidies and other forms of backing. It is advisable that equality be ensured between the proposal’s supporters and opponents. Such backing may, however, be restricted to supporters and opponents of the proposal who account for a minimum percentage of the electorate. If equality is ensured between political parties, it may be strict or proportional. If it is strict, political parties are treated on an equal footing irrespective of their current parliamentary strength or support among the electorate. If it is proportional, political parties must be treated according to the results achieved in the elections”*.

37.3. Guideline I.2.2(g) provides that: *“Political party and referendum campaign funding must be transparent”*.

37.4. Guideline I.2.2(h) provides: *“The principle of equality of opportunity can, in certain cases, lead to a limitation of spending by political parties and other parties involved in the referendum debate, especially on advertising”*.

37.5. Guideline I.3.1(b) provides: *“Contrary to the case of elections, it is not necessary to prohibit completely intervention by the authorities in support of or against the proposal submitted to a referendum. However, the public authorities (national, regional and local) must not influence the outcome of the vote by excessive, one-sided campaigning. The use of public funds by the authorities for campaigning purposes must be prohibited”*.



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- 37.6. Guideline II.3.4(a) provides: “*The general rules on the funding of political parties and electoral campaigns must be applied to both public and private funding*”. The explanatory report states that this means: “*National rules on both public and private funding of political parties and election campaigns must be applicable to referendum campaigns*” (para 24).
- 37.7. Guideline II.3.4(b) provides: “*The use of public funds by the authorities for campaigning purposes must be prohibited*”.
- 37.8. In the event of a breach of the funding rules “*for instance if the cap on spending is exceeded by a significant margin, the vote may be annulled*” (explanatory report, para 24).
38. Those common-sense principles are reflected in the *Elections Law 2017* which imposes controls over campaign spending in order to ensure a fair elections procedure.
39. In those circumstances, it is implicit in s 70 of the Constitution that a people-initiated referendum must be held in a manner that ensures that (a) electors are provided with fair and balanced information on the issues; and (b) proponents and opponents of the proposal are afforded a fair and balanced opportunity to present their cases. Otherwise, the constitutional right to an effective people-initiated referendum would be frustrated.
40. A combination of action and inaction by the Legislative Assembly and the Government has served to frustrate or threatens to frustrate the constitutional right to a fair and effective people-initiated referendum and therefore contravenes s 70 of the Constitution.
41. First, s 70 of the Constitution requires the Legislative Assembly to make a law governing the referendum procedure in a manner that secures the objectives set out above (in order to secure the constitutional right). However, whilst the *Referendum (People-Initiated Referendum Regarding the Port) Law 2019* applies the *Elections Law 2017* to the referendum, it expressly excludes the controls on campaign spending, and makes no provision whatsoever for the provision of information to electors or for campaign spending by proponents and opponents of the port proposal. The Legislative Assembly has thereby facilitated the Government’s unlawful actions as set out below.



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42. Second, the Government has frustrated the constitutional right as follows:

42.1. In a speech published in the Cayman Compass on 28 October 2019, the Premier stated: *“the government will be producing an information booklet that will bring together into one place all the key information about this project. We will be making the booklets as widely available as we can in the run-up to the referendum. To be clear, the booklet will be a presentation of the government’s case. I do not claim it will seek to present our opponents’ case for them and nor should it. This is a referendum about the delivery of one of this government’s key policy objectives. Explaining government policy is one of the responsibilities of government and promoting and defending a project we believe is necessary for the future wellbeing and prosperity of the Cayman Islands is something for which we make no apology”*;

42.2. The Government duly spent public money producing a leaflet in support of the proposal entitled “Truth Matters”. This was not a factual presentation of the proposal, but a one-sided argument in favour of it. For example, the leaflet states: *“If we do not build the Cruise Berthing Facility our cruise tourism will decline”*; *“Cruise tourism contributes \$200M to our economy every year”*; *“Can the country afford to lose \$200 million in revenue from the cruise industry? How will we sustain our growth and development with a declining cruise sector? How will we continue to provide the public services our people depend on when our cruise industry declines?”*;

42.3. The Government is convening a series of public meetings at which it will promote the port proposal, presumably in a similar vein to the leaflet;

42.4. The Government has paid for a website entitled “supPORTOurTourism.com”, which includes a series of video advertisements in favour of the port proposal (again paid for out of public funds);

42.5. As the Premier stated, the Government has not published any counterbalancing information.

43. Third, as set out at section B above, the Government has spent and continues to spend a large sum of public money campaigning on one side of the referendum through advertisements and social media campaigns. It has not made available any public funds to enable the other side of



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the referendum campaign to present its case. CPR Cayman requires the Government to disclose the sums it has spent on presenting its case in support of the port proposal.

44. In those circumstances, the Government (which, to be clear, has a public law duty to promote the constitutional right to a fair and effective referendum) is actively frustrating the provision of fair and balanced information to electors and is depriving opponents of the port proposal of an equivalent opportunity to present their case. That conduct is in breach of s 70 of the Constitution.

DETAILS OF THE ACTION REQUIRED

45. The Claimant requests that Government take the following action:

45.1. Revocation of the *Referendum (People-Initiated Referendum Regarding the Port) (Referendum Day) Notice 2019* and the *Referendum (People-Initiated Referendum Regarding the Port) (Referendum Question) Regulations 2019*;

45.2. The laying of a bill to amend the *Referendum (People-Initiated Referendum Regarding the Port) Law 2019* to ensure that electors are provided with fair and balanced information on the referendum issues and that proponents and opponents of the proposal are afforded a fair and balanced opportunity to present their cases;

45.3. Pending the laying of such a bill, the cessation of the use of public funds by the Government to campaign in support of the port proposal.

46. Alternatively, if you contest the proposed grounds of challenge, the Claimant asks you to consent to an order staying the *Referendum (People-Initiated Referendum Regarding the Port) (Referendum Day) Notice 2019* (with the effect of suspending the referendum) pending the final determination (or other final resolution) of the proposed claim for judicial review.

47. In addition, the criteria for a protective costs order (set out in *R (Corner House) v Secretary of State for Trade and Industry* [2005] 1 WLR 2600) are met. In particular, the issues raised are of general public importance; the public interest requires that those issues should be resolved;



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and the applicant has no private interest in the outcome of the case and, having regard to the financial resources of the applicant and the respondent and to the amount of costs that are likely to be involved, it is fair and just to make the order. In those circumstances, if you propose to contest the proposed grounds of challenge, the Claimant asks you to consent to a protective costs order on terms to be discussed and agreed.

INFORMATION REQUIRED

48. As set out above, please disclose:

- 48.1. The minutes and any other record of the Cabinet's decision to set the date of the referendum and the wording of the referendum question on or around 3 October 2019;
- 48.2. The legal opinion, relied on publicly by the Premier, as to the lawfulness of the Cabinet's decision;
- 48.3. If you contend that the Cabinet revoked the resolution passed on 3 October 2019, please identify the date on which the resolution was revoked and provide the minutes and any other record of the resolution to revoke;
- 48.4. All correspondence between the Government and the Supervisor of Elections relating to the timing of the referendum;
- 48.5. The time on 31 October 2019 that the Governor notified the Cabinet of his assent to the bill becoming law;
- 48.6. The time on 31 October 2019 that the Cabinet determined the date of the referendum and the wording of the referendum question;
- 48.7. Any request for and provision of advice from any external person or body which informed the Cabinet's decision to determine the date of the referendum and the wording of the referendum question, on 31 October 2019;



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- 48.8. All documents provided to the Cabinet to inform its decisions on the referendum date and questions, on 31 October 2019, together with the date on which those documents were provided to Cabinet;
- 48.9. The minutes or other documents recording the Cabinet's deliberations on 31 October 2019;
- 48.10. A record of all sums the Government has spent and/or has committed to spending on presenting its case in support of the port proposal.

REPLY DATE & TIMETABLE

49. In light of the referendum date of 19 December 2019, this matter is extremely urgent. We require you to respond to this letter of claim and provide the information sought by no later than 4pm on Friday 15 November 2019.
50. We appreciate that the timeframe within which we have requested your response is short. Unfortunately, this is necessary as any application for a stay of the *Referendum (People-Initiated Referendum Regarding the Port) (Referendum Day) Notice 2019* that might be necessary should be heard before the end of November, if possible, and there are numerous steps in the proposed litigation that need to take place before that hearing can proceed.
51. We look forward to receiving your reply by 4pm on 15 November 2019.

Yours Faithfully

CPR Cayman