

CAYMAN ISLANDS



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**THE TRADE AND BUSINESS LICENSING (AMENDMENT)
(LICENSING BOARD) LAW, 1997**

(Law 5 of 1997)

CAYMAN ISLANDS

**THE TRADE AND BUSINESS LICENSING (AMENDMENT)
(LICENSING BOARD) LAW, 1997**

ARRANGEMENT OF SECTIONS

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8. Insertion of section 15A - offences by officers of corporate bodies.
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CAYMAN ISLANDS

Law 5 of 1997.

I Assent

JOHN OWEN

Governor.

26 May, 1997.

**A LAW TO AMEND THE TRADE AND BUSINESS LICENSING LAW
(1996 REVISION); TO ESTABLISH A TRADE AND BUSINESS
LICENSING BOARD; AND FOR INCIDENTAL AND CONNECTED
PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Trade and Business Licensing (Amendment) (Licensing Board) Law, 1997, and shall come into force on such date as may be appointed by Order by the Governor in Council, and different dates may be appointed for different provisions of this Law and in relation to different cases. Short title and commencement
2. In this Law the Trade and Business Licensing Law (1996 Revision) is referred to as “the principal Law”. Interpretation
3. Section 2 of the principal Law is amended by repealing the definition of “Board” and substituting the following definition- Amendment of section 2 - definitions

“ “Board” means the board established by section 3A;”.
4. After section 3 of the principal Law the following sections are inserted- Insertion of sections 3A-3H - establishment of Board

“Establishment of the Board	3A. There is established a Board called the Trade and Business Licensing Board.
Functions of the Board	<p>3B. The functions of the Board are-</p> <ul style="list-style-type: none">(a) the consideration of all applications for licences made in accordance with this Law;(b) following such consideration, the granting or refusal of such applications, in accordance with the provisions of this Law;(c) the presentation of responses to appeals made under section 8A; and(d) such other functions as may be conferred upon the Board by this or any other Law or regulations made thereunder.
Membership	<p>3C. The Board shall consist of-</p> <ul style="list-style-type: none">(a) a chairman, a deputy chairman, and 7 members, all of whom shall be appointed in accordance with section 3D; and(b) the Chief Immigration Officer or, in his absence, his deputy.
Appointment of Board members	<p>3D. (1) The chairman, deputy chairman and members shall be appointed by the Governor, shall hold office for a period of one year, and shall be eligible for re-appointment.</p> <p>(2) Section 8 of the Immigration Law shall apply to the chairman, deputy chairman and members of the Board in all respects as though they were members of the Immigration Board.</p>
Appointment of Secretary	<p>3E. (1) The Governor shall appoint a Secretary of the Board, together with such other support staff as shall be necessary.</p> <p>(2) The Secretary shall be responsible for the day to day administration of the Board and, to the extent of the authority delegated to him by the Board, shall be responsible for carrying out the functions of the Board, and shall record and keep the minutes of all meetings, proceedings and decisions of the Board.</p>

Disqualifica-
tion of Board
members

3F. (1) No person may be appointed as or remain a Board member who is an elected member of the Legislative Assembly.

(2) The Governor shall terminate the appointment of any Board member who-

- (a) resigns his office;
- (b) becomes of unsound mind or incapable of carrying out his duties;
- (c) becomes bankrupt or suspends payment to or compounds with his creditors;
- (d) is convicted in the Islands or in any other jurisdiction of an offence involving dishonesty or fraud or of any indictable offence;
- (e) is guilty of serious misconduct in relation to his duties;
- (f) is absent, without leave of the Chairman of the Board, from three consecutive meetings of the Board; or
- (g) fails to comply with his obligations under section 3H.

(3) The Governor may terminate the appointment of any Board member.

Regulation of
Board business

3G. (1) The Board may, subject to the provisions of this Law, make such rules as it thinks fit to regulate its own internal management, and at its first meeting shall approve and adopt standing orders that will govern procedure in connection with and at its meetings.

(2) The validity of any act or proceeding of the Board shall not be affected by any vacancy among its members, or by any defect in the appointment of a member.

Members'
interests

3H. Section 6(5) of the Immigration Law shall apply to the members of the Board in all respects as though they were members of the Immigration Board.”.

5. The principal Law is amended in section 6-

Amendment of section 6
- duration of licences

- (a) in subsection (1), by repealing “on or before the 7th day of December in each year” and substituting “at least 28 days before the date of expiry of the licence and shall be”; and
- (b) in subsection (3), by repealing “on the 31st day of December in each year.” and substituting “on the first anniversary of their date of grant or renewal.”.

Substitution of section 7
- Board proceedings and
policy

6. Section 7 of the principal Law is repealed and the following section is substituted-

“Proceedings
and policy to
be followed by
the Board

7. The Governor may, after consultation with the Board, give such general directions as to the policy to be followed by the Board in the performance of its functions under this Law as appear to him to be necessary in the public interest, and the Board shall give effect to any such directions.”.

Insertion of sections 8A-
8C - appeals

7. After section 8 of the principal Law the following sections are inserted-

“Appeals from
decisions of
the Board

8A. (1) A person aggrieved by, or dissatisfied with, a decision of the Board may, within 21 days of the communication of the decision to him, or such longer period as the Governor may, for good cause shown, allow, appeal therefrom to the Governor whose decision shall be final and binding upon the appellant.

(2) For the purposes of this section the decision shall, if notice of it is sent to a person by post, be deemed to have been communicated to him at the time at which it would have been received in the ordinary course of post.

Conduct of
appeals

8B. (1) Appeals under section 8A shall be by notice in writing addressed to the Clerk of the Executive Council, and shall set forth-

- (a) the original application;
- (b) the decision against which the appeal is made;
- (c) the grounds of the appeal; and
- (d) whether the appellant wishes to be heard personally or through a representative.

(2) On receipt of the notice of appeal the Executive Council shall, if the appellant has applied to be heard personally or by a representative, decide whether he shall be

so heard and, if it is so decided, fix a time and date for such hearing and shall notify the appellant and the Board thereof.

(3) At the hearing of an appeal where the appellant or his representative is present, the appellant or his representative shall be given an opportunity to address the Executive Council and the representative of the Board shall be heard in answer if called upon by the Executive Council in that behalf, and the Executive Council may call upon either party to address it further.

(4) Representatives of either party need not be persons having legal qualifications.

(5) The decision of the Executive Council shall be communicated to the appellant with the least possible delay.

Decisions to be
administrative

8C. Decisions made under section 8A shall be administrative.”.

8. After section 15 of the principal Law, the following section is inserted-

Insertion of section 15A
- offences by officers of
corporate bodies

“Offences by
officers of
corporate
bodies

15A. (1) Where an offence under this Law which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of the member in connection with his functions of management as if he were a director of the body corporate.”.

Insertion of section 17 -
confidentiality

9. After section 16 of the principal law the following section is inserted-

“Confiden-
tiality

17. Section 7 of the Immigration Law shall apply to the members of the Board in all respects as though they were members of the Immigration Board.”.

Passed by the Legislative Assembly the 17th day of April, 1997.

Mabry S. Kirconnell

Speaker.

Georgette Myrie

Clerk of the Legislative Assembly.