

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE COMPLAINTS  
COMMISSIONER LAW (2014 REVISION) AS A CONSEQUENCE OF  
THE CONSTITUTION OF THE OFFICE OF OMBUDSMAN; TO  
ABOLISH THE OFFICE OF COMPLAINTS COMMISSIONER AND  
TRANSFER THE COMPLAINTS COMMISSIONER'S POWERS AND  
RESPONSIBILITIES TO THE OMBUDSMAN; AND TO MAKE  
PROVISION FOR INCIDENTAL AND CONNECTED MATTERS**

**THE COMPLAINTS COMMISSIONER (AMENDMENT) BILL, 2016**

**MEMORANDUM OF OBJECTS AND REASONS**

This Bill seeks to amend the Complaints Commissioner Law (2014 Revision) as a consequence of the constitution of the office of Ombudsman. The Bill would abolish the office of Complaints Commissioner and transfer the Complaints Commissioner's powers and responsibilities to the Ombudsman.

Clause 1 of the Bill provides for the short title and commencement of the legislation.

Clause 2 renames the principal Law as the 'Complaints Maladministration Law'.

Clause 3 deletes from the principal Law the definition of the term "Commissioner" since the legislation would no longer contain references to a Complaints Commissioner. The clause also defines the term "Ombudsman" for the purposes of the legislation.

Clauses 4 and 5 of the Bill effect amendments to the principal Law for the purpose of removing the provisions relating to -

- (a) the appointment of the Complaints Commissioner;
- (b) the oath to be taken by the Commissioner;
- (c) the Commissioner's salary and emoluments; and
- (d) the appointment of the Commissioner's staff.

Clause 6 amends sections 8, 10 to 22 and 24 of the principal Law to transfer various powers from the Complaints Commissioner to the Ombudsman, including the power -

- (a) to appoint mediators;
- (b) to receive complaints and conduct an investigation to ascertain whether injustice has been caused by improper administrative conduct on the part of a Government entity;
- (c) to require a Government entity to produce documents for the purposes of the investigation;
- (d) to make recommendations for action to be taken by the Government entity;
- (e) to refer a matter for appropriate disciplinary action; and
- (f) to lay reports before the Legislative Assembly.

Clause 7 of the Bill abolishes the post of Complaints Commissioner and contains transitional provisions.

**THE COMPLAINTS COMMISSIONER (AMENDMENT) BILL, 2016**

**ARRANGEMENT OF CLAUSES**

1. Short title and commencement
2. Amendment of section 1 of the Complaints Commissioner Law (2014 Revision) - short title
3. Amendment of section 2 - definitions
4. Repeal of sections 3 to 7 - appointment of Commissioner; oath of office; salary and emoluments; administrative provisions; appointment of acting Commissioner
5. Repeal of Schedule 1 - oath for the due execution of the office of Commissioner
6. Amendment of miscellaneous provisions - substitution of the word "Ombudsman" for the word "Commissioner"
7. Abolition of post of Complaints Commissioner; transitional provisions

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ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Complaints Commissioner (Amendment) Law, 2016. Short title and commencement  
  
(2) This Law comes into force immediately after the coming into force of the Ombudsman Law, 2016.
2. The Complaints Commissioner Law (2014 Revision), in this Law referred to as the "principal Law", is amended in section 1 by deleting the word "Commissioner" and substituting the word "Maladministration". Amendment of section 1 of the Complaints Commissioner Law (2014 Revision) - short title
3. The principal Law is amended in section 2 as follows - Amendment of section 2 - definitions
  - (a) by deleting the respective definitions of the words "Commissioner" and "qualified person"; and

- (b) by inserting, after the definition of the word “maladministration”, the following definition -

“ “Ombudsman” means the person appointed by the Governor under section 3 of the Ombudsman Law, 2016;”.

Repeal of sections 3 to 7 - appointment of Commissioner; oath of office; salary and emoluments; administrative provisions; appointment of acting Commissioner

4. The principal Law is amended by repealing sections 3, 4, 5, 6 and 7.

Repeal of Schedule 1 - oath for the due execution of the office of Commissioner

5. The principal Law is amended by repealing Schedule 1.

Amendment of miscellaneous provisions - substitution of the word “Ombudsman” for the word “Commissioner”

6. The principal Law is amended in sections 8, 10 to 22 and 24 by deleting the word “Commissioner” wherever it appears and substituting the word “Ombudsman”.

Abolition of post of Complaints Commissioner; transitional provisions

7. (1) On the operative date, the post of Complaints Commissioner is abolished and the assets, liabilities, property and contracts of the office of the Complaints Commissioner, together with all functions and powers required to ensure the effectiveness and continuity of regulation, are transferred to the Ombudsman.

(2) Every matter commenced under the former Law and partly dealt with by the Complaints Commissioner on the operative date, is to be continued and dealt with in all respects under the new Law and the provisions of the new Law are to apply accordingly.

(3) Regulations which relate to the functions or powers of the Complaints Commissioner and which are in force on the day preceding the operative date, shall continue to apply to the Ombudsman on and after the operative date, with all necessary changes being made, as if made under the new Law.

(4) On and after the operative date, a reference to the Complaints Commissioner in any other Law or in any document shall be read and construed as a reference to the Ombudsman.

(5) All things lawfully made or done under the former Law shall continue in force on and after the operative date and shall be deemed to have been made or done under the new Law.

(6) In this section -

“Complaints Commissioner” means the person appointed as such under section 3 of the former Law;

“former Law” means the principal Law in force immediately before the date of commencement of this Law;

“new Law” means the principal Law as amended by this Law;

“Ombudsman” means the person appointed by the Governor under section 3 of the Ombudsman Law, 2016; and

“operative date” means the date of commencement of this Law.

Passed by the Legislative Assembly the                      day of                      , 2016.

Speaker.

Clerk of the Legislative Assembly.