

For Immediate Release

Contact: Ezzard Miller, ezzard@candw.ky, 327-5757

Date: February 27, 2020

STATEMENT BY EZZARD MILLER MLA SPEAKER'S LEAVE OF ABSENCE

This statement has been issued by MLA Ezzard Miller further to media reports that the Speaker of the Cayman Islands Legislative Assembly has announced that he will take a leave of absence:

“After careful consideration and advice, I will take an immediate leave of absence from the duties of speakership”, quoting today’s (February 27, 2020) *Compass*.

The same edition of the *Compass* reports that the Premier welcomes Bush’s decision and quotes the Premier as saying: “This will enable him to deal with the personal issues he identified in his previous statement and allow the investigation currently underway to be completed unhindered by perceptions.”

In my previous statement I suggested that the Speaker resign and seek professional institutional help.

While the Premier’s decision to grant the Speaker a leave of absence, may be an acceptable political solution to some, I cannot subscribe to a leave of absence unless the following questions are satisfactorily answered:

1. Who has granted the Speaker a “leave of absence”—surely the Speaker cannot grant himself a leave of absence.
2. What section of the Cayman Islands Constitutional Order 2009 (the Constitution) authorizes or enables anyone to grant the Speaker a leave of absence.
3. There are many other undisclosed details of this leave of absence that the public has a right to know, including the terms and conditions, the period of this leave of absence and date of commencement, the kind of professional help being sought, and who acts in his absence. Similarly, no details have previously been disclosed on his visit to the UK to represent the Cayman Islands in his role as Speaker, including the dates for this meeting.

My knowledge and research of the constitution informs me that section 65 deals with the Speaker and Deputy Speaker.

Section 65 (1) deals with who can be Speaker and how a Speaker is elected.

Section 65 (2) deals with how the Speaker’s post can become vacant and how the Speaker can be removed from office.

Section 65 (3) deals with how a vacancy in the office of Speaker can be filled.

There is no reference to a leave of absence by the Speaker so I can only conclude there is no constitutional authority for anyone to grant the Speaker “a leave of absence”.

The only section of the constitution that deals with mental issues is section 62 that deals with disqualification for elected membership of the Legislature. Specifically, section 62 (1) d. states that disqualification applies to “a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Cayman Islands.”

For clarification purposes, this is not to be taken that I am suggesting that this section be invoked in this matter with the Speaker.

However, on the matter of his being granted a leave of absence, while I have some empathy for the Speaker regarding his admission of having some mental issues, I will not support any process not grounded in the Constitution to allow him to seek the help he needs.

The only immediately available constitutional provisions that would allow him the time he needs is carried in section 65 (2) b.—that he resigns his position as Speaker. Otherwise, the only other provision [(2) f.] is removal by a two-thirds vote by the elected Members of the Legislative Assembly pursuant to a vote of no confidence.