

CAYMAN ISLANDS



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THE MARITIME AUTHORITY (AMENDMENT) LAW, 2012
(LAW 26 OF 2012)

THE MARITIME AUTHORITY (AMENDMENT) LAW, 2012

ARRANGEMENT OF SECTIONS

1. Short title
2. Amendment of section 20 – immunity and indemnity
3. Amendment of the First Schedule – appointment and Constitution of Board
4. Amendment of the Second Schedule – transitional provisions

CAYMAN ISLANDS

Law 26 of 2012.

I Assent

Franz Manderson

Acting Governor.

Date: 7 December, 2012

**A LAW TO AMEND THE MARITIME AUTHORITY LAW (2008
REVISION) TO PROVIDE FOR VARIATIONS IN THE PERIODS OF
APPOINTMENT OF BOARD MEMBERS; FOR THE INDEMNITY OF
THE SECRETARY TO THE BOARD AND OTHER SUCH OFFICERS;
AND FOR INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Maritime Authority (Amendment) Law, 2012. Short title
2. The Maritime Authority Law (2008 Revision), in this Law referred to as the “principal Law”, is amended in section 20 by repealing subsection (2) and substituting the following subsection- Amendment of section
20 - immunity and
indemnity
(2008 Revision)
 - “(2) The Authority shall indemnify-
 - (a) every director;
 - (b) every employee; and
 - (c) the secretary of the Authority, appointed under section 5(2);against all claims, damages, costs, charges or expenses incurred by that director, employee or secretary in the discharge of his functions, responsibilities, powers and duties under this Law, except claims, damages, costs, charges or expenses caused by their bad faith; and the Authority may purchase insurance with respect to such indemnification.”.

Amendment of the First
Schedule - appointment
and constitution of
Board

3. The principal Law is amended in paragraph 3 of the First Schedule by repealing subparagraph (1) and substituting the following subparagraphs-

“(1) Subject to subparagraph (1A) the directors shall hold and vacate office in accordance with the terms of their appointment as follows-

- (a) the two directors appointed under paragraph 1(1)(a) shall be appointed for a term of up to three years and with respect to the five directors appointed under paragraph 1(1)(b) two shall be appointed for a term of up to two years and three shall be appointed for a term of up to one year;
- (b) a director shall be eligible for reappointment but shall not hold office for more than six consecutive years;
- (c) a director may at any time, by notice in writing addressed to the Minister, resign his office; and
- (d) the Governor shall terminate the appointment of a director who-
 - (i) resigns his office;
 - (ii) is adjudged bankrupt or suspends payments to, or compounds with, his creditors;
 - (iii) is incapacitated by reason of physical or mental illness;
 - (iv) has been absent without leave of the chairman for three consecutive Board meetings;
 - (v) fails to comply with his obligations under paragraph 4;
 - (vi) is guilty of serious misconduct in relation to his duties;
 - (vii) has been convicted in the Islands or elsewhere of an offence involving fraud or dishonesty; or
 - (viii) is otherwise not a fit and proper person to discharge the functions of a director.

(1A) Notwithstanding subparagraph (1) the directors shall hold and vacate office at the pleasure of the Governor.”.

Amendment of the
Second Schedule –
transitional provisions

4. The principal Law is amended in paragraph 2 (2) of the Second Schedule by deleting the words “sections 11 and 12” and substituting the words “sections 12 and 13”.

Passed by the Legislative Assembly the 15th day of November, 2012.

Mary J. Lawrence J.P.

Speaker.

Zena Merren-Chin

Clerk of the Legislative Assembly.