

GENERAL INFORMATION

A fully completed and submitted declaration is required in accordance with section 121 of the Cayman Islands Constitution Order, 2009 (“the Constitution”) and section 11 of the Standards in Public Life Law, 2014 (as amended from time to time) (“the SPL Law”) from all Persons in Public Life.

Pursuant to Schedule 1 of the SPL Law a Person in Public Life (herein referred to as the (“Declarant”) means the following persons:

1. Members of the Legislative Assembly, including the Speaker.
2. Chief Officers and Deputy Chief Officers.
3. Chief Financial Officers and Deputy Chief Financial Officers.
4. Heads of departments, sections or units and their deputies, as well as any other organised entity within a ministry or portfolio, statutory authority, statutory body, government company, department, section or unit and their deputies.
5. Chief executives of statutory authorities, government companies and their deputies.
6. Members of governing bodies of statutory authorities. (NB: Refer to SPL Law for definition of statutory authority)
7. Members of governing bodies of government companies. (NB: Refer to SPL Law for definition of government company)
8. Members of all Commissions created by or under the Constitution.
9. A person holding a full-time or part-time position in a public authority who engages in an activity that is in conflict, is likely to conflict, or may be perceived to conflict with, his position in a public authority.
10. Any other person specified by regulations made by Cabinet.

NB: Where persons fall under more than one category described above, you are required to complete a separate declaration for each category (e.g. a person who sits on more than one Board OR a person who is a Chief Officer but is also appointed to a Board shall complete separate declaration forms for each appointment).

Declarations shall be entered into the Register of Interests (the “Register”), which is maintained by the Commission for Standards in Public Life (the “CSPL”) and available for inspection at the Commissions Secretariat offices. The aim of the Register is to assist in the prevention of conflicts of interest by promoting openness, and increasing transparency and accountability of persons in public life and the respective entities to which they are appointed.

Declarations must be submitted:

- within 90 days of a Declarant assuming the functions of their office, or in the case of a candidate for election to the Legislative Assembly - before filing their nomination papers; and
- thereafter no later than 30 days after 30 June in each succeeding year that they are a Declarant; and
- within thirty (30) days of any change occurring.

NB: While the Law makes provision for the filing of declarations by persons in public life at different intervals, the cut-off date for the filing of annual declarations, set by section 11(1)(b), is by no later than 30 July in respect of the year ending 30 June of each year. In view of this, Declarants wishing to file declarations before 30 June 2020 are reminded that they will be responsible for updating their declaration forms within 30 days of any change occurring.

COMPLETING THE DECLARATION

IMPORTANT:

- Use ONLY black or blue ink to complete the form. Any handwriting must be clear and legible.
- **DO NOT** staple, bend, fold, crease or tear the form.
- **DO NOT** use white-out. Any mistakes must be crossed out neatly and initialed.
- **Declarants appointed under paragraphs 1, 2, 3, 4, 5, 9, or 10 shall complete the declaration form titled Schedule 1; Declarants appointed under paragraphs 6, 7, or 8 shall complete the declaration form titled Schedule 2.**
- Each question on the form should be answered in some definitive way even if only, for example, “nil” or “n/a” (with the exception of declarations submitted by Declarants detailing any changes to their of interests, income, assets and/or liabilities).
- If you need more space to answer a question, a separate sheet of paper may be added and signed/dated by the Declarant using the same headings as the section of the declaration that the responses therein relate to.
- The bottom of each page of the declaration must be initialed by the Declarant. The Declarant’s signature and that of a Justice of the Peace, Notary Public or member of the Commissions Secretariat staff should be affixed to the final page (a Government photo identification for the Declarant must be made available upon request at the time of signing).
- In accordance with section 11(2) of the SPL Law, those who wish to make a request to extend the furnishing of their declaration must do so at least seven days prior to the expiry of the deadlines described above.
- **There is no requirement to make any disclosure of the actual amount or extent of any financial benefit, contribution or interests of any Declarant.**
- Should there be any question about compliance with the filing of a declaration, please do not hesitate to contact the Commission for Standards in Public Life via the Commissions Secretariat.
- Your data and privacy are important to us, as such the personal details included in Part 1 of the declaration will only be used by the Commission for direct communication with you in relation to your submissions and requirements under the SPL Law as a person in public life. This information will not be stored in the Register and therefore will not be made available to the general public. In accordance with the SPL Law the Commission is required to retain all declarations for a minimum of five years.

GUIDANCE FOR DECLARANTS APPOINTED UNDER PARAGRAPHS 6, 7, OR 8 (SCHEDULE 2)

In accordance with section 12(5) of the SPL Law persons appointed under paragraphs 6, 7, or 8 shall not be required to include in a declaration any interests, income, assets and liabilities, unless there is a possible or perceived conflict with the Declarant's functions on the entity to which the person is appointed arising out of such interests, income, assets or liabilities. Declarations may therefore be Nil filings but should include a response in each section as indicated above. To avoid doubt, any question regarding compliance with this provision shall be determined by the CSPL (in accordance with section 6 of the SPL Law).

DEFINITIONS

"Conflict of interest" means a situation where a person has a private interest which may improperly influence or be seen to improperly influence his public duties and responsibilities, or that of a connected person, in circumstances suggesting that the person concerned knew or ought reasonably to have known of the connection or possible connection, direct or indirect, between his duties and responsibilities and his private interest.

"Connected person" is defined as a member of the immediate family of, or a person who acts on behalf of, or for the benefit of, the Declarant, with the Declarant's actual or implied authority, and includes –

- a) a person who is a nominee of that person;
- b) a person who manages the affairs of that person;
- c) a firm of which that person, or a nominee of his, is a partner or a person in charge or in control of its business or affairs;
- d) a company within the meaning of section 2 of the Companies Law (as amended from time to time) of which that person, or a nominee of his, is a director or is in charge or in control of its business or affairs, or in which that person, alone or together with a nominee of his, has or have a controlling interest, or shares to the total value of not less than 30% of the total issued capital of the corporation; or
- e) the trustee of any trust, where –
 - i. the trust has been created by that person; or
 - ii. the total value of the assets contributed by that person to the trust at any time, whether before or after the creation of the trust, at any time, amounts to not less than 20% of the total value of the assets of the trust.

"Dependant" may include a child/children, or a person who is financially reliant on the Declarant for his well-being, and is living in the same household^[1].

"Immediate family" means a spouse, a dependant or such other person as may be prescribed in Cabinet by regulations.

"Income" means –

- a) money received or receivable as salary, director's fees, consultancy fees, commission, bonus, dividend, professional fee, rental income, gift or reward in kind or cash; and
- b) any other receipts or transfers of material value.

PART 1 - PERSONAL DETAILS

No additional guidance.

PART 2 - APPOINTMENT DETAILS

No additional guidance.

PART 3 - TYPE OF DECLARATION

No additional guidance.

PART 4 - DETAILS OF CONNECTED PERSONS (INCLUDING IMMEDIATE FAMILY)

The definitions for "connected persons" and "immediate family" are found in the Definitions section above.

Under Regulation 3, where the spouse or a dependant of a Declarant under section 11 of the SPL Law has not been residing in the same household as the Declarant for a continuous period of three months immediately preceding the filing of the declaration, the Declarant may limit the details to be included under section 12 of the SPL Law to such assets held by the spouse or the dependant in trust for or as the agent of the Declarant.

^[1] In the absence of a definition in the SPL Law of "dependant" a Declarant may wish to consider definitions contained in other laws (e.g. the Immigration (Transition) Law 2018).

PART 5 - STATEMENT OF INTERESTS, INCOME, ASSETS AND LIABILITIES

This section applies to interests, income, assets and liabilities inside or outside of the Cayman Islands.

In completing each section in this part, Declarants are reminded that they must include details in relation to himself or herself and any members of the Declarant's immediate family.

In addition, in accordance with section 12(2) of the SPL Law, Declarants must state details of any connected person in each of the relevant sections where either the Declarant holds property or manages anything on behalf of any connected person, or vice versa. The Declarant is not required to disclose the terms on which the property is held.

In accordance with the Interpretation Law (1995 Revision), "property" includes money, goods, things in action, land and every description of property, whether real or personal; also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as herein defined.

Section (A) on shareholdings and directorships

Provide the name and address of the relevant company^[2] or corporate body^[3], and indicate whether the interest is one as a shareholder, director, or both.

In accordance with the SPL Law, the definition of a 'connected person' includes a company within the meaning of section 2 of the Companies Law (2020 Revision) of which that person, or a nominee of his, is a director or is in charge or in control of its business or affairs, or in which that person, alone or together with a nominee of his, has or have a controlling interest, or shares to the total value of not less than thirty per cent of the total issued capital of the corporation.

Please note the following:

- Where interests are held in a holding company, interests held in all subsidiary companies must also be declared.
- Shareholdings held in a company amounting to a controlling interest by that company in another company or other companies must also be declared.
- Where applicable, include any relevant interest in any shares, including equitable as well as legal interests, whether held directly or indirectly, which enables a Declarant, or any connected person (including immediate family) to exercise control over the right to vote or dispose of those shares.
- It is not necessary to notify of shareholdings held as an executor or trustee of a deceased estate where the Declarant or immediate family are not beneficiaries of that estate.
- Declarants should ensure they consider all legal definitions applicable to this section.

It is not necessary to notify of shareholdings held as an executor or trustee of a deceased estate where the Declarant or any connected person (including immediate family) are not beneficiaries of that estate.

Section (B) on contracts with public entities

Provide the name of the public entity, date of contract, and brief particulars of rights and obligations under the contract.

Section (C) on money invested in companies/partnerships/associations

Provide the name and address of the company/partnership/association in which you have invested money (irrespective of whether you are a registered shareholder or partner).

Section (D) on trusteeships

Give the name of the trust, the position you hold in the trust, and who is the beneficiary of the trust.

In accordance with the definition of 'connected person' under the SPL Law a Declarant must include details of any trust 1) which has been created by the Declarant or a connected person (including immediate family); or 2) where the total value of the assets contributed by either the Declarant or a connected person (including immediate family) to the trust at any time, whether before or after the creation of the trust, at any time, amounts to not less than twenty percent of the total value of the assets of the trust.

Section (E) on land ownerships

Provide the proprietorship of land, location, block and parcel, and indicate whether ownership is as sole proprietor, joint proprietor or proprietor in common.

Where land is owned legally and beneficially by a Declarant or immediate family and, where applicable, a "connected person" as defined in the SPL Law, this must be declared. Note that this definition includes a company or trustee.

It is not necessary to declare interests where land is held as an executor or trustee under of the estate of a deceased person where the Declarant or a connected person is not a beneficiary.

^[2] Company except where the context excludes exempted companies) means "a company formed and registered under this Law or an existing company" (Companies Law, 2020 Revision).

^[3] Corporation means "a legal entity identified by a particular name and being distinct from natural persons who are its members, etc." (General Definition). This definition is broad enough to include certain types of partnerships and entities formed under the Cooperative Societies Law.

Section (F) on investment funds

Provide the details relating to investment funding including the name (of both the fund and the person/entity with whom the funds have been invested with or through), domicile, type, purpose, capacity, restrictions, open- or closed-ended, and whether control exists (and if so, by whom).

'Investments' means all investments, including placement of monies, which attract interest, tax or other benefits. This also includes the pooling of money for the benefit of a return, including but not limited to, capital gains, distributions, dividends, interest, and capital/foreign currency appreciation. Examples may include mutual funds, exchange-traded funds, money market funds, and hedge funds, and may also include business conducted under the Securities Investment Business Law (2020 Revision).

Section (G) on sources of income other than salary/other perquisites of office

State the source, nature and frequency frequency of additional sources of income using the following guidance (which is not exhaustive):

- Additional source of any income may include that from director's or consultancy fees, commission, dividend, investments, bookkeeping, annuity arrangements, pensions, rentals/leases, other businesses, allowances, pensions, etc.
- Nature of the income relates to the way in which the income is received (e.g. cash, in-kind goods, in-kind services, etc.).
- Frequency relates to how often you receive this income (e.g. daily, weekly, monthly, annually, etc.).

Section (H) on pecuniary or other interests which raise or may appear to raise a material conflicts of interest

Provide the source, an indication of whether the interest is an actual, potential, or perceived conflict, and a description of the conflict.

Consider that a material conflict of interest may arise if a reasonable person would conclude that your private interests, or that of a connected person (including immediate family), improperly influences or could be seen as improperly influencing the performance of your public duties and responsibilities.

Section (I) on loans other than from regulated institutions

Provide the source, terms, and nature of any loan(s) secured or unsecured from entities/individuals other than those regulated by the Monetary Authority.

Section (J) on hospitality, gifts or entertainment received

Include any relevant gifts received during the reporting year.

Declarants shall include details of any gifts received which are valued at CI\$100 or more, pursuant to section 12(1)(k) of the SPL Law, and in line with the CIG Policy on Receiving Hospitality, Gifts and Entertainment^[4].

SUBMITTING THE DECLARATION

Please remember:

- Initial each page of your declaration and sign the final page (along with either a Justice of the Peace, Notary Public or member of the Commissions Secretariat staff).
- Each Declarant should submit his or her own declaration in order to prevent late or lost submissions.
- Ensure each section of your declaration has been answered. Incomplete declarations will not be accepted and will be returned to the Declarant.
- While the Law makes provision for the filing of declarations by persons in public life at different intervals, the cut-off date for the filing of annual declarations, set by section 11(1)(b), is by no later than 30 July in respect of the year ending 30 June of each year. In view of this, persons wishing to file declarations before 30 June 2020 are reminded that they will be responsible for updating their declaration forms within 30 days of any change occurring. (This does not apply to those declarations submitted prior to a candidate for election filing their nomination papers, those Declarants who assumed the functions of their office for the first time, or those Declarants who are updating their annual declarations with any changes).

You may submit your declaration:



by email to:
info@standardsinpubliclifecommission.ky



by post to:
Commissions Secretariat
PO Box 391
Grand Cayman, KY1-1106
CAYMAN ISLANDS



in-person:
Commissions Secretariat
2nd Floor Artemis House
67 Fort Street
George Town, Grand Cayman

Due to the current shelter-in-place provisions arrangements will need to be made in advance in order to facilitate visits to the Commissions Secretariat Offices. Should you need to have your Declaration witnessed by a member of staff at the Commissions Secretariat or wish to submit your Declaration in-person please contact us via email or leave a voice mail on 244-3687.

[4] This policy can be found at: http://www.fraud.gov.ky/portal/page/portal/afphome/policy-offering-or-receiving-hospitality-entertainment-of-gifts_FINAL-16-May-2017.pdf