

THE LEGISLATIVE ASSEMBLY PROCEDURE

LIFE:

SINCE THE COMING INTO EFFECT OF THE PRESENT CONSTITUTION IN 1972 THE LIFE OF THE ASSEMBLY IS FOUR YEARS. PREVIOUS TO THAT IT WAS 3 AND IN THE EARLY NINETEEN TWENTIES IS WAS SET AT 2 YEARS.

NAME:

SINCE 1832 (WHEN THE ASSEMBLY WAS FIRST CONSTITUTED,) IT WAS CALLED THE LEGISLATIVE ASSEMBLY OF JUSTICES AND VESTRY ALTHOUGH THE ACT NO. III of 1832 was entitled AN ACT TO REGULATE THE LEGISLATIVE ASSEMBLY OF THE CAYMAN ISLANDS. HOWEVER, in 1959 WHEN THE FIRST WRITTEN CONSTITUTION OF THE CAYMAN ISLANDS WAS BROUGHT INTO OPERATION THE NAME WAS CHANGED TO THAT OF LEGISLATIVE ASSEMBLY.

NUMBER:

Up until July, 1959 when the Legislative Assembly of Justices and Vestry sat for the last time there were 27 Vestrymen and an equal number of Justices. This was provided for by Law 11 of 1936 which set the number of elected Vestrymen for the various districts as -
5 for West Bay, George Town and Bodden Town; 4 for the Lesser Islands 3 each for PROSPECT AND East End and 2 for North Side.
With the new Constitution in 1959 provision was made in the Elections Regulations for 3 members for West Bay and George Town, 2 for Bodden Town, and the Lesser Islands and 1 each for East End and North Side, making a total of 12. Justices of the Peace no longer sat in the Legislature and 2 nominated and 2 official members appointed by the Administrator. With the 1972 Constitution nominated members disappeared and the official membership was increased to 3, which is now the present position.
In 1956 an Advisory Executive Council was instituted and there were four elected Members including two official members on the Council. When the Membership system was introduced in 1961 2 elected members were elected and one Nominated Member appointed by the Governor.
In 1972 the elected membership rose to 4 with 3 official members and this is still the position.

PORTFOLIOS: The Honourable Chief Secretary (Governor's Deputy) has the portfolio of Internal and External Affairs
The Honourable Attorney-General - Portfolio of Legal Administration
The Honourable Financial Secretary - Portfolio of Finance and Development
The 4 Elected Members of Executive Council -
(i) Portfolio of Health, Education and Social Services
(ii) Portfolio of Agriculture, Lands and Natural Resources
(iii) Portfolio of Communications and Works
(iv) Portfolio of Tourism, Aviation and Trade.

SESSIONS OF THE ASSEMBLY: The 4 years at which the life of the L.A. is fixed is divided into Sessions, each session to be of not less than twelve months duration and usually terminated by prorogation, although the Final Session of the Legislature prior to a General Election is terminated by dissolution.

(a) Prorogation at the close of a Session operates until a fixed date and the period between the prorogation of the House and its re-assembly in a new session is termed a recess, and all business is suspended until it is summoned again. Any bill which has not been assented to by the end of the session is killed automatically, and must go through all stages in the new session as if it had never been introduced.
All Committees, with the exception of Standing Committees (which are for life of the Assembly) have to be re-appointed.

EXECUTIVE COUNCIL: Members in the exercise of their powers do not act completely independently as there is the highly developed doctrine of collective responsibility founded not only on Constitutional Convention but as a practical manifestation of the machinery needed to tackle some of the problems of a modern territory. A Member is bound to support in public the decision and policies of his colleagues; he is expected to take credit for his department's successes and the blame for anything that goes wrong. In this way even though perfect agreement between Members is not always possible, chaos within the Government is avoided.

The four elected Members of Executive Council, together with the three Official Members of Government, form the Government Bench. This is the policy-making body and any Executive Council decision is to be implemented by the civil servants. In practice therefore there are two heads of Departments - the political head which is the Member responsible for initiating the policy and the principal Secretary who executes that authority.

In the final analysis it should be remembered that the Legislative Assembly does not govern, and is not intended to govern. A strong Executive Government tempered and controlled by constant, vigilant, and representative criticism, is the ideal at which parliamentary institutions aim.

PRESIDING OFFICER: In the Cayman Islands, His Excellency the Governor is the Presiding Officer of the Legislative Assembly and is the representative of the House in its powers, proceedings and dignity. He presides over the debates of the House but he takes no part in the debates either in the House or in Committee. He enforces the observance of all rules for preserving order in its proceedings. The majority of Commonwealth Parliaments have their own Independent Speakers, with the exception of the Cayman Islands, where the Governor is the President, St. Helena the Governor and Commander-in-Chief is President, The Isle of Man, whose President is the Lieutenant-Governor - °President of Tynwald States of Guernsey, the Bailiff and President of the States is the Presiding Officer of the Parliament and the Falkland Islands with the Civil Commissioner as President of the Legislature.

OPENING OF A NEW SESSION:

The Queen's Representative opens the Legislature in person at a formal ceremony with a Guard of Honour. The Governor then addresses the Assembly and reads the Speech from the Throne, outlining Government's plans for the main business of the Session and the Legislature cannot proceed with its deliberations until the Speech has been read. The Speech is then debated some days later.

BILLS:

One of the chief functions of the House is the passing of Bills. A bill is a draft Law of the Legislature and most of them are public bills, that is to say, measures relating to public policy and which appear for the general public good. They are passed according to the Legislature's own wisdom and judgement. They are introduced directly by Members of the Executive Council and when passed by the Legislature are accepted as law by the Courts without question.

Also a Member may make a motion in the House that there should be a bill to deal with certain matters or a Committee of the House may make such a recommendation.

Bills emanate from the various portfolios, that is the request for a draft from the various portfolios and the Attorney-Generals Department is then asked to prepare a first draft. This is then presented by the Member responsible to the Executive Council for consideration. When it has been approved the respective portfolio sends two copies thereof to the Clerk of the Legislative Assembly who will deal with it in accordance with section 45 of the Standing Orders, examines to see that it is drafted in clauses and schedules numbered consecutively; that each clause and schedule has in the margin a short note summarising its contents; that the bill has a title and its provisions do not go beyond the title; that it is prefaced by a short explanation statement of its objects and if it involves the expenditure of public money, that the explanatory memorandum sets out briefly the financial effect, and, if possible, an estimate of the amount of money involved. If the bill complies with these requirements it is then sent to the Printer to be printed on green paper and gazetted. Copies are also immediately sent to all Members of the Legislature in order that they have the longest time possible to study it and must be in their hands not less than seven days before it is proposed to be read a first time.

On the day on which a bill has been set down to be dealt with, it is given a First Reading which is when the Clerk announces the Title of the Bill - The Wrecking of Ships (Amendment) Bill, 1984. It is then deemed to have been read a first time and is set down for the Second Reading which immediately follows. The Clerk again announces the Title of the Bill and the Member in charge of it will speak, setting out the reasons for its introduction and the objects which it is hoped will be achieved. Members then all have the opportunity of debating the bill.

U.K.

In the United Kingdom, which is bicameral, that is having two Houses a bill may be brought from the House of Lords, having been first introduced in, and passed by, that House. The Member introducing a bill must obtain beforehand a "dummy bill" from the Public Bill Office and this is a piece of stiff paper bearing the title of the bill and the names of the members presenting and supporting it. These names afterwards appear on the back of the printed copies and may not exceed twelve in number. On the day on which the bill is to be presented the Member in charge, when called by the Speaker, comes to the Table from behind the Speaker's chair and hands the "dummy bill" to the Clerk, who reads out the title.

the bill is then regarded as having been read the first time and is ordered to be read a second time on A DAY NAMED BY THE MEMBER, and ordered to be printed, examined by the Clerks in the Public Bill Office, whose duty it is to see that it complies with the rules of the House (as is done

by the Clerk here. During the second reading debate any bill can be given approval or withheld. A Member in the House of Commons rejecting a bill would move that the bill be read a second time upon this day six months which is polite way of rejecting the bill, by ensuring that it shall come up again only after the end of the session. The Second reading of bills is followed by the committee stage. Here in the Cayman Islands, the majority of bills are dealt with the same day as the Second Reading Debate, by a Committee of the Whole House, and reported thereon. In a few cases the bill will be sent to a Select Committee, which, here in Grand Cayman for the past few years consists of all Members of the House. In the House of Commons a standing committee is appointed at the beginning of each session to deal with certain bills, there might be three or four such standing committees and Members indicate on which Standing Committee they would like to be appointed. Appropriation Bills or Supplementary Bills are sent to Finance Committee.

In Grand Cayman the Third Reading of bills is generally given the following day, as Standing Orders provide that a bill may not be given more than two readings in any one day, unless that particular Standing Order is suspended.

In earlier days it was provided that Leave must be first sought before a bill

could be introduced. Bermuda still retains this provision. However, in recent times it has been the view that every bill should be given a First Reading and allowed to be debated on its merits, etc. and then if it is the consensus of

Members that it should be withdrawn, etc. every consideration would have been given. IN BARBADOS, if a bill is presented by a Member or is brought from the Senate, the question "That this bill be now read a first time" shall be decided without amendment or debate. There must also be an interval of not less than five days between the first and second readings of a bill, unless the House agrees to proceed with the bill at any earlier date, or forthwith.

COMMITTEES ON BILLS: Any committee to which a bill is committed shall not discuss the general merits and principles of the bill but only its details.

THIRD READING, AFTER COMMITTEE STAGE, EITHER OF THE WHOLE HOUSE OF SELECT COMMITTEE IS AUTOMATIC AND FOLLOWS IMMEDIATELY AFTER THE REPORTING STAGE.

IN THE HOUSE OF COMMONS THE THIRD READING STAGE IS GENERALLY SIMILAR TO THE SECOND READING, IN THAT THE BILL IS ONCE MORE SUBMITTED AS A WHOLE TO THE JUDGEMENT OF THE HOUSE AND A MEMBER WHO OBJECTS TO THE BILL MAY LIKEWISE MOVE "THAT THE BILL BE READ THE THIRD TIME UPON THIS DAY SIX (THREE) MONTHS", THERE IS HOWEVER, AN IMPORTANT DIFFERENCE, IN THAT, UNLESS NOTICE HAS BEEN GIVEN BY AT LEAST SIX MEMBERS EITHER OF AN AMENDMENT TO THE QUESTION FOR THIRD READING OR OF A MOTION THAT THE QUESTION BE NOW PUT FORTHWITH THE QUESTION MUST BE PUT IMMEDIATELY AND WITHOUT DEBATE.

IN OUR LEGISLATURE, IF ANY MEMBER WISHES TO DELETE OR AMEND ANY PROVISION IN THE BILL AS REPORTED FROM A COMMITTEE OF THE WHOLE HOUSE OR TO INTRODUCE ANY NEW PROVISION THEREIN HE MAY AT ANY TIME BEFORE THE QUESTION HAS BEEN PROPOSED UPON A MOTION FOR THE THIRD READING, MOVE THAT THE BILL BE RECOMMITTED, EITHER WHOLLY OR IN RESPECT ONLY OF SOME PARTICULAR PART OR PARTS OF THE BILL OR SOME PROPOSED NEW CLAUSE OR NEW SCHEDULE: AND IF THE MOTION IS AGREED UPON, THE BILL WILL BE RECOMMITTED AND THE HOUSE WILL AT THAT STAGE GO INTO COMMITTEE TO CONSIDER IT.

PRIVATE BILLS: These are introduced by a Member only on petition from the promoters and after notice of the bill has been given by publication in the gazette and three successive publications in news papers in the islands. The promoters have to sign a document which is given to the Clerk, to pay all the expenses involved with the publications and printing.