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# ANNUAL REPORT

PORTFOLIO OF  
LEGAL AFFAIRS



CAYMAN ISLANDS  
GOVERNMENT

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## Message from the Honourable Attorney General

I am pleased to present the Annual Report for the Portfolio of Legal Affairs for the fiscal year ended 31 December 2020.

The report highlights the work undertaken by the Portfolio over 2020, some of its notable achievements, and demonstrates how the Portfolio has played its part in providing legal support to the Government to achieve its strategic broad outcomes through the delivery of programs, Cabinet policy actions and legislative changes.

2020 was an exceptional year but COVID-19 did nothing to slow down the Portfolio's work. Indeed, like most other agencies the Portfolio had to deploy a hybrid approach to continue the delivery of services. In fact, this Report shows an increase in the demands upon some departments such as the Solicitor General's Office (SGO) and Legislative Drafting Department, both of which recorded heavy workloads in relation to the provision of legal advice/representation in litigation and legislative drafting, respectively. In the area of legislation, notable deliverables included the Presumption of Death (Anna Evans) Act, the Legislative Assembly (Management) Act and the Defence Act.

Other departments such as the Anti-Money Laundering Unit (AMLU) and the Financial Reporting Authority (FRA) similarly had no reprieve from the pandemic in respect of their ongoing FATF/CFATF obligations regarding anti-money laundering and the combatting of terrorism financing. 2020 proved to be no less challenging than the previous reporting year. In addition to their core work, these agencies successfully introduced certain IT initiatives to enhance their operations.

The Portfolio also continues its chairmanship of the Anti-Money Laundering Steering Group as the jurisdiction continues to navigate the importunities of the FATF standards.

On the theme of innovation, the Report also speaks to the new legislation website launched by the Attorney General's Chambers thanks to the efforts of the Law Revision Commissioner. This initiative is a fulfilment of the jurisdiction's quest to enhance the concept of access to and open justice.

In spite of the challenges presented by the pandemic, our staff quickly moved to remote working to ensure the continuity of services to Government. The Law School was no different in this regard. Similarly, the Law Reform Commission continued to meet virtually and brought a number of ongoing projects to fruition. These include the Private Funding and Legal Services Act and the decriminalisation of suicide to recognise it as a mental health issue rather than a criminal offence. There was also very valuable continuing work on the enforcement of mortgage-type security over real estate and anti-bullying (schools) initiatives.

The reporting year also highlighted a number of important milestones in the Islands – some might be described as historic - including constitutional reforms relating to the re-naming of the Legislative Assembly as the House of Parliament (with related changes to the nomenclature of legislation as Acts), as well as provision for Parliamentary Secretaries and a Police Service Commission. We have also witnessed the introduction of legislation for civil partnerships, legal services and, the amendment of existing laws in matters such as National Pensions, International Tax Cooperation (Economic Substance), and Health Care Decisions.

I reflect upon these with a sense of great pride and achievement in the role played by the Portfolio; the tireless efforts of the committed staff within the Solicitor General’s Office, Legislative Drafting Department, Law Reform Commission, Law Revision Department, Anti-Money Laundering Unit, Financial Reporting Authority and Truman Bodden Law School were pivotal to these accomplishments and I am very grateful for their hard work, professionalism and support throughout a very challenging year.

Sincerely,

**Honourable Samuel Bulgin QC, JP**

**Attorney General**

Portfolio of Legal Affairs

31 May 2021



## Message from the Solicitor General

I am pleased to introduce the 2020 Annual Report for the Portfolio of Legal Affairs. The Report covers the financial year which ended on 31 December 2020 and provides an account for the resources allocated to the Portfolio, the outputs delivered during the fiscal year and some of the key achievements over the year.

2020 can best be described as a year like no other. While our lives in the time of COVID-19 were characterized by lockdown, restrictive measures, social distancing and separation from loved ones (the latter being particularly poignant in some instances), the work of the Portfolio continued unabated. Indeed, at times the pandemic demanded more from us and stretched our resources to the very end of their limits. And yet, as I reflect upon the year that was, what strikes me most profoundly is not how much my teams were required to carry, but how ably they did so in challenging circumstances, both personally and professionally.

In 2020, the Solicitor General's Office (SGO) recorded an increase of 160 requests for legal advice over the previous reporting year. Unsurprisingly, a number of these were COVID-related in one way or another, and ranged from various matters under the Public Health Act and Regulations, government initiatives to stimulate the economy and contracts for the establishment of additional health-care facilities, to interpretation of restrictions under the Regulations from time to time to determine what could and could not be done. The SGO also recorded a significant upturn in the number of requests for advice relating to contracts and agreements of varying complexity. Data protection was also a prominent feature of our work over the year. On the litigation side, Crown Counsel adapted to remote hearings before all tiers of the Courts including the Court of Appeal which convened in England to hear the port referendum appeal. As with our advisory work, litigation and tribunal matters increased from the previous year; notably, there were more applications before the Summary Court regarding children and family matters during lockdown. The figures clearly demonstrate a steady increase in the demand for the legal services provided by our team.

The Portfolio also welcomed three (3) Articled Clerks in 2020, a new position having been created during the last budget. Notwithstanding the unusual circumstances, their training progressed well with Clerks undertaking various seats within the Portfolio.

The Legislative Drafting Department encountered one of its most challenging years in 2020 and a review of its agenda will show the breadth of work undertaken. In addition to the seemingly endless iterations of COVID-19 regulations, the Department was tasked with drafting the Civil Partnership Act and a raft of consequential amendments to various laws, several pieces of financial services-related legislation and what might be described as landmark legislation in the

form of the Legal Services Act. This report sets out a detailed list of the Department's legislative work in 2020 and some of the initiatives for the year ahead. The Department was recognized across Government for its legislative contributions in 2020 and deservedly so.

The Law Reform Commission continued to work on its ongoing projects with minimal disruption, if any. Meetings were conducted remotely where necessary and it was gratifying to see a number of the Commission's initiatives come to fruition in 2020, not least of which was the passage of legislation for the decriminalization of suicide and the private funding of litigation services in Parliament.

The Law Revision Commission, in addition to discharging its usual mandate under the Law Revision Act (2020 Revision), launched the online legislation database to which I referred in last year's report. The database provides not only all laws and secondary legislation in force in the Islands, but also other relevant resource materials such as case reports and the legislative history of instruments. This excellent database has been very well received by stakeholders such as the Cabinet and Parliament. The Commission also established a Legislation Gazette for the publication of laws.

For the Anti-Money Laundering Unit and Financial Reporting Authority (FRA), the pandemic offered no reprieve to their seemingly endless work to in respect of the CFATF's Recommended Actions. Along with the National Coordination team, these agencies contributed to the Islands' Post-Observation Period Report to the Financial Action Task Force and continued their outreach and collaboration with industry on matters relating to anti-money laundering and countering terrorism and proliferation financing. Mention must also be made of the FRA's new IT infrastructure which was installed remotely over the financial year. The new E-Reporting Portal allows for the secure electronic filing of Suspicious Activity Reports by reporting entities and provides a number of other functionalities which will in no doubt enhance the FRA's operations.

On the legal education side, the Truman Bodden Law School (TBLS) was one of our first entities to move to remote working. Employing various IT tools and resources made available via the University of Liverpool, among others, the TBLS transitioned seamlessly to the online delivery of teaching. The resumption of face-to-face teaching in September was preceded by the TBLS' in-person graduation – the opportunity to recognize our students for their academic accomplishments amongst friends and family was indeed quite special.

On the financial side, the Portfolio conducted its operations well within its allocated budget and ended the year with a healthy surplus.

With all of these achievements, one might be forgiven for thinking that 2020 was just another year for the Portfolio when it was anything but. While these accomplishments deserve to be highlighted, perhaps the most memorable reflections of the past year are to be found in the smaller moments that might otherwise be overlooked – greater partnership with other civil service entities, staff willingly taking on new responsibilities to ensure continuity of services in non-COVID related circumstances, light-hearted moments shared with colleagues while working in office during the height of lockdown and for many, reuniting after time apart.

In closing, I must extend my sincere gratitude to each and every member of staff of the Portfolio for their contributions over the past year to the important work that fell to us. Whatever challenges lie ahead, 2020 bears testimony to our strength and commitment to see them through. And finally, my thanks to the Honourable Attorney General for his unwavering support and counsel as we navigated our way through stormy seas.

**Reshma Sharma**  
**Solicitor General/Chief Officer**  
**Portfolio of Legal Affairs**



## The Legislative Drafting Department

The Legislative Drafting Department (“the Drafting Department”) is headed by the First Legislative Counsel, Ms. Cheryl Neblett and consists of five other Legislative Counsel who, like the First Legislative Counsel, are all qualified attorneys-at-law with a wealth of legislative drafting experience. An Administrative Assistant provides administrative support for the Drafting Department.

The work of the Drafting Department is concentrated in three main categories –

- Drafting primary legislation (Bills);
- Drafting subordinate legislation (Regulations, Orders, Directions, Rules etc.); and
- Providing legal advice to Cabinet and Ministries on proposals for legislation and statutory interpretation.

The primary legislation passed by the Parliament each year is but a part of the quantum of legislation prepared during that year by the Drafting Department. The Drafting Department produces a large amount of primary legislation which eventually may not be needed by Cabinet, and subordinate legislation, most of which is made only by the Cabinet.

In 2020, the Drafting Department was faced with an extremely heavy workload due largely to the “Covid-19 Regulations” which were and continue to be required to combat the spread of the new coronavirus disease. Other legislation was also required to deal with the effect of the pandemic on matters such as immigration, border control, health insurance and pension withdrawals. The Drafting Department also drafted many pieces of financial legislation, many of which were required to assist the Cayman Islands in its efforts to meet the requirements of the Caribbean Financial Action Task Force and ultimately, to be taken off the EU black list. In addition, the Drafting Department also drafted, on the instructions of the Governor, the Civil Partnership Act, 2020 and eleven others Acts which were needed as a consequence of the enactment of the Civil Partnership Act, 2020.

The following are some of the legislation drafted and enacted in 2020.

### Some of the legislation made or enacted in 2020-

- Monetary Authority (Amendment) Act, 2020;
- Companies (Amendment) Act, 2020;
- Limited Liability Companies (Amendment) Act, 2020;
- Limited Liability Partnership (Amendment) Act, 2020;
- Anti-Money Laundering (Amendment) Regulations, 2020;
- Companies (Amendment) Act, 2020 (Commencement) Order, 2020;
- Limited Liability Companies (Amendment) Act, 2020 (Commencement) Order, 2020;
- Companies (Amendment) Act, 2020 (Commencement) (No.2) Order, 2020;

- Limited Liability Companies (Amendment) Act, 2020 (Commencement) (No.2) Order, 2020;
- Stock Exchange Company (Amendment) Act, 2020;
- Monetary Authority (Amendment) (No.2) Act, 2020;
- Mutual Funds (Amendment) (No. 2) Act, 2020;
- Limited Liability Companies (Amendment) (No. 2) Act, 2020;
- Companies (Amendment) (No.2) Act, 2020;
- Securities Investment Business (Amendment) Act, 2020;
- Anti-Money Laundering (Amendment) (No.2) Regulations, 2020;
- Companies Management (Amendment) Act, 2020;
- Bank and Trust Companies (Licence Applications and Fees) (Amendment) Regulations, 2020;
- Companies (Amendment) (No.2) Act, 2020 (Commencement) Order, 2020;
- Limited Liability Companies (Amendment) (No.2) Act, 2020 (Commencement) Order, 2020;
- Monetary Authority (Administrative Fines) (Amendment) Regulations, 2020;
- Beneficial Ownership (Companies) (Amendment) Regulations, 2020;
- Beneficial Ownership (Limited Liability Companies) (Amendment) Regulations, 2020;
- Companies (Amendment) (No. 2) Act, 2020 (Commencement) (No. 2) Order, 2020;
- Limited Liability Companies (Amendment) (No. 2) Act, 2020 (Commencement) (No. 2) Order, 2020;
- Limited Liability Partnership (Amendment) (No.2) Act, 2020;
- Securities Investment Business (Amendment) (No.2) Act, 2020;
- Monetary Authority (Administrative Fines) (Amendment) (No.2) Regulations, 2020;
- Monetary Authority (Amendment) (No.2) Act, 2020 (Commencement) Order, 2020;
- Securities Investment Business (Amendment) Act, 2020 (Commencement) Order, 2020;
- Virtual Asset (Service Providers) (Amendment) Act, 2020;
- Property (Miscellaneous Provisions) (Amendment) Act, 2020;
- Companies (Amendment) (No. 3) Act, 2020;
- Anti-Money Laundering (Amendment) (No.3) Regulations, 2020;
- Limited Liability Partnership (Amendment) Act, 2018 (Commencement) Order, 2020;
- Limited Liability Partnership (Amendment) Act, 2019 (Commencement) Order, 2020;
- Limited Liability Partnership (Amendment) Act, 2020 (Commencement) Order, 2020;
- Limited Liability Partnership (Amendment) (No.2) Act, 2020 (Commencement) Order, 2020;
- Beneficial Ownership (Limited Liability Partnership) (Amendment) Regulations, 2020;
- Limited Liability Partnership (Fees) Regulations, 2020;
- Monetary Authority (Administrative Fines) (Amendment) (No.3) Regulations, 2020;
- Immigration (Transition)(Amendment) Act, 2020;

- Labour (Amendment) Act, 2020;
- National Pensions (Amendment) Act, 2020;
- Customs and Border Control (Amendment) Act, 2020;
- Presumption of Death (Anna Evans) Act, 2020;
- Criminal Procedure Code (Amendment) Act, 2020;
- Births and Deaths Registration (Amendment) Act, 2020;
- Youth Justice (Amendment) Act, 2020;
- Civil Partnership Act, 2020;
- Adoption of Children (Amendment) Act, 2020;
- Evidence (Amendment) Act, 2020;
- Health Insurance (Amendment) Act, 2020;
- Immigration (Transition) (Amendment) (No.2) Act, 2020;
- Mental Health (Amendment) Act, 2020;
- National Pensions (Amendment) (No.2) Act, 2020;
- Penal Code (Amendment) Act, 2020;
- Protection From Domestic Violence (Amendment) Act, 2020;
- Public Service Pensions (Amendment) Act, 2020;
- Succession (Amendment) Act, 2020;
- Wills (Amendment) Act, 2020;
- Control of Covid-19 Regulations, 2020;
- Public Health (Control and Suppression of Covid-19) Regulations, 2020;
- Public Health (Control and Suppression of Covid-19) (Amendment) Regulations, 2020;
- Control of Covid-19 (Amendment) Regulations, 2020;
- Public Health (Prevention Control and Suppression of Covid-19) Regulations 2020;
- Public Health (Prevention Control and Suppression of Covid-19) (Amendment) Regulations, 2020;
- Public Health (Prevention, Control and Suppression of Covid-19) (Ticket) Regulations, 2020;
- Public Health (Prevention, Control and Suppression of Covid-19) (Amendment) (No.2) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 Regulations, 2020;
- Public Health (Prevention, Control and Suppression of Covid-19) (Ticket) (Amendment) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Little Cayman) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Cayman Brac) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Grand Cayman) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Partial Lifting of Restrictions) Regulations, 2020;

- Prevention, Control and Suppression of Covid-19 (Partial Lifting of Restrictions) (No.2) Regulations, 2020;
- Public Health (Prevention, Control and Suppression of Covid-19) (Ticket) (Amendment) (No.2) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Partial Lifting of Restrictions) (Travel and Boating) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Partial Lifting of Restrictions) (No.3) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Partial Lifting of Restrictions) (Travel and Boating) (No.2) Regulations, 2020;
- Control of Covid-19 (Amendment) (No.2) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Partial Lifting of Restrictions) (Travel and Boating) (No.2) (Amendment) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Partial Lifting of Restrictions) (No.3) (Amendment) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Partial Lifting of Restrictions) (Travel and Boating) (No.3) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Partial Lifting of Restrictions) (Processions) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Partial Lifting of Restrictions) (No.4) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Partial Lifting of Restrictions) (Travel and Boating) (No.4) Regulations, 2020;
- Control of Covid-19 (No.2) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Partial Lifting of Restrictions) (No.4) (Amendment) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Partial Lifting of Restrictions) (No.5) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Partial Lifting of Restrictions) (Travel and Boating) (No.5) Regulations, 2020;
- Control of Covid-19 (No.3) Regulations, 2020;
- Prevention, Control and Suppression of Covid-19 (Partial Lifting of Restrictions) (No.6) Regulations, 2020;
- Prevention, Control & Suppression of Covid-19 (Partial Lifting of Restrictions) Travel & Boating (No.6) Regulations, 2020;
- Property (Miscellaneous) Provisions Act, 2020;
- Special Economic Zones (Amendment) Act, 2020;
- Penal Code (Amendment) Act, 2020;
- Health Care Decisions (Amendment) Act, 2020;
- Control of Covid-19 (No.3) (Amendment) Regulations, 2020;

- Legal Services Act, 2020;
- Private Funding of Legal Services Act, 2020; and
- Standards in Public Life Regulations, 2020.

The legislative programme is determined by the Cabinet and it is not possible for the Drafting Department to predict the legislation which will be required in each year. However listed below are some of the legislation which are at this time still the subject of consultation between the various Government Ministries and the Drafting Department.

### Some of the legislation proposed for 2021 are as follows-

- Children (Amendment) Bill;
- Fair Employment Opportunity Commission Bill;
- Police Service Commission Regulations;
- Referendum Bill;
- Tourism Bill;
- Tourist Accommodation (Taxation) Bill;
- Tourism Attractions Authority Bill;
- Matrimonial Causes Bill;
- Family Property (Rights of Spouses) Bill;
- Maintenance Bill;
- Surveillance Devices Bill;
- Immunity and Indemnity Provisions Bill;
- Explosives Bill;
- Explosives Regulations;
- DNA Identification Bill;
- National Identification Bill;
- Customs Tariff Bill;
- Financial Assistance Bill and Regulations;
- Coast Guard Bill;
- Firearms (Amendment) Bill;
- Strata Titles Bill;
- Contempt of Court Bill;
- Pharmacy Bill;
- Investigatory Powers Bill;
- Payments Clearing and Settlement Oversight Bill;
- Consolidation of the Liquor Licensing Act and the Music and Dancing (Control) Acts;
- Pesticides Control Bill;
- Merchant Shipping Bill;
- Procurement (Amendment) Bill;

- The Proceeds of Crime (Amendment) Bill;
- The Anti-Corruption (Amendment) Bill;
- Procurement (Amendment) Regulations;
- Financial Regulations (Amendment) Regulations;
- Tourism Regulations;
- Pharmacy Regulations;
- Public Lands Regulations;
- Traffic Control (Amendment) Regulations;
- Children’s Cases (Amendment) Regulations;
- Children (Secure Accommodation) (Amendment) Regulations; and
- Customs (Bonded Duty-Free Shop) Regulations.

## The Law Reform Commission

The functions of the Law Reform Commission (“the Commission”) pursuant to section 7 of the Law Reform Commission Act (2019 Revision) are to study and keep under constant review the statutory and other laws comprising the law of the Cayman Islands with a view to its systematic development and reform.

In 2020, the composition of the Commission consisted of a Director, Senior Legislative Counsel and six Commissioners, who are all qualified attorneys-at-law. The Commission was also supported by a Paralegal Officer and an Administrative Secretary.

During the 2020 reporting period, the Commission worked continuously on a range of projects, all of which have direct bearing on the needs of the contemporary Cayman Islands society.

### Final Reports

The Commission submitted four final reports to the Honourable Attorney General during the period under review. These related to -

- (a) Decriminalisation of Suicide;
- (b) Contempt of Court;
- (c) Anti-Bullying; and
- (d) Private Funding of Litigation.

#### **Decriminalisation of Suicide**

The issue of decriminalisation of suicide was examined by the Commission in response to a referral by the Honourable Attorney General requesting that the Commission review the penal code laws dealing with suicide and, in particular, to consider whether the offence of suicide should be decriminalised. The Commission carried out comprehensive research in order to formulate for public consultation a Discussion Paper titled *“Decriminalisation of Suicide”*.

The Commission received several responses to the Paper and after review, completed its Final Report on the *“Decriminalisation of Suicide”*. The Final Report was supported by the Penal Code (Amendment) (No. 2) Act, 2020 and the Health Care Decisions (Amendment) Act, 2020, both of which came into force during the December 2020 sitting of Parliament.

#### **Contempt of Court**

The Commission’s Final Report titled *“Contempt of Court”*, was supported by the Contempt of Court Bill, 2020 and the Penal Code (Amendment) Bill, 2020. The review by the Commission of this subject endeavoured, through its three consultations papers, to educate the public and to solicit responses to one of the most fundamental but complicated areas of the judicial system.

The research of the Commission suggests that most of the law in this area should be dealt with by the common law, which would permit greater growth and development than codification. As such, the proposed Contempt of Court Bill, 2020 seeks to codify strict liability rules along the lines of the United Kingdom's Contempt of Court Act 1981, but with modifications to reflect the procedural law of the Islands. Accordingly, both the Contempt of Court Bill, 2020 and the Penal Code (Amendment) Bill, 2020 strive to introduce provisions that will provide for partial codification of the law of contempt.

### **Anti-Bullying**

The Commission primarily published for public consultation draft proposals dealing with the issue of bullying in the form of the Education (Amendment) Bill, 2019 and the Anti-Bullying (Schools) Regulations, 2019.

Following the consideration of commentary received from stakeholders in response to the draft proposals, the Commission submitted on the 5<sup>th</sup> November 2020, its Final report titled, *"Bullying: Legislation, Policy or Both?"*. The Report was supported by the Anti-Bullying (Schools) Regulations, 2020 and the Education (Amendment) Bill, 2020.

The proposals seek to introduce provisions which will define bullying, prohibit bullying conduct in schools through policy and impose obligations on relevant persons to prevent bullying conduct.

### **Private Funding of Litigation**

The Final Report of the Commission titled *"A Review of Litigation Funding in the Cayman Islands – Conditional and Contingency Fee Agreements"*, culminated in the passing of the Private Funding of Legal Services Act, 2020 in Parliament during the December 2020 sitting.

Litigation funding is the term used to describe the funding of legal action in return for a share of the settlement or court-awarded payout. The cost of litigation is prohibitively high for many individuals and businesses. As such, litigation funding can provide a means of financing the pursuit of legal claims by persons who might otherwise be unable to afford such measure, and in so doing, will facilitate greater access to justice.

## Current Projects/Research Areas

The other projects forming part of the Commission's work during 2020 and which will continue into 2021 are as follows -

### **Mortgages and Foreclosures**

In August 2020, the Commission submitted for public review and comment, a proposed Registered Land (Amendment) Bill, 2020. This Bill was informed by submissions received from several stakeholders and the general public with respect to the Commission's Discussion Paper titled, *"The Enforcement Of Mortgage-type Security Over Real Estate: Is Reform Of The Law Necessary?"*.

The legislation critically provides for a "Lending and Pre-action Protocol" supported by a "Financial Circumstances Assessment Questionnaire", both of which are intended to facilitate fairness and reasonableness between lender and borrower when seeking to resolve any matter of default in relation to a charge over land. The Protocol and Questionnaire intend to encourage greater pre-action engagement between lender and borrower before arriving at a decision to commence foreclosure proceedings or any other relevant action.

The Commission has received stakeholder feedback on the legislation and is in the process of reviewing the comments with a view to finalising its analysis in this area.

### **Appeals Tribunals**

The Commission has formulated a draft Appeals Tribunals Bill, 2020 for eventual stakeholder consultation. The issue of the centralised appeals tribunal for the Cayman Islands is presently being examined by the Commission in response to a referral by the Honourable Attorney General, dated 8th September, 2019, aimed at determining whether legislative provisions should be put in place to establish a permanent appeals tribunal in substitution for the current arrangements for separate appeal tribunals for planning, immigration, labour and other administrative matters.

The development of new legislation to establish a permanent appeals tribunal for hearing and determining appeals against decisions of public authorities, recognises the importance of government decision-making on the lives of persons in the Cayman Islands community. In particular, the notion of a quasi-judicial appeals process is useful to lessen the burden on the court system to hear appeals against administrative decisions.

### **Penal Code Reform and Human Rights**

The Commission has drafted a discussion paper titled, *"Penal Code Reform – Human Rights Compatibility"*, which examines the provisions in the Penal Code (2019 Revision) against the Bill Of Rights, Freedoms And Responsibilities as comprised in Schedule 2 of the Cayman Islands Constitution Order, 2009. The examination identified provisions of the Penal Code (2019

Revision) that raised human rights issues, including provisions relating to immature age (minimum age of criminal responsibility), compulsion by spouse, insulting the modesty of a woman, procuring abortion, unnatural offences, indecent assault and incest.

A review of the provisions acknowledged as raising human rights compatibility issues was carried out having regard to relevant provisions of the penal code laws of various jurisdictions including, England and Wales, Jamaica, Canada, India, Bahamas, and Australia. Accordingly, the findings, comments and recommendations of the Commission on each issue, together with questions on issues for consultation, are presented in the Discussion Paper which, after finalisation will eventually be published for stakeholder consultation.

## **Usury**

The Commission has prepared for public consultation at the appropriate time a Discussion Paper titled, "*Usury – The Common Law and Statutory Position in the Cayman Islands*". Given the views on this issue emerging from case law and legal commentators, the Commission believes that legislative clarity would be beneficial to stakeholders operating within the commercial and financial sectors.

Should it ever be deemed necessary or desirable to impose restrictions on rates of interest charged in any commercial contract, the Commission is of the view that it would be more appropriate for such restriction to be included in legislation which prescribes the precise scope and extent of such restriction. The Commission proposes the formulation of usury abrogation legislation which will seek to abrogate any common law rule in relation to usury. It is also proposed that the legislation provide that the Act will not-

- (a) affect the rights or remedies of a person who is a party to the agreement;
- (b) diminish or alter the liabilities of a person who is a party to the agreement;
- (c) affect the interest payable under the agreement, whether express or implied; or
- (d) affect any debt or sum of money in respect of which interest is payable under the agreement.

## **Other Law Reform Areas Under Examination-**

- Consumer Protection;
- Defamation;
- Severance of Joint Tenancies;
- Interpretation Act Modernisation; and
- Succession and Wills Act.

## Review and Legislative Drafting Services Provided by the Commission

During the period, the Commission worked collaboratively with the Drafting Department on various pieces of legislation.

### **The Commission initiated drafting of the following legislation-**

- Contempt of Court Bill, 2019 and the Penal Code (Amendment) Bill, 2020;
- Education (Amendment) Bill, 2020;
- Health Care Decisions (Amendment) Bill, 2020;
- Penal Code (Amendment) Bill, 2020;
- Private Funding of Legal Services Bill, 2020;
- Interpretation (Amendment) Bill, 2020;
- Anti-Bullying (Schools) Regulations, 2020; and
- Private Funding of Legal Services Regulations, 2020.

### **The Drafting Department also requested the staff of the Commission to assist with the drafting and/or review of the following legislation-**

- Tax Information Authority (Amendment) Bill, 2020;
- Births and Deaths (Amendment) Bill, 2020;
- Exempted Limited Partnerships (Amendment) Bill, 2020;
- Monetary Authority (Amendment) Bill, 2020;
- Mutual Funds (Amendment) Bill, 2020;
- Banks and Trust Companies (Amendment) Bill, 2020;
- International Tax Co-operation (Economic Substance) (Amendment) Bill, 2020;
- Private Funds (Amendment) Bill, 2020;
- Legal Services Bill, 2020;
- Traffic (Amendment) Bill, 2020;
- Labour (Amendment) Bill, 2020;
- Legal Services (Professional Development) Regulations, 2020;
- Legal Services (Fees) Regulations, 2020;
- International Tax Co-operation (Economic Substance) Regulations, 2020;
- International Tax Co-operation (Economic Substance) (Amendment of Schedule) Regulations, 2020;
- Plant Regulations, 2020;
- Births and Deaths Registration Regulations, 2020;
- Exempted Limited Partnerships Regulations, 2020;
- Labour (Extension of Severance Pay Period) Regulations, 2020;
- Private Funds (Savings and Transitional Provisions) Regulations, 2020;
- Tax Information Authority (International Tax Compliance) (Common Reporting Standards) (Amendment) Regulations, 2020; and

- Tax Information Authority (International Tax Compliance) (United States of America) (Amendment) Regulations, 2020.

## The Law Revision Commission

The Law Revision Commission operates under the authority of the Law Revision Act (2020 Revision).

The overarching aim of law revision is to present statute-based law in effect in the Cayman Islands in its clearest form and thereby to facilitate the administration of justice, access to justice, law enforcement, legal education, research, law reform, and the efficient use of the law. The Law Revision Commissioner also provides legal policy advice to the Honourable Attorney General on a number of domestic and international matters.

The Law Revision Commission is headed by the Law Revision Commissioner, Dr. Camille Stoll-Davey who is assisted by the Legislative Editor.

### Activities of the Law Revision Commission-

- ensuring that the statute-book of more than 1,000 pieces of Cayman Islands legislation is regularly revised, and that an up-to date status of legislation is produced annually and made accessible to the public;
- preparing and publishing an annual consolidated index of laws of the Cayman Islands which includes the compendia of related laws in order to ensure easy accessibility of and reference to the laws;
- managing the database of the revised Acts by continuously updating the consolidated index as new Acts are made and brought into effect; and
- continuously reviewing and analysing decisions of superior courts, particularly in the area of human rights, in order to ascertain their effect on legislation and making proposals for review of the affected legislation.

### Achievements of the Law Revision Commission-

- The launch of the point-in-time searchable database and online portal to all Cayman Islands legislation *via* [legislation.gov.ky](http://legislation.gov.ky);
- The provision of numerous training session on navigating the [legislation.gov.ky](http://legislation.gov.ky) website and the statute law revision process;
- Revision of the Acts of the Cayman Islands;
- Revision of the Consolidated Index of the Laws of the Cayman Islands as at 31<sup>st</sup> January 2020; and
- The establishment of the Legislation Gazette and maintenance of an operational manual establishing work-flow processes as well as robust systems of document management and version control of legislation.

## Ongoing projects of the Law Revision Commission-

- The further development and expansion of the Commission's online presence;
- Compilation and analysis of materials relating to the reception of law in the Cayman Islands;
- The continuous refinement of legislative software to facilitate the revision process; and  
The continuous refinement of the point-in-time searchable database for access to Cayman Islands legislation.

The Law Revision Commissioner continues to provide legal advice to the Honourable Attorney General on a number of domestic and international matters.

## The Solicitor General's Office

The Solicitor General's Office ("the SGO") provides civil legal advice and representation to Ministries, Portfolios, Government Departments, statutory boards and statutory authorities.

During 2020, a Legal Research Analyst, four Crown Counsel, a Crown Counsel I, a Senior Crown Counsel, a Deputy Solicitor General and the Solicitor General, supported by administrative staff, provided legal services on behalf of the SGO.

### **Achievements of the SGO**

The legal advice and representation provided by the SGO in 2020 was in response to approximately 541 requests from various public entities. This represents an increase of more than 160 requests in comparison to 2019 (which in itself had over 100 more requests than in 2018).

The requests encompassed a wide range of subject matters and areas of law including public health, immigration, human rights, constitutional law, elections law, children law, employment, data protection, trusts and contracts. Of the total number of requests for advice, at least 27 directly related to COVID-19 measures.

More than 100 of the requests were for the review/preparation of contracts and agreements across the public sector.

Crown Counsel were also involved in approximately 10 proceedings under the Children Act (2012 Revision) in the Summary Court, and provided advice in relation to approximately a further 10 Children Act matters which did not involve court proceedings.

The SGO represented Government and other public entities in approximately 40 matters before the Grand Court and Court of Appeal and approximately 23 matters before statutory tribunals. Some of these cases raised novel issues of considerable public interest such as the Port Referendum.

Crown Counsel continue to play an important role in providing legal support to various statutory boards/entities. Some serve as members on the Medical and Dental Council, Health Practice Commission and Child Safeguarding Board. In relation to other entities, such as the Adoption Board, Conditional Release Board and Expungement Board, Crown Counsel are designated to provide assistance on legal matters.

## The Anti-Money Laundering Unit

The Anti-Money Laundering Unit (“the AMLU”) is the secretariat for the Anti-Money Laundering Steering Group (“the AMLSG”), which is a policy-making body for the Cayman Islands with respect to anti-money laundering (AML) and combating the financing of terrorism (CFT) as provided by section 5(2)(a) of the Proceeds of Crime Act (2020 Revision).

The Head of the AMLU is also the chair of the Inter-Agency Cooperation and Coordination Committee (“the IACC”), which is a committee of the AMLSG. The IACC is responsible under section 5(3B) of the Proceeds of Crime Act for:

- (a) implementing the policies of the AMLSG;
- (b) facilitating coordination and cooperation among statutory authorities, departments of government or agencies tasked with regulation of AML/CFT, and counter proliferation financing (CFP); and
- (c) assessing the risks to the Cayman Islands related to money laundering, terrorism financing, and proliferation financing (ML/TF/PF).

### Key Developments in 2020

#### **The Financial Action Task Force and Caribbean Financial Action Task Force**

The Caribbean Financial Action Task Force (CFATF) is the regional affiliate of the Financial Action Task Force (FATF), established in 1990 to implement measures to address the problem of money laundering. In December 2017, the CFATF conducted an evaluation of the adherence of the Cayman Islands’ legal and institutional framework to FATF Standards and its effectiveness in combating ML, TF and PF (also referred to as the CFATF’s mutual evaluation process). The report related to the evaluation (the “mutual evaluation report” or “MER”) was adopted by the FATF and published in March 2019.

As a result of the findings in the MER, the Cayman Islands entered a one-year observation period in which it is required to show positive and tangible progress in the effectiveness of its AML/CFT/CFP systems by the end of February 2020. Due to circumstances surrounding the COVID-19 pandemic, the observation period was extended until October 2020. Based on its submission, the jurisdiction’s progress was to be discussed with the FATF’s Joint Group of the Americas against 63 specific Recommended Actions outlined in the MER during a face-to-face meeting via Zoom on 5<sup>th</sup> January 2021, while the FATF February 2021 Plenary is to decide the extent to which progress has been made.

During 2020, the AMLU in collaboration with the National Coordination Team, worked on the coordination of the jurisdiction’s response to the 63 Recommended Actions, while participating

in outreach to industry through live and recorded presentations and by providing support to competent authorities by way of guidance, feedback and training.

The AMLU assessed the International Components of Risk Facing the Cayman Islands as an International Financial Centre, publishing the results of the assessment in February 2020. The unit also participated in working groups and contributed to other targeted risk assessments such as:

- The Terrorist Financing National Risk Assessment;
- The Special Economic Zone Risk Assessment;
- The Cayman Islands Legal Entities and Arrangements Risk Assessment; and
- The National Risk Assessment of Excluded Persons under the Securities Investment Business Law.

The AMLU is responsible for coordinating all AML/CFT/CFP related legislative amendments which will impact the jurisdiction's effectiveness or technical compliance with the FATF Standards. While the jurisdiction's effectiveness was being assessed by the FATF's Joint Group of the Americas, its legal framework is assessed by the CFATF through a process of technical compliance re-evaluation. This process began in May 2020 and is to be finalised at the May 2021 CFATF Plenary.

During 2020 the AMLU Website was re-vamped and now hosts a wide variety of features such as news, events, and resources. These include presentations, risk assessments, key AML/CFT/CPF legislation, frequently asked questions, and common acronyms. It also has a page where businesses can access information on their specific supervisors, sanctions, consultations, suspicious activity reports, and the latest AML/CFT/CPF developments.

### **Response to FATF and CFATF Surveys and Questionnaires**

Five responses were made with respect to actions taken following the FATF Plenaries and the CFATF Plenaries in 2020. In May 2020, the AMLU coordinated with the Ministry for Financial Services to provide feedback to the FATF's Policy Development Group (PDG) on the 12-Month Review of Virtual Assets. In July 2020, the AMLU coordinated feedback from the Financial Reporting Authority and the Royal Cayman Islands Police on Virtual Assets Red Flag Indicators.

### **AML/CFT/CPF Legislative Changes**

During 2020, the AMLU coordinated amendments to several AML/CFT/CPF related legislation to ensure technical compliance with FATF Standards and to enhance the jurisdiction's effectiveness in the fight against ML/TF and PF. Among the legislation amended were:

- The Proceeds of Crime Act;

- The Securities Investment Business Act;
- The Non-Profit Organisations Act;
- The Money Services Act;
- The Companies Act;
- The Trusts Act;
- The Banks and Trust Companies Act;
- The Legal Practitioners Act;
- The Anti-Money Laundering Regulations; and
- The Virtual Assets (Service Providers) Act.

In relation to the Anti-Money Laundering Regulations, significant amendments were made relating to the removal of the List of Equivalent Jurisdictions and the implementation of obligations for financial services providers to conduct country risk assessments. The changes also provided for the implementation of virtual asset transfer obligations.

The AMLU further led amendments to the Criminal Procedure Code and the Criminal Justice (International Cooperation) Act and provided significant support in the development of the Virtual Asset (Service Providers) Act, which establishes a framework for the regulation of virtual asset service providers in the Cayman Islands.

## Outreach

The AMLU coordinated presentations on the following topics to the following groups-

- **Money Laundering, Terrorist Financing and Proliferation Financing Risks and Typologies Webinar** - On 3<sup>rd</sup> of July 2020, the AMLU held a webinar that focused on money laundering, terrorist financing and proliferation risks and typologies via Zoom, for industry professionals in financial institutions and designated non-financial businesses and professions (DNFBPs). The webinar was well received and over 80% of respondents felt that they were better informed about the risks in financial institutions and DNFBPs.
- **Anti-Money Laundering and Counter Proliferation Financing Risk Assessment Webinar** - The AMLU, on 5<sup>th</sup> June 2020, held a webinar specifically designed for MLROs and MLCOs from financial institutions and DNFBPs, with a purpose to keep financial institutions and DNFBPs up-to-date regarding risks in order to mitigate them and play their role in safeguarding Cayman's future as a leading global financial jurisdiction. There were 175 participants for this event and was well received.
- **Typologies and Red Flags, Money Laundering and Predicate Offences Webinar** – The AMLU on 5<sup>th</sup> November 2020 held a webinar specifically targeted to MLROs and MLCOs from financial institutions and DNFBPs. Topics for this webinar included foreign predicates for money laundering, tax as a foreign predicate for money laundering and corruption as a foreign predicate. The webinar ended with a panel discussion and was

attended by 98 participants. Over 80% of respondents to the post-webinar survey stated they were better informed about the topics discussed.

- **Cayman Finance E-Learning Platform** – The AMLU recorded several training modules on AML/CFT topics for Cayman Finance’s E-Learning Platform, including an in-depth presentation on the International Components of Risk Faced by the Cayman Islands as an International Financial Centre; this platform allows anyone to access online course modules so that they are able to learn in-depth information about AML/CFT/CPF. The modules help Cayman to maintain effective compliance with the FATF global standards. Provision of the AML/CTF/CPF modules on the e-learning platform is a shared project of the Cayman Islands Government and Cayman Finance.
- **Collaboration with the Ministry of Financial Services** - The AMLU also collaborated with the Ministry of Financial Services on the development of two papers for presentation to the AMLSG. In October 2020, a paper entitled “*AMLSG Paper: Differences between the EU’s 4<sup>th</sup> Anti-Money Laundering Directive and the FATF Methodology*” was presented to the AMLSG. These arose out of the need to advise the AMLSG in its policy-setting role of certain important differences in requirements between the EU’s and FATF’s AML/CFT approaches. The second paper, also completed in October 2020 for the AMLSG, provides a detailed and structured overview of the beneficial ownership landscape in the Cayman Islands.

## Financial Reporting Authority

A primary role of the Financial Reporting Authority (“the FRA”) is to receive, analyse, request and disseminate disclosures of financial information concerning the proceeds of criminal conduct, suspected proceeds of criminal conduct, money laundering, suspected money laundering, or the financing of terrorism which is derived from any criminal offence committed in these islands.

The FRA is also responsible for ensuring the implementation of targeted financial sanctions with respect to terrorism, terrorism financing, proliferation, proliferation financing, and other restrictive measures related to AML and CFT and CFP from and within the Cayman Islands. The Sanctions Coordinator plays a critical role in the implementation and enforcement of these targeted financial sanctions and other restrictive measures, and in developing and enhancing the jurisdiction’s AML/CFT regime, while ensuring ongoing compliance with international standards and best practices.

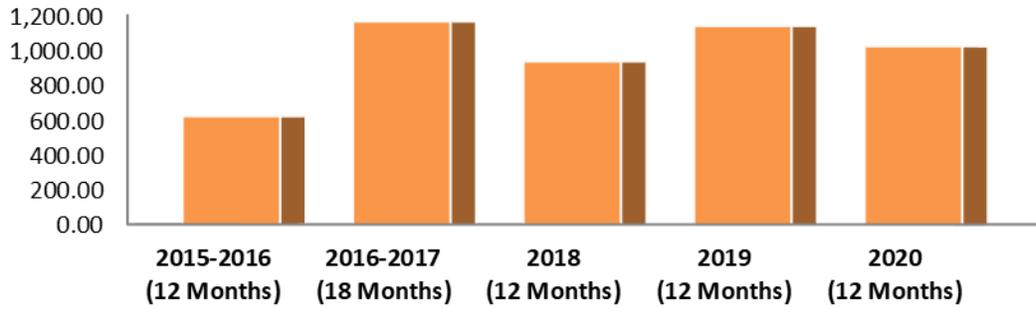
The following is a synopsis of the activities for the 12-month period January 1, 2020 to December 31, 2020 (“the Reporting Period”).

### Receipt of Suspicious Activity Reports

The FRA received 1,021 cases during the Reporting Period, comprising 850 Suspicious Activity Reports (SARs) from 252 Reporting Entities; 80 Requests for Information and 35 Voluntary Disclosures from 43 overseas Financial Intelligence Units (OFIUs); and 56 Requests for Information from 2 Local Law Enforcements Agencies (LEAs). Overall, there was a 10% decrease in the number of cases received during the Reporting Period compared to the same period in 2019 (1,021 vs 1,138).

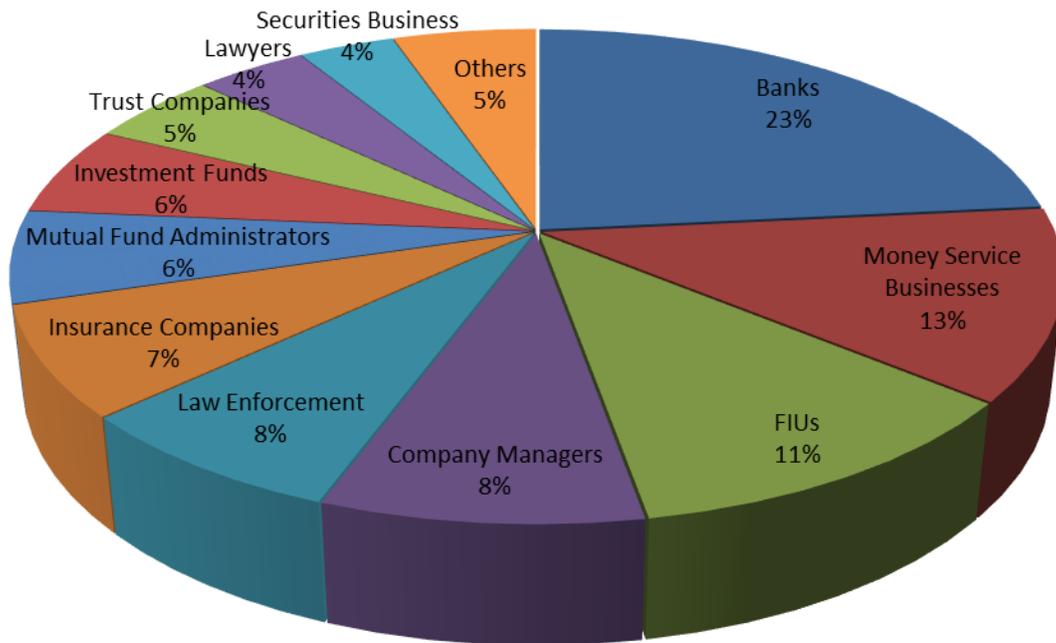
Banks continue to be the largest source of cases (239 cases: 23%), followed by Money Services Businesses (128 cases: 13%), OFIUs (115 cases: 11%), Company Managers/Corporate Services providers (86 cases: 8%), Insurance Companies (74 cases: 7%), Mutual Fund Administrators (62 cases: 6%), and Mutual Funds (60 cases: 6%).

## Number of Cases



	2015-2016 (12 Months)	2016-2017 (18 Months)	2018 (12 Months)	2019 (12 Months)	2020 (12 Months)
Number of Cases	620	1,164	935	1,138	1,021

## Receipt of Cases by Sector



The five most common reasons for cases received were:

1. Suspicious Activity (375 cases: 37%);
2. Fraud (267 cases: 26%);
3. Money Laundering (131 cases: 13%);
4. Tax Evasion (48 cases: 5%); and
5. Corruption (45 cases: 4%).

In an effort to provide a more detailed breakdown of what types of activities were deemed suspicious by SAR filers, the FRA has broken down the 375 cases of 'Suspicious Activity' by the following sub-categories:

- Unusual conditions or circumstances: 117 cases
- Inconsistent with client profile: 81 cases
- Inadequate and / or inconsistent information: 80 cases
- Transactions that appear to be structured to avoid reporting thresholds: 55 cases
- Activities that appear to lack economic purpose: 23 cases
- High volume transactions: 19 cases

## Analysis of SARs

The FRA completed the analysis of 885 cases during the Reporting Period, comprising: 599 of the 1,021 new cases received during the Reporting Period, 194 of the cases carried forward from 2019, 29 of the cases carried forward from 2018, 18 of the cases carried forward from 2017, 22 of the cases carried forward from 2016/17, 10 of the cases carried forward from 2015/16 and 13 case carried forward from 2014/15.

## Dissemination of SARs

The FRA closed 757 cases during the Reporting Period, comprising: 456<sup>1</sup> of the 1,021 new cases received during the Reporting Period, 208 of the cases carried forward from 2019, 34 of the cases carried forward from 2018, 21 of the cases carried forward from 2017, 18 of the cases carried forward from 2016/17, 12 of the cases carried forward from 2015/16 and 8 cases carried forward from 2014/15. Of the 456 cases closed, 161 resulted in a disclosure<sup>2</sup>, 200 were deemed to require no further immediate action, 65 were replies to requests from FIUs and 30 were replies to requests from LEAs.

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<sup>1</sup> There were 456 cases closed but 458 instances of closing files as two files were reopened during the reporting period.

<sup>2</sup> Total number of cases disclosed to local law enforcement agencies, the Cayman Islands Monetary Authority and overseas financial intelligence units.

## Financial Sanctions Regarding TF and PF

During the Reporting Period the FRA published 112 Financial Sanctions Notices on its website. The FRA subscribes to the Email Alert provided by the Office of Financial Sanctions Implementation within UK HM Treasury, advising of any changes to United Nations, European Union and UK financial sanctions in effect. The FRA forwards these notices automatically to local law enforcement agencies and competent authorities, converts it to a Cayman Notice and publishes the Cayman Financial Sanctions Notice on its website.

## Other Key Initiatives

FRA staff spent significant time during the Reporting Period meeting obligations regarding the jurisdiction's 4<sup>th</sup> Round Mutual Evaluation by the CFATF. The key activities included: ongoing implementation of an action plan to address the relevant recommended actions stated in the Mutual Evaluation Report (MER); attending monthly committee and working group meetings; preparing monthly update reports; providing statistics for and participating in various risk assessment working groups; and preparing the Post Observation Period Report for the Americas Joint Group. The FRA remains committed to the ongoing activities concerning the Mutual Evaluation process.

In November 2020 the FRA made significant upgrades to its information technology systems by launching a new E-Reporting Portal and internal database application. The Reporting Portal (AMLive) allows for secure electronic filing of SARs by reporting entities and communication between the FRA and reporting entities, and secure distribution of FRA disclosures to LEAs and competent authorities. The internal database (iBase) not only provides for a new repository of SARs and all information submitted to the FRA, but also includes analytical software (Analyst Notebook) that will enhance financial analysis and linkage capabilities. Furthermore, the solution incorporates real-time case management and performance metrics which enhances the management of cases and will improve the timeliness of analysis and disclosures.

## Outreach Events / Training / Representing the FRA

### Outreach Events

Staff of the FRA engaged in the following outreach events covering one or more of the following topics: functions of the FRA, SAR statistics, SAR reporting obligations, and obligations regarding targeted financial sanctions related to terrorist financing and proliferation financing:

- Four (4) presentations at industry association events;
- Eleven (11) presentations at events organized by the Anti-Money Launder Steering Group, Anti-Money Laundering Unit, a Law Enforcement Agency, Competent Authorities, Self-Regulatory Bodies or the National Coordinator's Office;
- One (1) presentation to a Government Department;
- Three (3) presentations at private sector organized events and to private entities; and

- Eight (8) 1-on-1 meetings with Money Laundering Reporting Officers.

## **Training**

Staff of the FRA attended the following training events during the Reporting Period:

- Counter Proliferation Finance Course – presented by Kings College London (5 staff attended the 1 day event);
- Awareness and Understanding of Investment Funds – presented by the National Coordinator’s Team (9 staff attended the half day virtual event);
- Workshop on Crypto Assets – presented by the Office of the Director of Public Prosecutions, the Cayman islands Bureau of Financial Investigations and the FRA (9 staff attended the 1 day virtual event); and
- Trade Based Money Laundering – presented by the United Nations Office on Drugs and Crime (5 staff attended the 2 day virtual event).

Staff completed a number of online FIU Connect modules provided by ManchesterCF and attended other virtual seminars presented by several training providers on a variety of topics, including:

- Terrorist Financing;
- Trade-Based Money Laundering;
- Environmental Crimes;
- Human Trafficking;
- Illegal Wildlife Trade as a Financial Crime / Wildlife Trafficking;
- Economic Sanctions;
- International Public Corruption; and
- IT Security Foundations: Core Concepts.

## **Representing the FRA:**

Staff members represented the FRA at the following events:

- Egmont Group Working Groups and Regional Groups Meeting (1 staff attended); and
- 51<sup>st</sup> CFATF Plenary - Virtual (4 staff attended).

## The Truman Bodden Law School

The Truman Bodden Law School (“the Law School”) exists pursuant to section 20 of the Legal Practitioners Act (2015 Revision), which provides for the establishment of a local system of legal education.

The Law School has been in operation since 1982, and is an internationally recognised institution, affiliated to the University of Liverpool in the United Kingdom, which validates and awards the undergraduate degree programme (LL.B) and the postgraduate degree and diploma in International Finance (LL.M). The Law School is also affiliated with Oxford Brookes University in the United Kingdom which validates and awards the postgraduate Diploma in Legal Practice, following successful completion of the Professional Practice Course (PPC). Thereafter, following the completion of 18 months Articles of Clerkship, trainees will be called to the Cayman Islands bar as an Attorney-at-Law of the Cayman Islands.

### Our Mission

The aim of the Law School, in partnership with Liverpool and Oxford Brookes universities in the provision of its undergraduate and postgraduate programmes, is to provide students with a standard of tertiary level legal education equivalent to that prevailing in the United Kingdom and at other recognized providers of legal education across the common law world. In doing so, the Law School aims to provide an environment for its students that encourages and enables them to achieve their full potential in the pursuit of knowledge and academic excellence.

The Law School seeks to promote awareness of the legal, ethical, and moral issues relevant in the development of legal rules and in the practice of law.

The courses offered by the Law School are intended to be of benefit not only to those students who wish to enter the legal profession, but also to those having a variety of other professional career aspirations.

### The 2019/20 Academic Year

The 2019-20 academic year saw another strong cohort of new enrolments with the total enrolment consisting of approximately 80 undergraduate and postgraduate students, in excess of 90% of whom are Caymanian or Cayman residents.

A total of 15 students graduated from the law school’s undergraduate and postgraduate programmes, with the highest available classification being awarded to at least one student in each programme (First Class degrees (LL.B) and Distinctions (PPC and LL.M)). Indeed, almost 50% of the LLB graduates received either First Class or Upper Second Class awards (the two highest degree classifications available). Such results compare favourably with those of leading UK providers of tertiary level legal education.

## LLM / PG (Dip) in International Finance

During the period under review, students were offered the opportunity to enrol onto the LL.M and PGDip programmes in International Finance: Law & Regulation on a full as well as part time basis. As noted above, both programmes are awarded and validated by the University of Liverpool.

Course content includes financial markets, banking law, international solvency, money laundering and corporate governance, and is structured over five semesters. The primary purpose of the programme is to provide students with the knowledge and skills in both the legal and policy aspects of international finance.

## Impact of COVID-19 on Learning, Teaching and Assessment

In mid-March 2020, as a result of the impact of COVID-19 and in keeping with other local educational institutions, the Law School was required by the Cayman Islands Government to enter into a mandatory national lockdown. By utilising University of Liverpool learning and teaching platforms, the Law School was able to quickly and effectively move all learning and teaching online. Due to the small size of the Law School, other online technology such as Zoom and Microsoft Teams were also successfully utilised to further personalize and enhance the online learning experience.

The Law School remained closed to staff and students until the latter part of the summer, but due to the effective suppression of COVID-19 locally, the Law School was one of the very few institutions globally that was able to safely hold an in-person graduation ceremony before the opening of the new academic year. When the new academic year opened in September 2020, the Law School reverted to the face-to-face teaching of all courses for all resident students and for international students able to return to the Island.

## Extra Curricula Opportunities

Due to the pandemic, extra curricula activities throughout 2020 were significantly adversely impacted. In March 2020, the Law School had been due to host a meeting of the Caribbean Law Clinic, comprising students attending a number of Caribbean and United States of America law schools. However, the Clinic was postponed until November 2020 when the Law School successfully hosted the first online Caribbean Law Clinic, with the finals taking place in the Grand Court before the Solicitor General, the Deputy Solicitor General and the Director of Public Prosecutions.

## Law School Staff Research Activities

Law School staff continued to contribute academic papers to internationally recognised law

journals and to present online papers (as mandated by the pandemic) at international law conferences in a number of different jurisdictions, including the UK and the USA. Under the editorship of the Director, the Law School staff contributed to the third issue of the Cayman Islands Law Review, which was completed in the Summer and published in the Autumn. As well as containing local case summaries and commentaries, the third issue includes a number of articles written by staff of the Law School on a wide variety of topics, including the law of trusts, life sentences in the Cayman Islands and Brexit.

## Human Resource Management Department

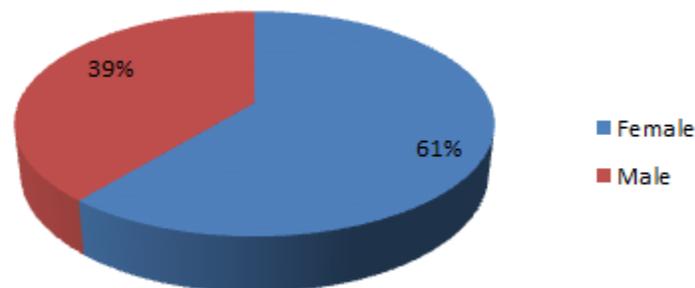
Our agile and capable staff are the Portfolio of Legal Affairs' most valuable asset. The quality of our service is enhanced by the professionalism, dedication and productivity of our employees.

2020 was a busy but successful year for the Human Resource Management Department ("HR"). The Portfolio numbered 59 staff at the close of the fiscal year.

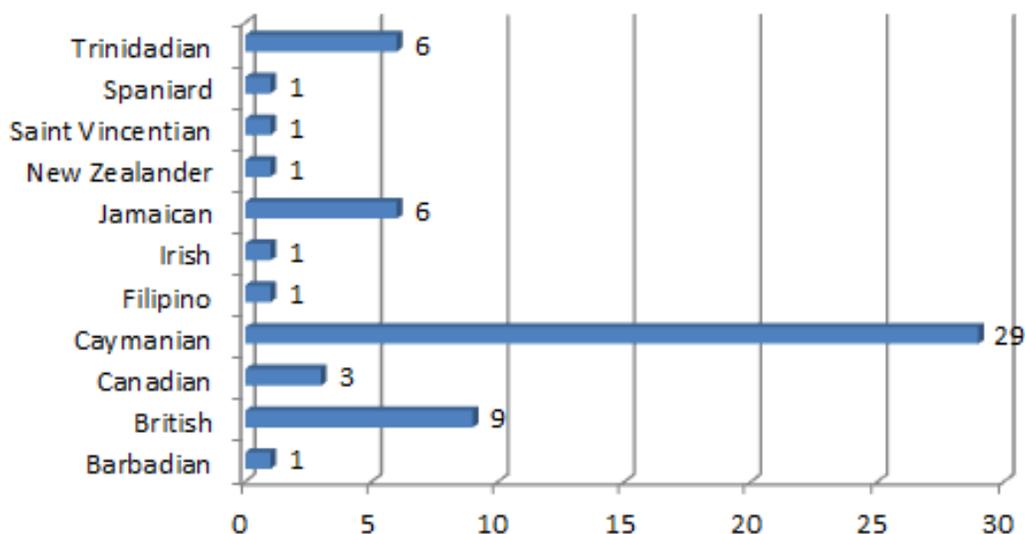
Despite the inevitable disruption caused by the outbreak of COVID-19, the Portfolio successfully recruited a number of new staff, including a Crown Counsel (Civil - Human Rights), an Administrative Assistant, a Deputy Solicitor General (Advisory & Administration), three Articled Clerks, and a Policy Analyst. The team was also temporarily augmented by a student intern who ably assisted with the execution of various duties.

A breakdown of the Portfolio at the end of the fiscal year is as follows-

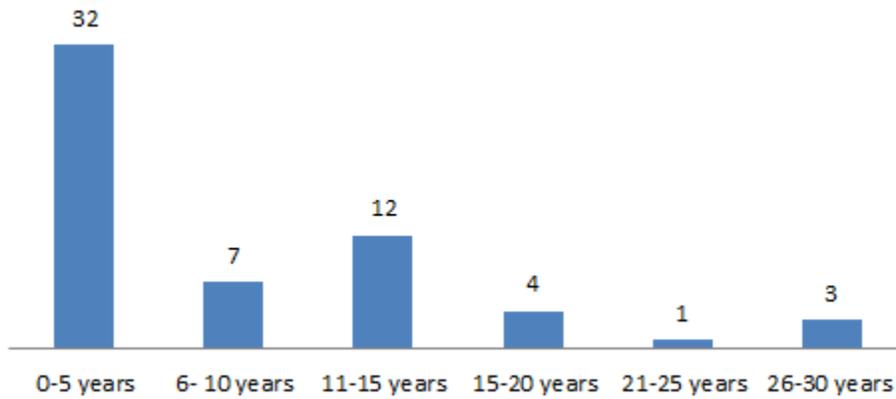
### ***Gender (31<sup>st</sup> December 2020)***



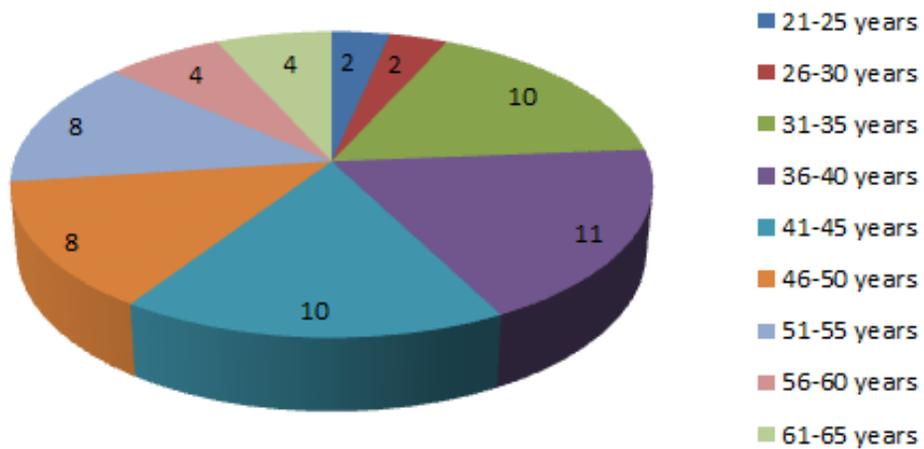
### ***Nationality Breakdown (31<sup>st</sup> December 2020)***



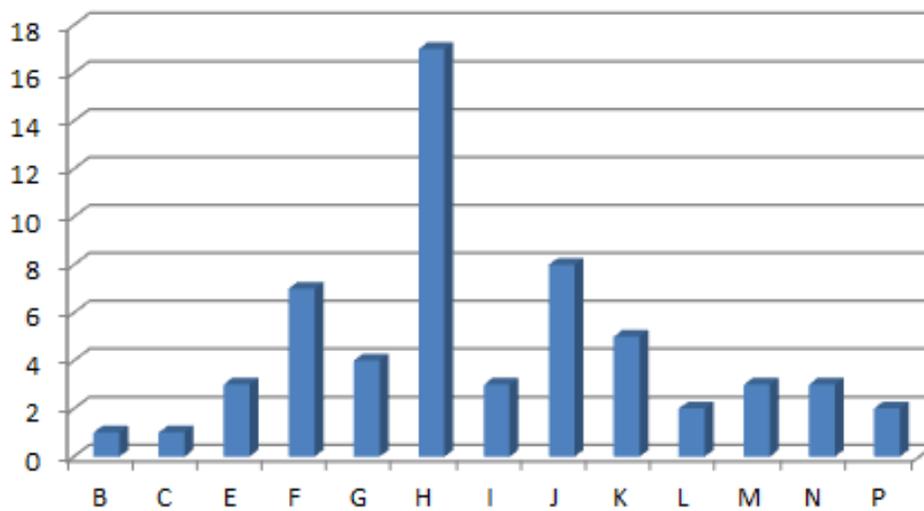
**Employee Service Length (31<sup>st</sup> December 2020)**



**Age Distribution (31<sup>st</sup> December 2020)**



**Salary Grade Distribution**



## Staff Training

HR are creating career pathways by assisting employees to understand and develop the skills and experience necessary for progression. During 2020, staff engaged in numerous local and international training and professional development activities. Such training interventions are crucial in order to ensure that staff remain on the cutting edge of developments and changes in the legal profession. Accounts of our 2020 training interventions are listed throughout this report.

The Portfolio is a learning organisation. Support for the training and development of our staff enhances our organisational capabilities, builds trust and confidence among our stakeholders, and allows us to continue delivering a high quality service to our client agencies and the Honourable Attorney General.

## Financial Statements

The audited Financial Statements for the Portfolio for the year ended 31 December 2020 are attached to this report as Appendix A.

## Contact Details

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