

What do I have to declare?

Section 12(1) of the Standards in Public Life Law requires that the following categories of information must be declared as a part of one's interests, income, assets and liabilities:

- (a) shareholdings and directorships held in any company or other corporate body;
- (b) any contract made with any public entity;
- (c) any company, partnership or association in which money is invested;
- (d) any trust;
- (e) any land, whether beneficial or otherwise;
- (f) any investment fund in which an interest is held;
- (g) sources of income other than a salary or money from other perquisites of office;
- (h) other substantial interest whether of a pecuniary nature or not, which raise or may appear to raise a material conflict of interest;
- (i) any loan, secured or non-secured, other than from any institution regulated under "regulatory laws" as defined by section 2 of the Monetary Authority Law (2013 Revision); and
- (j) such other details as Cabinet may prescribe in regulations.

NB: Disclosure of actual amounts or extent of financial benefits, contributions or interests is **not** required (section 12(4) of the Law).

Offences under the Law

Failure to submit a required declaration or knowingly submitting a false declaration are two examples of offences that are punishable on summary conviction to fines, imprisonment, or both. For more information on offences you can refer to the Law or the general Commission guide.

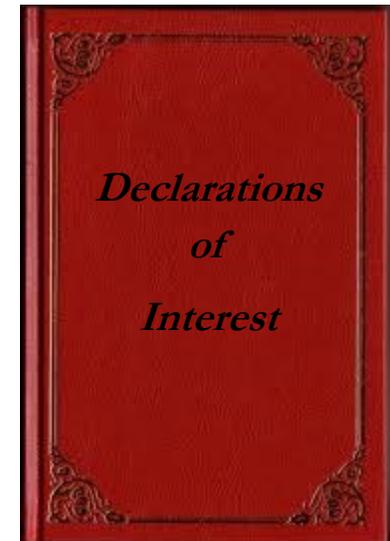
Important Definitions

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

"Connected person" means 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 (2016 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; 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 twenty per cent of the total value of the assets of the trust.

"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.



A Person in Public Life's Guide to the Register of Interests

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What is the Commission for Standards in Public Life?

Created by section 117 of the Cayman Islands Constitution Order 2009 (“the Constitution”), the Commission for Standards in Public Life (“the Commission”) is an independent body whose overarching powers are contained in the Standards in Public Life Law, 2014 (“the Law”), and the Standards in Public Life (Amendment) Law, 2016.

The functions of the Commission includes, amongst others, “to supervise the operation of registers of interest and to investigate breaches of established standards...” (section 117(9)(c) of the Constitution).

In accordance with section 121 of the Constitution “there shall be for the Cayman Islands a Register of Interests, which shall be maintained by the Commission for Standards in Public Life.”

All persons in public life have a constitutional obligation to declare to the Commission, “for entry into the Register of Interests, such interests, assets, income and liabilities of that person, or of any other person connected with him or her, as prescribed by [the] Law.”

The Commission has developed a series of guides to assist in promoting understanding of the expectations to which persons in public life will be held accountable. This guide explains the requirements of making annual declarations in accordance with the Law.

This guide is for informational purposes only and does not constitute legal advice. It should in no way be taken as a replacement for referring to the relevant Standards in Public Life legislation or supporting Regulations, or for obtaining proper legal advice.

Who has to Declare?

Every “Person in Public Life” must make a declaration. In accordance with Schedule 1 of the Law these persons include:

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 or government companies and their deputies.
6. **Members of governing bodies of statutory authorities**.
7. **Members of governing bodies of government companies**.
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.

How do I declare?

Declarations must be hand delivered, with proof of identification, to the Commission on the prescribed form. Declaration forms and guidance notes are available on our website or can be collected from our offices.

When do I have to declare?

- For existing post-holders — on or before 30 July each year after assuming office.
- For new post-holders — within 90 days of assuming the functions of office.
- For candidates for election to the Legislative Assembly — before filing nomination papers.
- For any person whose contents have changed — within 30 days of any change.

NB: Extensions may only be granted at the CSPL’s discretion where requests are made before the submission deadline.

Special Guidance

A person in public life who is:

- a. a board member of a statutory authority, public authority, commission or government company; or
- b. a member of a governing body of a statutory authority or of a government company; or
- c. a member of a Commission created by or under the Constitution,

will be required to complete a declaration annually. However, such declarations may be NIL filings **except where there is a possible or perceived conflict with the Board Member’s functions on the entity for which they were appointed** in relation to themselves and any member of their immediate family.

Can the Register be Inspected?

Members of the public can inspect the Register during normal working hours at the Secretariat offices.