

CAYMAN ISLANDS



CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

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Definitions

1.1 In this Code of Conduct –

“**connected person**”, as set out in section 2 of the *Standards in Public Life Act* (as revised), 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 that person, is a partner;
- (d) a company within the meaning of section 2 of the *Companies Act* (as revised) of which that person, or a nominee of that person, 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 that person, 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;

“**Constitution**” means the *Cayman Islands Constitution Order 2009 (UKSI 1379/2009)* as amended by the *Cayman Islands Constitution (Amendment) Order 2016 (UKSI 780/2016)* and the *Cayman Islands Constitution (Amendment) Order 2020 (UKSI 1283/2020)*;

“**Ex Officio members**” means the Deputy Governor and the Attorney General;

“**Minister**”, as set out in section 124 of the Constitution, means a member of the Cabinet who is appointed as the Premier or other Minister;

“**public officer**”, as set out in section 124 of the Constitution, means the holder of any public office, and includes a person appointed to act in any public office;

Purpose of the Code

2.1 The purpose of this Code of Conduct is to assist all Members of Parliament (“Members”) in the discharge of their obligations to the Parliament, their constituents and the public at large by –

- a. Establishing the standards and principles of conduct expected of all Members in undertaking their duties;
- b. Setting the rules of conduct which underpin the standards and principles and to which all Members must adhere; and
- c. Ensuring public confidence in the standards and principles of conduct expected of all Members and in the commitment of the Parliament to upholding the rules of conduct.

Scope of the Code

- 3.1 This Code applies to Members in all aspects of their public life. Members should be aware that while they are entitled to privacy in their personal lives, the very nature and profile of their role as a Member of Parliament makes differentiation/separation between their public and private life very difficult. As such, inappropriate conduct in their private life, may negatively impact the public's trust and thus this code may apply to their personal lives.
- 3.2 The obligations set out in this Code are in addition to any other obligations which apply to all Members by virtue of the Constitution, the Standing Orders, the Standards in Public Life Act, and any other enactment.

Duties of Members

- 4.1 By virtue of the oath, or affirmation, of allegiance taken by all Members when they are elected to the Parliament, Members have a duty to be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to law.
- 4.2 By virtue of the oath, or affirmation, for the due execution of office taken by all Members when they are elected to the Parliament, Members have a duty to truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, and the people of the Cayman Islands.
- 4.2 A Member has a duty to uphold the law, including the Bill of Rights enshrined in the Constitution.
- 4.3 A Member has a general duty to act in the interests of the people of the Cayman Islands community as a whole; and a special duty to their constituents.
- 4.4 A Member should act on all occasions in accordance with the public trust placed in them.
- 4.5 A Member should always behave with probity and integrity, including in their use of public resources.

General Principles of Conduct

- 5.1 In carrying out their parliamentary and public duties, Members will be expected to observe the following general principles of conduct which will be taken into account when considering the investigation and determination of any allegation of breaches of the rules of conduct in paragraph 6 –
 1. **Selflessness** – Holders of public office should act solely in terms of the public interest.
 2. **Integrity** – Holders of public office must avoid placing themselves under any obligation to people or organisations that might try to influence their work in an inappropriate manner. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends, or other connected persons. They must declare and resolve any interests and relationships touching on their public office.
 3. **Objectivity** – Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. **Accountability** – Holders of public office are accountable for their decisions and actions and must submit themselves to whatever scrutiny necessary to ensure this.
5. **Openness** – Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.
6. **Honesty** – Holders of public office should be truthful.
7. **Leadership** – Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Parliamentary principles of behaviour

- 6.1 Members are expected to observe the principles of behaviour of respect, professionalism, understanding others' perspectives, courtesy, and acceptance of responsibility.

Rules of Conduct

- 7.1 Members shall observe the following rules of conduct set out in this section.
- 7.2 Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
- 7.3 A Member shall not act as a paid advocate in any proceeding of the Parliament.
- 7.4 A Member shall not accept any bribe to influence their conduct as a Member, including any fee, compensation, gift, favour or reward in connection with the promotion of, or opposition to, any Bill or motion, or other matter submitted, or intended to be submitted to the Parliament, or to any committee of the Parliament.
- 7.5 A Member shall fulfil conscientiously the requirements of any enactment in respect of the registration of interests. A Member shall always be open and frank in drawing attention to any relevant interest in any proceeding of the Parliament or its committees, and in any communication with Ministers, Members, public officials or public officers.
- 7.6 Information which Members receive in confidence in the course of their parliamentary duties should be used only in connection with those duties and such information must never be used for the purpose of financial gain.
- 7.7 Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.
- 7.8 Members shall never undertake any action which would cause significant damage to the reputation and integrity of the Parliament as a whole, or of its Members generally.

Respect

- 8.1 Members must treat their staff and all those working for or with the Parliament with dignity, courtesy, and respect.

Gifts

- 9.1 It is a well-established and recognised rule that no Member should accept gifts, hospitality, services or donations in cash or kind which would, or might appear to place him or her under an obligation. The same principle applies if gifts, etc. are offered to a member of their family or other connected person.
- 9.2 Gifts given to Members in their Parliamentary capacity become the property of the Government. Gifts below the prescribed value, currently this set at CI\$500, may be retained by the recipient. Gifts above the prescribed value should be handed over to the Parliament Management Commission (“Commission”) for disposal unless the recipient wishes to purchase the gift. The Commission will publish, on an annual basis, details of gifts received and given by Members valued at more than the prescribed value.
- 9.3 In their capacity as representatives of the Legislature, Members often exchange gifts during official visits either in the Cayman Islands or overseas. This is an accepted practice; a refusal to accept is likely to cause offence. Such gifts are more in the nature of gifts to the holder of the office than to the individual in their personal capacity. Any gift accepted by Members from foreign governments should be registered with the Commission in a Register of Gifts Received. If a Member wishes to relinquish the gift, the Commission may arrange appropriate display or storage. If the gift is worth more than the prescribed value, they should be relinquished before or at the time of leaving office, unless written permission for the Member to keep the gift is obtained from the Speaker. The Register of Gifts Received should be made available to the public by the Commission.
- 9.4 To avoid creating or appearing to create an obligation, gifts in cash or kind are not to be solicited or accepted from a commercial enterprise or any other organisation, either in the Cayman Islands or overseas. An exception to this principle would be the acceptance of a small unsolicited token, for example, branded paraphernalia, after a presentation made during a tour to a place of business. If a Member wishes to keep a gift worth more than the prescribed value, the Member may choose to pay full value for it. The gift still needs to be disclosed to the Commission and a record kept that is available for public scrutiny.
- 9.5 Payment for air travel or accommodation may constitute a gift and must be declared. Where such a gift is offered to a Member, consideration should be given to whether it is appropriate instead for the Commission to pay for the air travel and accommodation, to avoid any potential or perceived conflict of interest.
- 9.6 No Member may accept any kind of favour from persons who are in negotiation with, or seeking to enter into contractual or proprietary or pecuniary relations with, the Government.
- 9.7 Members must carefully avoid all transactions such as acceptance of gifts from members of the public which can give weight to the belief that they are doing anything which these rules of conduct forbid.

Official travel

- 10.1 Travel arrangements for Members must always be efficient and cost-effective in accordance with any relevant travel policy. Official transport should not normally be used for travel arrangements arising from political or private business, except where this is justified on security grounds. To ensure that their travel is properly approved and undertaken in an appropriate manner, Members must follow the principles prescribed in an official Elected Member travel policy.
- 10.2 At the sitting of the Parliament following their return, Members must report to the Parliament on the achievements and outcomes of their overseas travel.
- 10.3 The Parliament will publish, at least annually, details of all overseas travel by Members.

Upholding the Code

- 11.1 The application of this Code shall be a matter for the Parliament.
- 11.2 Parliament may establish a disciplinary committee for the purpose of investigating a specific matter relating to a Member's adherence to the rules of conduct under section 7 of this Code. The disciplinary committee will be made up of three members; one nominated by the Speaker, one nominated by the Premier and one nominated by the Leader of the Opposition. At least one of whom must be a retired judge or an attorney-at-law no longer practicing at the bar
- 11.3 A disciplinary committee established under sub-section 11.2 and in the Standing Orders shall regulate its own procedure.
- 11.4 Members shall cooperate, at all stages, with any such investigation by or under the authority of the Parliament.
- 11.5 A Member shall not lobby a member of the Disciplinary Committee in a manner calculated or intended to influence its consideration of an alleged breach of this Code.
- 11.6 The Disciplinary Committee will consider any allegation of a breach made to it by a person aggrieved by the conduct of a Member and report its conclusion and recommendation to the Parliament.
- 11.7 The Parliament may impose a sanction on the Member where it considers it necessary.

Sanctions

- 12.1 A violation of the code of conduct may be punished by reprimand or admonition, suspension from the house, and expulsion.

Application to *ex officio* Members

- 13.1 The Code also applies, where appropriate, to the *ex officio* Members of the Parliament.

