



**OFFICE OF THE
PREMIER**
CAYMAN ISLANDS GOVERNMENT

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Court of Appeal rules in favour of Government in Port Referendum case

The Court of Appeal today ruled that the Port Referendum Law passed by the Legislative Assembly on 30 October, 2019, is constitutional and set aside the earlier ruling of Acting Grand Court Judge Owen, which had quashed the law.

The appeal court agreed with the Government that Section 70 of the Constitution does not require a general framework law for a people-initiated referendum, contrary to the earlier ruling of Judge Owen.

Premier Hon. Alden McLaughlin said he was pleased with the Court of Appeal's decision. "Government's decision to go forward with the appeal at this time was a matter of principle-- judges should not have the right to overturn policies that have been made by elected officials as they see fit," said Mr. McLaughlin.

"I have never been a populist leader, nor am I a good politician in the generally understood sense. I have always striven to do what I believe is in the best interest of my country and people, without concern of political consequences," he said. "Although I believe with all my core that Cayman will come to curse the day and damn the hour that the cruise and cargo port project was scuppered; that was not the reason for proceeding with the appeal. Were it so, we would not have appealed.

"What was actually at stake was the right of the democratically elected Legislative Assembly to decide what legislation should be made and the content of those laws. We appealed against the judgment of a temporary judge who we believe usurped the function and role of

the LA and arrogated to himself an authority to which he was not entitled. If the judge had been correct, then the role and authority of the legislature would have been greatly diminished, not just with respect to the Referendum Law, but generally. I shudder at the implications for my country when unelected judges are able to dictate public policy.”

Deputy Premier and Minister of Tourism Hon. Moses Kirkconnell concurred.

“I am pleased with the decision by the Appellate Court which accords with the Cayman Islands government’s position that the Referendum Law passed by this administration in October 2019 is compatible with Section 70 of the Constitution,” he said.

“The decision taken by the Grand Court to strike down that Law and compel the Cayman Islands Legislative Assembly to pass new Legislation, not only breached the principles of the separation of powers which underpin our democratic system, but equated to a significant judicial overreach. Major constitutional issues and serious ramifications can arise when the line drawn between the legislative and judicial arms of government becomes blurred. On that basis, the government felt obligated to appeal the Grand Court’s decision, and although it has been a lengthy process, I am satisfied with the outcome.

“After the long and arduous journey to finally reach this pivotal point, the onset of the global COVID-19 pandemic has, in the meantime, recalibrated the country’s priorities. As a consequence, government has taken the difficult decision not to move forward with the cruise berthing and cargo port project.

“Government’s highest priority since the outset of this pandemic, has centered around putting the needs of our people first, while implementing one of the most proactive and decisive virus containment strategies in the world. With the country now at suppression level

2 and businesses slowly resuming operations in the 'new normal', government's heightened focus on safeguarding public health and wellbeing will continue to be maintained.

“At the same time, a range of strategic initiatives are being implemented to revive our economy and rekindle the domestic tourism industry, so that our Islands can be as prepared as possible to welcome visitors back to our shores when it becomes safe to do so.”

Premier McLaughlin will make a statement on the ruling later today in the Legislative Assembly.

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