

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE LEGAL PRACTITIONERS LAW
(2010 REVISION) AS A CONSEQUENCE OF THE CREATION OF THE
CONSTITUTIONAL OFFICE OF DIRECTOR OF PUBLIC
PROSECUTIONS; AND TO MAKE PROVISION FOR INCIDENTAL
AND CONNECTED MATTERS**

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 2011

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Legal Practitioners Law (2010 Revision). The amendments are consequential upon the creation of the constitutional office of Director of Public Prosecutions.

Clause 1 of the Bill provides the short title of the legislation.

Clause 2 amends section 15 of the principal Law to establish the right of any person holding public office in the office of the Director of Public Prosecutions to appear for the Director of Public Prosecutions in any matter, without being admitted to practise as an attorney-at-law in the Islands.

Clause 3 validates any acts that may have been invalidly done by public officers purporting to act on behalf of the Director of Public Prosecutions.

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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Legal Practitioners (Amendment) Law, 2011.

Short title

2. The Legal Practitioners Law (2010 Revision) is amended by repealing section 15 and substituting the following section -

Repeal and substitution
of section 15 of the
Legal Practitioners Law
(2010 Revision) -
savings

“Savings

15. Nothing in this Law shall -

- (a) prejudice or affect the rights, including the right in connection with the duties of his office to act as an advocate, or privileges of the Attorney General or of any person holding public office in the Attorney General’s chambers or of a person instructed by or on behalf of the Attorney General to appear for the Attorney General in any cause or matter and who possesses the prescribed qualification;
- (b) prejudice or affect the rights, including the right in connection with the duties of his office to act as an advocate, or privileges of

the Director of Public Prosecutions or of any person holding public office in the Office of the Director of Public Prosecutions or of a person instructed by or on behalf of the Director of Public Prosecutions to appear for the Director of Public Prosecutions in any cause or matter and who possesses the prescribed qualification; or

- (c) affect any enactment empowering any person, whether or not an attorney-at-law, to conduct or otherwise act in relation to any legal proceeding.”.

Validation

3. If -

- (a) a person holding public office in the Attorney General’s chambers has, at any time between 1st May, 2011 and the date of commencement of this Law, purported to exercise, on behalf of the Director of Public Prosecutions, any power, function or discretion of the Director of Public Prosecutions; and
- (b) the exercise of that power, function or discretion would have been valid if section 15 of the Legal Practitioners Law (2010 Revision) (as substituted by section 2 of this Law) had been in force at the time when the power, function or discretion was exercised,

(2010 Revision)

the exercise of that power, function or discretion shall be deemed to have been valid.

Passed by the Legislative Assembly the day of , 2011.

Speaker.

Clerk of the Legislative Assembly.