

**THE DEPORTATION (BRITISH SUBJECTS)  
(AMENDMENT) LAW, 1968**

**(LAW 10 OF 1968)**

## MEMORANDUM OF OBJECTS AND REASONS

Under the present Law a period of only two years residence is sufficient to give domicile in the Cayman Islands and thus qualify any British Subject as a person belonging to the Cayman Islands.

The purpose of this amendment is to give power to the Administrator in Council to deport British Subjects, who have resided in the Islands for less than a period of five years, and with the approval of the Secretary of State if they have resided here from five up to seven years, on the recommendation of the Court convicting them of an offence punishable with imprisonment.

The need of the amendment arises from the fact that the traffic in drugs in this territory, notably ganja, cannot be eradicated effectively until we are able to deport British residents after conviction by the Court. As it stands today the law is not effective because of the restrictive definition of the term "belong to the Islands" in section 2 (2). Broadly speaking we cannot deport a British Subject if he has resided here for two years or more. The fact that he has been convicted of an offence punishable by imprisonment, such as ganja peddling, makes no difference and, consequently, a convicted drug trafficker can return to this territory on his release from prison. Past experience shows that this type of person invariably picks up the threads of his trade where he left off and the cycle begins again.

CAYMAN ISLANDS

LAW 10 of 1968

I assent,

(L.S.)

J.A. CUMBER  
*Administrator*

27th May, 1968

A LAW to Amend the Deportation (British Subjects) Law

(Cap. 37)

Enacted by the Legislature of the Cayman Islands.

1. This Law may be cited as the Deportation (British Subjects) (Amendment) Law, 1968 and shall come into operation on a day to be appointed by the Administrator by Government Notice published in the Cayman Islands.

Short title  
and commence-  
ment.

2. Section 2 of the Deportation (British Subjects) Law (hereinafter referred to as the principal law) is hereby amended as follows-

Amendment  
of section  
2 of Cap. 37.

- (i) by deleting the definition of "domicile" from subsection (1) thereof;
- (ii) by deleting from subsection (2) thereof -
  - (a) the words "domiciled or" in paragraph (a),
  - and

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(b) the whole of paragraph "(b) is domiciled in the Islands; or" with consequential re-numbering of paragraphs (c), (d) and (e) as paragraphs (b), (c) and (d);

(iii) by deleting subsection (3) and substituting the following new subsection therefor-

"(3) For the purposes of this Law a person shall be deemed to be an immigrant British Subject if, at the date of the service upon him of a notice under section 7 of this Law, or, in the case of a convicted person, the date upon which he is charged with the offence, he is a British Subject and has been resident continuously in the Islands for less than a period of five years:

Provided that-

- (i) in determining whether any person is an immigrant British Subject, any period during which a deportation order, a restriction order or a security order made under this Law has been in force as respects that person shall not be taken into account; and
- (ii) any British Subject in respect of whom the approval of the Secretary of State shall have been given to the making of a deportation order at any time before it is made shall be deemed to be an immigrant British Subject notwithstanding that he may have been resident in the Islands for more than the period mentioned in this subsection; and
- (iii) residence in the Islands shall not be deemed to have ceased to be continuous merely by reason of the fact that it has been interrupted by a period or periods of absence from the Islands on vacation or business, if such period does not exceed, or such periods do not in the

aggregate exceed twelve months.”

3. Section 11 of the principal law is hereby amended by inserting the words “or aircraft” immediately following the word “ship” wherever that word occurs therein.

Amendment of  
Section 11.

4. Section 20 of the principal law is hereby amended by substituting the words “the Stipendiary Magistrate” for the words “two Justices of the Peace” where they occur in subsection (3).

Amendment of  
Section 20.

5. Section 21 of the principal law is hereby amended by substituting the words “the Stipendiary Magistrate” for the words “two Justices” where they occur therein.

Amendment of  
Section 21.

Passed the Assembly this 28th day of March, 1968.

**J.A. CUMBER**

*President*

**SYBIL McLAUGHLIN**

*Clerk of the Legislative Assembly.*

Government Notice 97 of 1968  
Date of operation: 27th May, 1968.