



OFFICE OF THE
PREMIER
CAYMAN ISLANDS GOVERNMENT

Defence Bill 2020

Remarks by Hon. Premier and Minister for Employment, Border Control, Community Affairs, International Trade, Investment, Aviation and Maritime Affairs

Mr. Speaker, it is indeed an honour to have moved the Defence Bill 2020, which will provide for the statutory underpinning for the Cayman Islands Regiment.

The Bill provides for the governance and management of the newly established Regiment, which is a reserve force whose duties include the defence of these Islands, providing humanitarian assistance and disaster relief, assisting the Royal Cayman Islands Police Service and the Cayman Islands Coast Guard when called upon, as well as participating during ceremonial occasions.

Mr. Speaker, the Motto of the Regiment, in English, is “Prepared in Adversity” and speaks to its purpose. Members of the Regiment will receive or are receiving in some cases the necessary ongoing training so as to be ready to assist during any crisis; whether that crisis is a major fire, an earthquake, a hurricane, a pandemic, or perhaps assisting the RCIPS or the Coast Guard as necessary. Mr. Speaker a few short months ago the RICPS and other uniformed services were stretched beyond measure when we were in the early days of beating back the virus from taking hold in this community. What a difference a fully trained

Regiment would have been to the men and women of our uniformed service during those days.

Mister Speaker as far as the pandemic is concerned; we are currently in a good place in these Islands but far from out of the woods. All around us the virus is raging. Countries much bigger and with more resources than we have are being forced back into lockdowns. But we are not out of the woods yet and we may well need, God forbid, the services of these men and women who have enlisted in the Cayman Islands Regiment. These are still exceptionally challenging times, not only with the pandemic, but every year for six months we face storm systems that are increasing with the changing climate. I did this morning as I do every morning watch the Weather Channel, go to Cayman Weather and there is certainly one system there that should cause us all real concern and we need to watch that very carefully. Pray God it goes the way of the last one. I don't mean that in saying I am insensitive of it impacting other countries and people, but in the sense of avoiding causing us much damage and injury. We now have 25 named storm systems and it is expected that by the end of this week we will have another one and the season is not yet over. This trend is going to continue to get worse before it gets better as the planet continues to heat up. The men and women who will make up the regiment will play an extremely important role in the security of these Islands in the years and decades to come.

Mr. Speaker as individuals and families, as neighbourhoods, businesses, and as a country – we have long understood and valued the importance of national resilience. The ongoing COVID-19 pandemic and resulting challenges have certainly reminded us of how quickly any unplanned disaster can have a direct impact on our lives and livelihoods. I do not know how well one can prepare for a pandemic, but certainly the work we have done over the years preparing for hurricanes proved very helpful. Most notably, it is in large-part due to the country's steady

forward march over the years in pursuit of ever-more resilience that we were able to not have been entirely broken by this disaster that is COVID-19.

For generations these Islands and our people and businesses have been steadily advancing and modernising our framework of national resilience. We have achieved this through an evolving catalogue of policies, structures, resources, and strategic partnerships with the private sector, civil society, and with the help of other governments, including the UK. Mr. Speaker, collectively we have made great strides in our efforts to increase the likelihood that this country can adequately mitigate, manage, prepare for and recover from catastrophic and disastrous events.

The Cayman Islands Regiment is one more important part of our national resiliency infrastructure. But I believe they will become an increasingly an important part.

This embrace of national preparedness, Mr. Speaker, is very much engrained in us now as it was in our forefathers. From earliest times, we have taken purposeful and strategic steps to build local capacity and capability to prepare for and manage risks that may threaten public safety, security, social wellbeing, and economic prosperity.

Mr. Speaker, looking back we can proudly point to key milestones and pioneers along this journey of building resilience. Milestones such as the establishment of a Company of the Jamaica Home Guard in Grand Cayman in 1942 and the 41 Caymanians who served as full time soldiers conducting coastal patrols in defence of these Islands until 1945. Among those soldiers, of course, was Major Joseph Rodriguez Watler (better known to everyone as Mr. Roddy) who was appointed as Officer in Charge of the Company.

In my own family I can count my uncles Norman Rudolph McLaughlin and Carlyle Burton McLaughlin, now both a blessed memory, as members of the Home Guard. My Uncle Rudolph also served in what was locally called the Trinidad Navy for a number of years.

Mr. Speaker, many other Caymanians also served with Allied Forces during the Second World War; in fact, history will show that the Cayman Islands contributed the highest number of servicemen per capita, amounting to two-thirds of the adult male population. Since then, Caymanians have continued to serve in the defence forces in the United Kingdom and the United States including many who served in the Merchant Navy. Indeed, many Caymanians have admirably and courageously participated in security conflicts, disaster recovery missions, and humanitarian relief efforts – proudly contributing to the resilience of those countries in their own right.

Mr. Speaker, regrettably the Home Guard was disbanded many decades ago and I often wonder what opportunities we may have lost with that disbanding. But we are now making up for that by taking up the opportunity today to put in place a modern Regiment and a modern Defence Law to guide its operation.

The Cayman Islands Regiment, Mr. Speaker will not only ably assist those in these Islands in times of need but also our regional neighbours and fellow British Overseas Territories.

We have done this in the past, Mr. Speaker. In September 2017 we were able to assist Anguilla with needed security and humanitarian assistance after Hurricane Irma devastated that island along with the British Virgin Islands and Turks and Caicos. Four RCIPS helicopter crews were dispatched to Turks and Caicos as one of the first foreign aid contingents to reach those islands and was the only outside visible

presence for 36 hours. The helicopter crew provided the only means of communication between the different islands in the TCI chain. Indeed, the crews flew to every one of the islands in the archipelago with 44 flights and 26 hours in the air assisting with checks, evacuations, and providing needed provisions and equipment.

Also in September 2017 we sent a delegation of 16 members of the Royal Cayman Islands Police Service to the British Virgin Islands after their prison was damaged by Hurricane Irma. They were armed and assisted with the control of prisoners, as well as helping to recapture 70 prisoners that had escaped, and they stayed until the prison was secured. They worked alongside BVI police as well as British officers. I remember thinking then how much more assistance we could have provided if we had our own regiment in place at that time; a regiment I have been championing since 2005 after our own lashing from Hurricane Ivan in 2004.

As you will recall Mr. Speaker, the devastation here was incredibly widespread in the aftermath of Hurricane Ivan, creating exceptional vulnerabilities at a national level. In this regard, Cayman will always remember the contributions made by the Royal Bermuda Regiment. Three dozen volunteer reservists worked alongside the Royal Cayman Islands Police Service and the Cayman Islands Fire Service in that time of crisis and vulnerability. Those reservists provided a surge of resources and expertise that supported efforts to widen roads narrowed by sand; clear areas in and around critical infrastructure including schools, churches, hospitals, and airports; and distributed much needed aid and resources to communities. Those reservists were disciplined, compassionate, and supportive – in much the same way I know our own reservists will serve this country and its people. The Bermuda Regiment truly opened my eyes to the value of a regiment working alongside our communities and neighbourhoods, assisting a desperate population with clean-up and recovery efforts.

In those days, in those terrible days in the aftermath of Hurricane Ivan, the Hon. Kurt Tibbetts and myself who were two of the George Town representatives assumed a significant amount of responsibility for looking after constituents, distributing food and water and various supplies. We essentially took over what was then the George Hicks High School's Hall as a place to store the supplies and to package them with the assistance of many, many teachers to put them on the trucks to go and distribute.

The Bermuda Regiment was also stationed there, so we had the opportunity to have lots of discussions with them about the role, how long the regiment had been around and the kind of training that they did. And of course Kurt being Kurt and me being me, we couldn't avoid not cooking for them some of those good Cayman delicacies like salt beef and ocean turbot rundown, some salt beef and beans and that sort of stuff that you could cook all in one pot because there were quite a few of them.

So I got to understand, we got to understand, much more about how the regiment had assisted Bermuda and the region over many, many years and that lit a fire in me about the need to try to have one established here.

When we won the Government for the first time in 2005, the Progressives; that was one of the things we pursued with the then-Governor but at that time the UK Government was not at all inclined to support the establishment of such a regiment and the idea died on the vine. I was delighted when I raised the issue with the current Governor to find him being very supportive of the idea and indeed to find out the UK Government itself was looking at this particular idea because as time has worn on and as hurricanes and other natural disasters become more and more common, it seems, the UK has come to understand the huge advantage of having an established service, established force in

the various territories comprised of people who live there and who have intimate knowledge of the terrain and issues that affect the particular territory and they seized on the opportunity of doing so first in Cayman.

It's incredible sometimes how events conspire. The old saying that it's an ill wind that blows nobody any good could not be more true in this particular case because were it not for COVID-19, the pandemic, and because of it, a lot of the activities that would otherwise have taken place by the UK armed services and their administration, it is unlikely and extreme that we would have reached this point so quickly where we were able to have a contingent come from the UK to train members of the regiment and also to be able to dispatch a number of our own to the finest military school in the world, Sandhurst to get officer training. We as a government and obviously under the leadership and support of the Governor decided to strike while the iron is or was hot. And thus we were able to establish the Regiment, have the Passing Out ceremony a couple of months ago and now today we are introducing the bill that will provide the statutory underpinning and set out the rules, regulations and means by which the Regiment will be permitted to operate.

I have heard some criticism on some of the talk shows, in fact charges that the Regiment is illegal. That has been a matter that has truly affected many members of the Regiment and quite frankly the charges are completely without basis. I don't hear anyone claiming that the Coast Guard is illegal. We have had that up and running now for almost two years. We are still working on the legislation that will underpin the Coast Guard. This is something, the Regiment, I believe we should all embrace; something we should all be incredibly proud of. I know first-hand that the men and women who have volunteered, because it is volunteer regiment, there is no conscription; there is no drafting to use the US expression. The men and women who have joined and the many

who have indicated their willingness to join the Regiment are incredibly proud to be able to serve this country in this way.

The Bermuda Regiment, Mr. Speaker, has been in force for at least 55 years. Now it is our time. Not only will it be good for the country, but having a trained and disciplined force in Cayman will have a positive impact on youth development and leadership in our Islands. This new Regiment along with the increased resilience of our air operations and the great work done by our Hazard Management team to prepare and coordinate disasters will help us meet the needs of our Islands today and into the future.

As we learned, Mr. Speaker, while a regiment may retain skills necessary to deliver an internal security remit, in actuality, circumstances of risk are such that in practice the main role centres on disaster management, humanitarian aid, and emergency disaster relief. As we saw first-hand from the Bermuda Regiment when they were here before in 2004 – a trained and equipped regiment provides critical surge capacity, which is especially key as a component of any national disaster preparedness and response mechanism.

More recently, Mr. Speaker, it was only back in January of this year that we were all rocked by a 7.7 magnitude earthquake. For many of us, the event itself was a deeply nerve-racking combination of panic, confusion, and an overwhelming sense of vulnerability. On reflection, it was also a stark reminder of the very real risks we face in respect of such so-called “no notice disasters” that will potentially demand supplemental resources should such events lead to wide-scale infrastructure damage or building collapses.

An interesting fact Mr. Speaker is that in 2018 a representative of the Bermuda Regiment participated in London with the UK’s Military, Security and Health Services in an exercise based on a pandemic

outbreak. That experience I am sure was very useful when in 2020 they like us faced COVID-19. That is the level of training and experience that is available to our Regiment.

Mr. Speaker, the purpose of the Defence Bill 2020 is to formally establish the Cayman Islands Regiment and set out the mechanisms by which the Cayman Islands Regiment is administered.

Mister Speaker, Part 1 of the bill, the Preliminaries, is addressed in clauses 1 through 8.

Clauses 1 and 2 speak to the titles and interpretations.

Clause 3 provides for the regiment to be required to perform military services, including training and non-combatant services, both in and outside the Cayman Islands, at the discretion of the Governor.

Clause 4 provides for the continuation of the Regiment as is a reserve Force.

Clause 5 sets out the duties of the Regiment. The Regiment will be responsible for (a) the defence of the Islands; (b) for providing humanitarian assistance and disaster relief; (c) assisting the Royal Cayman Islands Police Service and the Coast Guard when called upon to do so by the Governor; and (d) such other duties as the Governor determines.

As I said earlier, this enlistment is entirely voluntary. There is no question of there being conscription or in US speak, drafting of persons into the Regiment.

Clause 7 provides for the exercise of the Governor's powers and duties under this legislation and any other enactment relating to matters of defence, including armed forces, the Governor shall act in the Governor's discretion. Just to make it clean, this is entirely in keeping with the Governor's Constitutional powers including those in Section

55, which are known as the special responsibilities of the Governor. The Governor has exclusive responsibility for the defence.

Clause 8 provides for the delegation of the Governor's functions under the legislation to the Deputy Governor; and for the delegation of functions relating to the operations of the Regiment to any Minister after consultation with the Premier. The Governor can, in appropriate cases, delegate various functions relating to the operations of the Regiment to a Minister after consultation with the Premier.

Part 2 of the bill, clauses 9 and 10 deal with the Defence Board and the Defence Medical Officer.

Part 3 of the bill, clauses 12 through 14 deal with the recruitment, organization, government, training, pay, allowances and discharge from the regiment.

Clause 12 provides for the appointment of the Commanding Officer. Clause 13 provides that the Governor may make (or revoke) general or special orders, to be called Governor's Orders, with respect to the administration, recruitment, organization, government, training, pay and allowances of the regiment and with respect to any matter and thing relating to the regiment, including promotion, and dismissal of members.

Clause 14 provides for enlistment and periods of service. Mister Speaker the bill provides for persons who are Caymanian or a Permanent Resident, and who are Commonwealth or Irish citizens or a British Overseas Territories Citizens or British Citizens. The enlistment period is set out as a minimum of two years for soldiers and three years for an officer. Clause 14 also provides that The Governor may consult the Premier and may, in the Governor's discretion, allow persons not meeting the stated requirements, to be allowed to enlist with the

Regiment if the Governor considers this to be in the best interests of the Regiment.

Mister Speaker Part 4 of the bill, [Clauses 15-17) provide for the Governor to appoint by Commission persons to the Officer ranks, and for the relinquishment of Commissions.

Part 5 of the Bill, clauses 18 and 19, Mister Speaker sets out the exemptions that are applicable to members of the Regiment and their primary employers as well as exemptions from Jury Duty.

Part 6 of the bill, clauses 20 through 24 deal with the obligations to participate in Military Training, the power to dispense with Military Training, and the Commanding Officers authority to defer or excuse Military training. This part also makes it a military offence to fail to complete military training.

Part 7 of the bill, clauses 26 and 27 deal with discharge after completing the minimum time in service, discharge as a result of being medically unfit to continue to serve, to be discharged from the Cayman Islands Regiment in order to enlist with Her Majesty's armed forces, or discharge through suspension or termination.

Part 8 of the bill, Clauses 28 through 31 provides for the embodiment of the Cayman Islands Regiment.

Clause 28 provides for the Embodiment of the Regiment in the interests of public safety, for the defence of the Cayman Islands, to assist with public safety in another British Overseas Territory or foreign state; or for any other reason as the Governor sees fit. The Governor may, by order published in the Gazette or other such manner that may be best suited to the circumstances, direct that the Regiment or any part of the Regiment be embodied.

Clause 29 Mr. Speaker provides for members of the Cayman Islands Regiment to be subject to the UK Armed Forces Act when a member of the Cayman Islands Regiment is undertaking any duty or training with the UK reserve or regular forces as defined by section 374 of the UK Armed Forces Act. Mr. Speaker this makes it clear that the Cayman Islands Regiment is not a part of Her Majesty's Military forces.

Excerpts from Section 347 of the British Armed forces Act:

"the regular army" means any of Her Majesty's military forces **other than—**

- (a) the Army Reserve;
- (b) the Territorial Army; and
- (c) forces raised under the law of a British overseas territory;**

"the regular forces" means the Royal Navy, the Royal Marines, the regular army or the Royal Air Force, and references to "a regular force" are to be read accordingly;

"the reserve forces" means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force, and references to "a reserve force" are to be read accordingly;

I have heard this particular line being hammered over and over again on some of the talk shows. What has been said it a complete and utter untruth. The Cayman Islands Regiment is not a part of Her Majesty's Military forces. Even if we wanted it to be, Section 347 of the British Armed forces Act prevents it from being so.

Clause 31 sets out the period for the embodiment of the Cayman Islands Regiment.

Part 9 of the bill Mister Speaker, and more specifically clauses 31 through 51 provides for the discipline, charge, trial and punishment of military offences.

Clauses 31 through 33 provide for the investigation of Military Offences, arrests and for charges heard by the Commanding Officer or another appointed Officer.

Clause 34 provides for referral of civil offences to the Commissioner of Police.

Clauses 35 through 37 provide the Commanding Officer with the power to charge a member of the Regiment or refer a matter to the Director of Public Prosecutions.

Clause 38 Provides for an accused to elect to have the charge [Military Charge] tried by the summary court.

Clause 39 speaks to the powers of the Director of Public Prosecutions under this law.

Clauses 40 through 44 provide for penalties, restitution and appeals.

Clause 45 deals with persons who give false statements.

Clause 46 provides for mechanisms to deal with offences committed outside the Islands.

Clause 47 provides for dealing with civil offences, and Mister Speaker, it begs to clarify that for the purposes of this bill, “civil offence” means any act or omission punishable by the law of the Islands which, if committed in the Islands, would be punishable by that law.

Clause 48 provides for the conviction of certain military offences to not be deemed to be criminal offence convictions.

Clause 49 provides a saving provision that nothing in sections 40, 41 or 42 shall affect any liability to which a member of the Regiment may be subject under section 29 of the Armed Forces Act.

Section 29 of the Armed Forces Act

- 29 Offences in relation to service custody**
- (1) A person subject to service law, or a civilian subject to service discipline, commits an offence if he escapes from lawful custody.
 - (2) A person subject to service law, or a civilian subject to service discipline, commits an offence if—
 - (a) he uses violence against a person in whose lawful custody he is, or his behaviour towards such a person is threatening; and
 - (b) he knows or has reasonable cause to believe that the custody is lawful.
 - (3) For the purposes of this section—
 - (a) references to custody are to service custody;
 - (b) a person's behaviour includes anything said by him;
 - (c) “threatening” behaviour is not limited to behaviour that threatens violence.
 - (4) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.

Clause 50: provides for the trial of offences

Clause 51 provides for persons who may bring and conduct criminal proceedings.

Mister Speaker this brings me finally to Part 10 – generally, this part encompasses clauses 52 through 63, which provide for a service pension if a member of the Regiment is killed or disabled; Attendance, pay and allowance, duty of employers, equipment to be returned on discharge, notices, service of notices, immunity and the vesting of property.

Mr. Speaker, Schedule 1 sets out the officer ranks in the Regiment (pursuant to clause 15), while schedule 3 sets out military offences pursuant to clauses 2 and 32.

I want to acknowledge the members of the Regiment who are here with us this morning on this historic occasion as we introduce and debate the Defence Bill 2020. The first appointees of the Regiment are:

Commanding Officer Lieutenant Colonel Simon Watson

Operations Adviser Lieutenant Colonel Simon Spiers

Legal Adviser Major Andre Mon Desir

Junior Officer Lieutenant Theo Kelly

Junior Officer Lieutenant Gabe Rabess

Junior Officer Lieutenant Shanice Kelly

Junior Officer Lieutenant Jonassi Swaby

Junior Officer Lieutenant Halston Farley

Junior Officer Cadet Nathan Dack – Currently at Sandhurst

Junior Officer Cadet Tyler Lawson – Currently at Sandhurst

Regimental Sgt. Major David Shelton

Mr. Speaker, in closing, it is in challenging times that we must continue to strive to establish and fine tune the structures, resources, policies, and partnerships necessary for us to advance the resilience of our country. On this occasion, the introduction of the Defence Bill 2020 represents another significant milestone in this journey and so I commend this Bill to the House and pray for its soon passage.

###