

**EXPLANATORY MEMORANDUM TO**  
**THE CAYMAN ISLANDS (CONSTITUTION) (AMENDMENT) ORDER 2008**

**2008 No. 3127**

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 This instrument amends the Constitution of the Cayman Islands, contained in the Cayman Islands (Constitution) Order 1972 (S.I. 1972/1101) (as amended), to permit a person to be registered as an elector if he has attained the age of 18 years on or before the polling day at an election even though he had not attained the age of 18 years at the date of registration for that election. This changes the current position under the Constitution where, to be entitled to vote in an election, a person must have attained the age of 18 years by the registration date.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Context**

4.1 This instrument will further amend the 1972 Order. This instrument, like the 1972 Order, and previous amending Orders, is made under the West Indies Act 1962. The amendment is being made at the request of the Cayman Islands Government, with the agreement of the Opposition.

4.2 In 2002, the Chairman of the Foreign Affairs Committee and the Foreign Secretary agreed that, where appropriate, draft Orders on Overseas Territories' Constitutions would be shown to the Committee for information, if possible, at least 28 sitting days before they were made. This Order will be made at the December Privy Council to allow the necessary changes to the electoral register to be made. It has not been possible to allow the FAC to see the draft Order 28 sitting days before the meeting of the Privy Council. However, the Minister wrote to the FAC Chairman on 12 November 2008 telling the Committee about the proposed Order and explaining that they would be sent a draft as soon as it was agreed by the Cayman Islands Government. The draft Order was sent to the Committee on 26 November along with a letter from the Cayman Islands Leader of Government Business explaining why the Order should be submitted to the December Privy Council meeting.

**5. Territorial Extent and Application**

5.1 This instrument applies to the Cayman Islands, the Government and Opposition of which support the making of the instrument.

## **6. European Convention on Human Rights**

6.1 Although this instrument is laid before Parliament, there is no provision for further parliamentary proceedings and no statement is therefore required.

## **7. Policy background**

- *What is being done and why*

7.1 This instrument has the objective of amending the Constitution of the Cayman Islands to allow persons who have attained the age of 18 years on or before election day but not by the registration date to be registered and vote. This will have the effect of broadening the franchise to include young persons who would otherwise be denied the right to vote at an election.

## **8. Consultation outcome**

8.1 The Order is being made at the specific request of the Government and Opposition of the Cayman Islands, and the draft Order was cleared with the Government.

## **9. Guidance**

9.1 No guidance is required in the United Kingdom. The Cayman Islands Government is planning a young electors' registration programme in January and February 2009 in preparation for the election in May 2009.

## **10. Impact**

10.1 An impact assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. It also has no impact on the United Kingdom public sector.

## **11. Regulating small business**

11.1 This instrument does not apply to small business.

## **12. Monitoring & review**

12.1 This amendment to the current Constitution is being made during an ongoing constitutional review process with the Cayman Islands which it is expected will result in a new Constitution for the Islands during 2009.

## **13. Contact**

Susan Dickson at the Foreign and Commonwealth Office Tel: 020 7008 3317 or e-mail: [susan.dickson@fco.gov.uk](mailto:susan.dickson@fco.gov.uk) can answer any queries regarding the instrument