

What is a Register of Interests?

A Register of Interests, under the Act, is a set of written declarations made by persons in public life in which they disclose to the Commission "such interests, assets, income and liabilities of that person, or of any other person connected with him or her, as prescribed by [the] Act." Learn more by visiting the Commission's website.

What is a Person in Public Life?

Persons in Public Life are defined under Schedule 1 of the Act. In general, this term covers all persons holding the posts of Heads of Departments, Unit, Sections (including their Deputies) and above. This extends to all statutory bodies, government owned companies and more. Learn more by visiting the Commission's website.

What are Standards in Public Life?

'Standards' is the term used to refer to guidelines and benchmarks for ethical conduct in decision-making. Under the Act these standards are enforced through codes of conduct such as the Nolan Principles, and may include codes for specific groups of persons such as government ministers. 'Standards' are, in part, also upheld by compliance with the filing and updating of declarations of interest for entry into the Register of Interest as prescribed by the Act. Learn more by visiting the Commission's website.

What is a Conflict of Interest under the Act?

In accordance with the Act "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. Learn more by visiting the Commission's website.

What Offences and Penalties are defined under the Act?

Persons in breach of any of the principles outlined in Schedule 2 of the Standards in Public Life Act (Nolan Principles) and its amendments or any respective code of conduct, where applicable, will be subject to disciplinary measures under the relevant act or employment contract (s.9(3)).

In addition, penalties liable on summary conviction for offences related to the Register of Interest include:

- ◆ CI\$100—for each day in default of non-submission of annual declarations (s.1(5)).
- ◆ CI\$10,000 and/or 2 years imprisonment—for failing without reasonable cause to furnish a declaration, knowingly making a false declaration, or failing without reasonable cause to attend an enquiry by or respond truthfully to requests for information from the Commission or a tribunal (s.16(1)).
- ◆ CI\$25,000 and/or 2 years imprisonment—for knowingly making false allegations of breaches of the Act to the Commission (s.17(2)).
- ◆ CI\$50,000 and/or 2 years imprisonment—for failing to submit evidence (physical or oral) requested by the Commission, or giving false or misleading evidence (s. 20(4)).

The offences and penalties indicated above are written in summary. For a comprehensive understanding of the offences and penalties associated with the Standards in Public Life Act, please consult the Act's latest revision or amendment.



What is the Commission for Standards in Public Life?

Created by section 117 the Cayman Islands Constitution Order 2009 ("the Constitution"), the Commission for Standards in Public Life ("the Commission") is an independent body enshrined in the Constitution to enhance democracy in the Cayman Islands and to ensure that there is sufficient oversight of the public sector.

What are the functions of the Commission?

As prescribed in section 117 of the Constitution and section 5 (1) of the Standards in Public Life Act, the functions of the Commission are -

- a. to assist in the setting of the highest standards of integrity and competence in public life in order to ensure the prevention of corruption or conflicts of interest;
- b. to monitor standards of ethical conduct in Parliament, the Cabinet, and on the part of public authorities and public officers;
- c. to supervise the operation of the Register of Interests and to investigate breaches of established standards;
- d. to review and establish procedures for awarding public contracts;
- e. to review and establish procedures for appointing members to public authorities, and the terms of their appointment;
- f. to recommend codes of conduct to prevent any Minister, public authority or public officer employing their power for any personal benefit or advantage, and to recommend legislation to provide appropriate sanctions;
- g. to report to Parliament at regular intervals, and at least every six months; and
- h. to exercise such other functions as may be prescribed by this or any other Act enacted by the Legislature.

What powers does the Commission have?

The Commission's overarching powers are contained in the Standards in Public Life Act, 2014 ("the Act"), and the Standards in Public Life (Amendment) Act 2016 ("the Amendment Act, 2016").

In the exercise of its powers and performance of its functions under the Act and the Constitution the Commission is not subject to the direction or control of any other person or authority.

S.5(2)(c) of the Act gives the Commission the same powers as the Grand Court to summon witnesses, and require the production of reports, documents and other relevant information.

Does this Commission have any reporting requirements?

The Commission must make a report to Parliament at regular intervals, and at least every six months. Visit our website to read our reports.

How is this Commission different from the Anti-Corruption Commission?

The primary purpose of the Commission for Standards in Public Life is to assist in establishing and maintaining the highest standards of honesty, integrity and competence for persons in public life, in order to ensure the **prevention** of corruption or conflicts of interest through its supervision of the operations of the register of interest.

The primary purpose of the Anti-Corruption Commission is to receive, consider and **investigate** (where appropriate) reports of corruption offences under the Anti-Corruption Act.

Furthermore, the Commission for Standards in Public Life is established by the 2009 Constitution, and the Anti-Corruption Commission is established in statute by the Anti-Corruption Act.

How are Commission members appointed?

Appointed by His Excellency the Governor, acting after consultation with the Premier and the Leader of the Opposition, the Commission consists of a Chairman and not less than two nor more than four other members. Members are people of the highest integrity with knowledge of practice in the private or public section. At least one member must be a chartered or certified accountant and at least one member must be a legal practitioner; both of whom must have at least ten years' experience.

Commission members must be Caymanian and cannot be so appointed if they are Members of Parliament or persons who hold, or have held a public office (in the preceding 3 years) or an office in a political party (in the preceding 5 years).

An office of a Member of the Commission shall become vacant at the end of their four year term limit; if the Member is absent from three consecutive meetings without the approval of the Governor; if the Member resigns; if the Member is removed by the Governor for the inability to discharge their functions or for misbehaviour; or if the Member is nominated, with consent, for election to Parliament or is appointed to any public office.



Commission members 2015-2019: from left, Pastor Shion O'Connor, Chairman Rosie Whittaker-Myles, Ms Sheenah Hislop.