

CAYMAN ISLANDS



Supplement No. 5 published with Gazette No. 1 dated
4th January, 2010.

**THE PUBLIC MANAGEMENT AND FINANCE (AMENDMENT) (NO. 2)
LAW, 2009**

(LAW 23 OF 2009)

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LAW, 2009**

ARRANGEMENT OF SECTIONS

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CAYMAN ISLANDS

Law 23 of 2009.

I Assent

Donovan Ebanks

Acting Governor.

8th December, 2009

A LAW TO AMEND THE PUBLIC MANAGEMENT AND FINANCE LAW (2005 REVISION) AS A CONSEQUENCE OF THE CREATION OF THE CONSTITUTIONAL OFFICE OF MINISTER CHARGED WITH RESPONSIBILITY FOR FINANCE; AND TO MAKE PROVISION FOR INCIDENTAL AND CONNECTED MATTERS

ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Public Management and Finance (Amendment) (No. 2) Law, 2009.

Short title and commencement

(2) This Law shall come into force immediately after the coming into force of the Cayman Islands Constitution Order 2009.

S.I. 2009 No. 1379

2. The Public Management and Finance Law (2005 Revision), in this Law referred to as the “principal Law”, is amended in section 2 as follows -

Amendment of section 2 of the Public Management and Finance Law (2005 Revision) - definitions

- (a) in the definitions of the terms “centralised accounting information system” and “centralised banking system” by deleting the words “Portfolio of Finance and Economics” wherever they appear and substituting the words “ministry responsible for finance”;
- (b) in paragraph (b)(iii) of the definition of the term “chief officer” by deleting the words “Portfolio of Finance and Economics” and substituting the words “ministry responsible for finance”;
- (c) by deleting the definition of the term “Constitution” and substituting the following definition -

“ “Constitution” means the Constitution set out in Schedule 2 to the Cayman Islands Constitution Order 2009;”;

- (d) by deleting the definition of the term “minister” and substituting the following definition -

“ “minister” means a member of the Legislative Assembly who has been appointed to the Governor in Cabinet in accordance with section 44 of the Constitution;”;

- (e) by inserting, after the definition of the term “minister”, the following definition -

“ “Minister of Finance” means the minister charged with responsibility for finance under section 54 of the Constitution;”.

Amendment of miscellaneous provisions of the principal Law - transfer of powers from the Financial Secretary to the Minister of Finance

3. The principal Law is amended as follows -
- (a) in sections 9(3)(h), 11(4), 17(1), 21(a), 24(1), (4) and (5), 25(2), 33, 34, 35, 36, 39(3), 41(1), (6) and (7), 42(5), 43(5), 44(6), 45(3), 49(5), 50(5), 51(5), 52(6), 53, 56(1) and 75 by deleting the words “Financial Secretary” wherever they appear and substituting the words “Minister of Finance”;
 - (b) in sections 23(3), 24(6), 25(4), 26(3), 28(4) and 29(5) by deleting the words “by the Financial Secretary” wherever they appear and substituting the words “by the Minister of Finance”;
 - (c) in the heading appearing above section 32 by deleting the words “Financial Secretary” and substituting the words “Minister of Finance”;
 - (d) in the marginal note to section 32 and in section 32 by deleting the words “Financial Secretary” wherever they appear and substituting the words “Minister of Finance”; and
 - (e) in paragraph 4(a)(i) of the Second Schedule and paragraph 3(a)(i) of the Fourth Schedule by deleting the words “Financial Secretary” wherever they appear and substituting the words “Minister of Finance”.

Amendment of miscellaneous provisions of the principal Law - transfer of powers from the Financial Secretary to the chief officer (Public Finance) of the ministry responsible for finance

4. The principal Law is amended as follows -
- (a) in sections 23(3), 24(6), 25(4), 26(3), 28(4) and 29(5) by deleting the words “and the Financial Secretary” wherever they appear and substituting the words “and the chief officer (Public Finance) of the ministry responsible for finance”; and
 - (b) in sections 26(1), 67(2)(c) and (d), 70(2), (3) and (4), 71(2), 73 and 74(3), by deleting the words “Financial Secretary” wherever they appear and substituting the words “chief officer (Public Finance) of the ministry responsible for finance”.

5. The principal Law is amended in section 27(2) by deleting the words appearing above paragraph (a) and substituting the following words - Amendment of section 27 - information to be included in forecasts
- “ (2) Subsection (1) does not apply to the extent that the chief officer (Public Finance) of the ministry responsible for finance determines, after consultation with the Financial Secretary, that compliance with that subsection will be likely to -”.
6. The principal Law is amended as follows - Amendment of miscellaneous provisions of the principal Law - change of names
- (a) in sections 32(d), 41(5) and 55(1)(a) by deleting the words “Portfolio of Finance and Economics” wherever they appear and substituting the words “ministry responsible for finance”;
 - (b) in sections 41(3)(b), 55(1)(b) and 56(1) by deleting the words “chief officer of the Portfolio of Finance and Economics” wherever they appear and substituting the words “chief officer (Public Finance) of the ministry responsible for finance”;
 - (c) in the heading to Part VI by deleting the words “Portfolio of Finance and Economics” and substituting the words “Ministry responsible for Finance”; and
 - (d) in the marginal note to section 54 and in section 54 by deleting the words “Portfolio of Finance and Economics” wherever they appear and substituting the words “ministry responsible for finance”.
7. The principal Law is amended in section 35(a) by deleting the word “portfolio” and substituting the word “ministry”. Amendment of section 35 - power to make regulations
8. The principal Law is amended in section 42(4) by repealing paragraph (b) and substituting the following paragraph - Amendment of section 42 - annual budget statement
- “(b) signed by the chief officer and by the following persons on behalf of the Governor in Cabinet -
- (i) in the case of the annual budget statement of the Portfolio of Internal and External Affairs and the Portfolio of the Civil Service, the Deputy Governor;
 - (ii) in the case of the annual budget statement of the Portfolio of Legal Affairs, the Attorney-General or, where the Attorney-General is the chief officer, the Governor; and
 - (iii) in the case of the annual budget statement of a ministry, the relevant minister; and”.
9. The principal Law is amended in section 58(4) by deleting “section 55B” and substituting “section 114”. Amendment of section 58 - independence of Auditor-General

Amendment of section 60 - powers and duties of Auditor-General

10. The principal Law is amended in section 60(c) as follows -

- (a) by inserting after the words “conduct investigations” the words “, and value for money audits,”; and
- (b) in subparagraph (iii) by inserting after the words “its functions” the words “ and in its financial dealings”.

Amendment of section 72 - deposit of trust assets consisting of money

11. The principal Law is amended in section 72 as follows -

- (a) in subsection (1) by deleting the words “Financial Secretary” and substituting the words “chief officer (Public Finance) of the ministry responsible for finance, after consultation with the Financial Secretary,”; and
- (b) in subsection (2) by deleting the words “Financial Secretary” and substituting the words “Minister of Finance, the Financial Secretary or the chief officer (Public Finance) of the ministry responsible for finance”.

Amendment of section 74 - unclaimed trust assets

12. The principal Law is amended in section 74(4) by deleting the words “nor the Financial Secretary” and substituting the words “, the Minister of Finance, the Financial Secretary, the chief officer (Public Finance) of the ministry responsible for finance”.

Transitional provisions

13. (1) Every matter commenced under the former Law and partly dealt with when the new Law comes into force, is to be continued and dealt with in all respects as if the new Law had not come into force.

(2) Every matter commenced under the former Law and not wholly or partly dealt with when the new Law comes into force, is to be taken to be a matter commenced under the new Law and the provisions of the new Law are to apply accordingly.

(3) In this section -
“former Law” means the principal Law in force immediately before the date of commencement of this Law; and

“new Law” means the principal Law as amended by this Law.

The Public Management and Finance (Amendment) (No. 2) Law, 2009

Passed by the Legislative Assembly the 15th day of October, 2009.

Mary J. Lawrence, JP

Speaker.

Zena Merren-Chin

Clerk of the Legislative Assembly.