

CAYMAN ISLANDS



SUBMARINE CABLE (TELECOMMUNICATIONS RESILIENCE) BILL, 2025

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A BILL FOR AN ACT TO EMPOWER THE CAYMAN ISLANDS GOVERNMENT TO ENTER INTO AN AGREEMENT WITH A COMMERCIAL PARTNER FOR THE PURPOSES OF CONSTRUCTING AND OPERATING A SUBMARINE CABLE CONNECTION TO ENHANCE THE NATIONAL RESILIENCE OF THE CRITICAL ICT INFRASTRUCTURE OF THE ISLANDS; TO SECURE THE ISLANDS' TELECOMMUNICATIONS AND CONNECTIVITY; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Planning, Lands, Agriculture, Housing and Infrastructure



Memorandum of OBJECTS AND REASONS

This Bill seeks to empower the Cayman Islands Government to enter into an agreement with a commercial partner for the purposes of constructing and operating a submarine cable connection to enhance the national resilience of the critical ICT infrastructure of the Islands.

The Bill also seeks to secure the Islands' telecommunications and connectivity and provides for incidental and connected purposes.

Clause 1 provides the short title of the legislation.

Clause 2 provides the interpretation of terms used in the legislation.

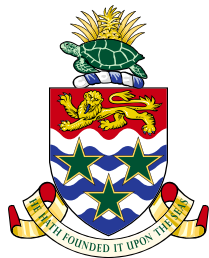
Clause 3 empowers the Cayman Islands Government to enter into an agreement with a commercial partner for the purposes of constructing and operating a new submarine cable connection for the Islands (the "project"). The clause also provides that any agreement reached with a commercial partner shall contain critical protections and rights which the Cayman Islands Government may leverage, in cases of disruptions, to assure the continued operation of the submarine cable system for the Islands.

Clause 4 provides that the Cayman Islands Government shall ensure compliance with the Procurement Act (2023 Revision) when selecting a commercial partner. Further, the clause provides that, in delivering the project, the commercial partner shall adhere to all relevant laws, including the Information and Communications Technology Act (2019 Revision) and the Utility Regulation and Competition Act (2024 Revision).

Clause 5 sets out the licensing obligations and requirements of the commercial partner and the Cayman Islands Government where the Cayman Islands Government constructs and owns certain telecommunications cable infrastructure.

Clause 6 provides that the Cayman Islands Government shall allocate a fixed sum, authorized by and appropriated in accordance with the Public Management and Finance Act (2020 Revision), for the purposes to be delivered under the project and that the fixed sum shall be disbursed to the commercial partner in tranches over the duration of the project.

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RESILIENCE) BILL, 2025

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ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Act may be cited as the Submarine Cable (Telecommunications Resilience) Act, 2025.

Interpretation

2. In this Act —

“**beach manhole**” means an underground structure located on or near where a submarine cable comes ashore and is joined to the terrestrial cable that connects to the cable landing station;



“**cable landing station**” means a facility at which a submarine cable system terminates and then connects to the national telecommunications networks of retail telecommunications service providers;

“**commercial partner**” means a legal entity, other than an entity as defined under the *Procurement Act (2023 Revision)*, contracted with the Cayman Islands Government for the delivery of the submarine cable system to improve national resilience by enhancing critical ICT infrastructure;

“**critical ICT infrastructure**” has the meaning assigned by section 2 of the *Information and Communications Technology Act (2019 Revision)*;

“**ICT network**” has the meaning assigned by section 2 of the *Information and Communications Technology Act (2019 Revision)*;

“**ICT service**” has the meaning assigned by section 2 of the *Information and Communications Technology Act (2019 Revision)*;

“**licensee**” means a person to whom a licence for the provision of an ICT network or an ICT service, or both, is granted under the *Information and Communications Technology Act (2019 Revision)*;

“**national resilience**” means the capacity of the Islands’ telecommunications infrastructure to maintain or quickly restore functionality in the event of disruption, including disruption to the submarine cable system due to cable cuts, natural disasters, equipment failure or other emergencies;

“**project**” means the construction and operation of a new submarine cable connection for the Islands in accordance with an agreement referred to in section 3;

“**submarine cable**” means a telecommunications cable laid on or beneath the seabed of the Islands and used, or intended to be used, for the transmission of communications as part of a submarine cable system;

“**submarine cable backhaul**” means the portion of the telecommunications network that links the cable landing station to licensed telecommunications retail service providers’ facilities or network;

“**submarine cable fronthaul**” means the segment of a submarine cable system that connects the cable landing station with the beach manhole;

“**submarine cable system**” means a telecommunications cable infrastructure comprised of —

- (a) a submarine cable;
- (b) cable landing stations;
- (c) beach manholes;
- (d) submarine cable fronthauls;
- (e) submarine cable backhauls; and
- (f) associated infrastructure,

used or intended to be used, for the transmission of communications;

“**telecommunications network**” means a system of telecommunications equipment, such as a submarine cable system or retail service provider network, that enables the conveyance of signals between defined termination points; and

“**terrestrial cable**” means a telecommunications cable on land.

Power to enter into agreement regarding construction and operation of a submarine cable connection

3. (1) Notwithstanding any other Act, for the purposes of —
- (a) enhancing the national resilience of the Islands’ critical ICT infrastructure; and
 - (b) securing the Islands’ telecommunications and connectivity,
- the Cayman Islands Government may enter into an agreement with a commercial partner who shall be responsible for constructing and operating a new submarine cable connection for the Islands.
- (2) The terms of the agreement referred to in subsection (1) shall include the following —
- (a) the means by which the continued operation of the submarine cable system may be assured;
 - (b) provisions regarding termination of the agreement;
 - (c) the obligations of parties related to the handover of the project; and
 - (d) provisions regarding risk allocation.
- (3) The means by which the continued operation of the submarine cable system may be assured in accordance with subsection (2)(a) may include continuation of the system pursuant to the exercise by the Cayman Islands Government of step-in rights.

Selection of commercial partner

4. (1) In selecting the commercial partner, the Cayman Islands Government shall comply with the *Procurement Act (2023 Revision)*.
- (2) In delivering the project, the commercial partner shall be required to comply with all the obligations and requirements with which a licensee is required to comply under —
- (a) the *Information and Communications Technology Act (2019 Revision)*;
 - (b) the *Utility Regulation and Competition Act (2024 Revision)*; and
 - (c) any other applicable law.



Obligations relating to certain telecommunications cable infrastructure

5. Where telecommunications cable infrastructure is constructed and owned by the Cayman Islands Government for the purposes of the project —
- (a) for the period specified in the agreement during which the commercial partner operates that infrastructure, the commercial partner shall be required to comply with all the obligations and requirements with which a licensee is required to comply in respect of that infrastructure under —
 - (i) the *Information and Communications Technology Act (2019 Revision)*;
 - (ii) the *Utility Regulation and Competition Act (2024 Revision)*; and
 - (iii) any other applicable law; and
 - (b) where the period referred to in paragraph (a) ends or the Cayman Islands Government exercises any step-in rights or any other right of the Cayman Islands Government to ensure the continued operation of the submarine cable system, the Cayman Islands Government shall be required to comply with all the obligations and requirements with which a licensee is required to comply in respect of that infrastructure under —
 - (i) the *Information and Communications Technology Act (2019 Revision)*;
 - (ii) the *Utility Regulation and Competition Act (2024 Revision)*; and
 - (iii) any other applicable law.

6. (1) The Cayman Islands Government, in accordance with subsection (2), shall pay to the commercial partner a fixed sum authorized by and appropriated in accordance with the *Public Management and Finance Act (2020 Revision)*, for the purposes to be delivered under the project for the duration of the project.
- (2) For the purposes of subsection (1) —
 - (a) the Cayman Islands Government shall pay the fixed sum in several tranches over the duration of the project; and
 - (b) each tranche shall be disbursed to the commercial partner in accordance with the terms of the agreement.

Passed by the Parliament the _____ day of _____, 2025.

Speaker

Clerk of the Parliament