



Office of the Leader
of the Opposition
Cayman Islands Government

October 6, 2022

Mrs Katherine Ebanks-Wilks, MP
Deputy Speaker of Parliament
House of Parliament
(katherine.ebanks-wilks@gov.ky)

Cc: Clerk of Parliament
(zena.merren-chin@parliament.ky)

Via Email

Dear Madam Deputy Speaker;

Thank you for your letter dated 6th October 2022 sent by email and received by me at 12:09 pm today. The letter purports to provide the reason why the 'Lack of Confidence in the Speaker' motion filed by MP Barbara Conolly and I on Friday 30 September was not accepted by you as Acting Speaker. You state that the reason is that the motion did not provide 5 clear days notice as required by Standing Order 24 (5). With the greatest of respect, your ruling is patently wrong. You can perhaps be forgiven for erring in computation of the notice period given your limited experience in the role of Acting Speaker. However, I would have expected that on a matter of this gravity you would have consulted the learned Attorney General, who by virtue of section 56(2) of the Cayman Islands Constitution Order 2009, is the Principal Legal Advisor to the Parliament.

It is clear from Standing Order 24 (5) that 5 clear days notice is required for the filing of a motion if the motion is to be moved at an upcoming meeting.

"SO 24(5) No Member shall make a motion unless that Member has given notice in



writing of that motion either at some previous sitting of the House, or to the Clerk, not less than five clear days prior to the commencement of the meeting of the House at which such motion is to be made.”

What then are “clear days”? “Clear days” mean that the day of filing of the motion and the day of commencement of the Meeting cannot be counted in computing the notice period. All other days are to be counted unless they are to be excluded by virtue of other provisions of the Standing Orders or the Interpretation Act (1995 Revision). The Standing Orders do not provide any further guidance on notice beyond that referred to in SO 24(5) above.

Section 8 of the Interpretation Act is in the following terms:

“Computation of time

8. *In computing time for the purpose of any Law, unless the contrary intention appears —*

(a) a period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day in which the event happens or the act or thing is done;

(b) if the last day of the period is Sunday or a public general holiday (which days are in this section referred to as excluded days) the period shall include the next following day, not being an excluded day;

(c) when any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being an excluded day; and

(d) when an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, excluded days shall not be reckoned in the computation of the time.”



The provisions of the Interpretation Act supersede any usage or practice of our Parliament in calculating the 5 clear days. The motion was filed on Friday 30 September in accordance with the direction given by the Clerk in her email to Members dated 29 September rescheduling the commencement date of the 1st Meeting of Parliament. That email stated “ *Also be advised that due to this rescheduling of the commencement date the deadline for submission of Motions is now 5pm on Friday 30th September 2022.*”

Section 8 of the Interpretation Act cited above makes it clear that in computing notice periods of less than 6 days “excluded days” cannot be included. “Excluded days” are Sundays and public holidays.” It thus follows that in computing the notice period for the Lack of Confidence in the Speaker motion, you do not count Friday 30 September (the date the motion was filed) or Sunday (an excluded day) or Friday 7 (the date of commencement of the Meeting). However, you must count Saturday 1 October, Monday 3 October, Tuesday 4 October, Wednesday 5 October and Thursday 6 October. That gives 5 clear days and thus the Motion should be accepted as it is in full compliance with all relevant Standing Orders.

In your letter under reply you have seized on the following paragraph in the letter sent by the Clerk to Members on 7th September:

“Government and Private Members’ Motions should be submitted to the Clerk no later than 5:pm Wednesday, 14th September, 2022. (Standing Order 24(5) provides that Motions require (5) five clear days (i.e. not including the weekend) notice prior to the commencement of the meeting.)

You seek to pray in aid of your ruling the reference to (“*five clear days (i.e. not including the weekend)*”) in that letter. However, on close analysis of the letter you will readily discern that in fact the Clerk **has** counted Saturday in her computation of the notice period for filing of motions. In order to achieve “5 clear days”



between Wednesday 14 September (the last date for filing of motions) and Wednesday 21 September (the date of commencement of the Meeting) you have to count Saturday 17 September.

In the circumstances, I urge you to reconsider your decision to not allow the Lack of Confidence in the Speaker motion to proceed when Parliament commences tomorrow. The role of the Speaker is an ancient and esteemed one. It requires that party political biases be put aside, that fairness and objectivity be paramount and that the interest of our democracy supersedes all other considerations.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Roy McTaggart", with a large flourish extending to the right.

Hon Roy McTaggart, JP, MP
Leader Of The Opposition