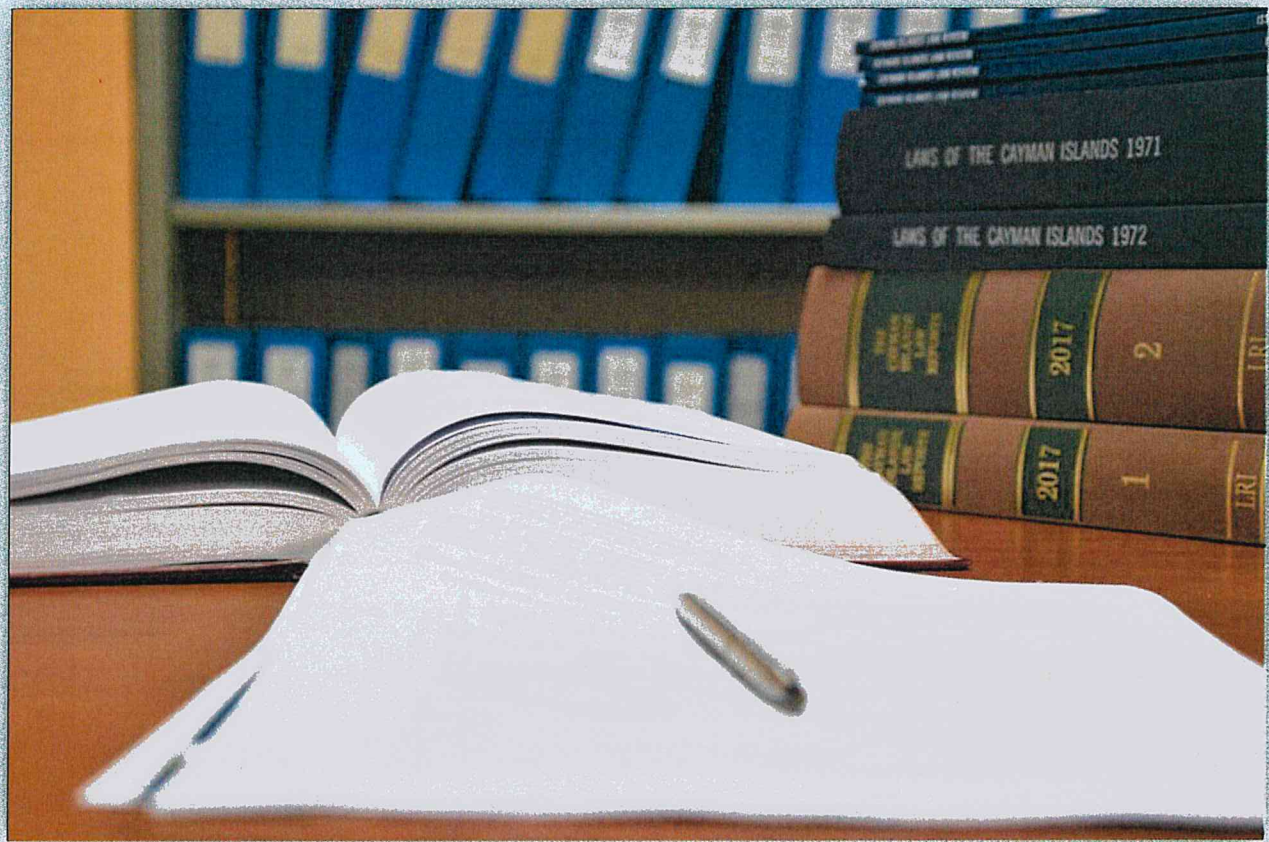




THE CAYMAN ISLANDS LAW REFORM COMMISSION



ANNUAL REPORT NO. 17

1st APRIL, 2021/31st MARCH, 2022



Mr. Hector Robinson, Q.C.
Chairman

CHAIRMAN'S FOREWORD

I am pleased to present to the Honourable Attorney General, the Seventeenth Annual Report of the Cayman Islands Law Reform Commission (“the Commission”). The Report covers the activities of the Commission for the period 1st April, 2021 to 31st March, 2022.

Let me begin by congratulating Commissioner and Solicitor General, Ms. Reshma Sharma, on her appointment as Queen’s Counsel. Ms. Sharma has made an invaluable contribution to the work of the Commission and the Cayman Islands legal profession as a whole. Her appointment as Queen’s Counsel is thoroughly deserved and reflects the professional excellence and integrity demonstrated throughout her exemplary legal career.

I would like to thank former Commissioner and Director of Public Prosecutions, Mr. Patrick Moran, for his service to the Commission from 2019 to 2021. I wish Mr. Moran continued success and the very best in his future endeavours. I would also like to thank Mrs. Candia James-Malcolm, Acting Director of Public Prosecutions for the majority of the reporting period, for her valuable contribution to the work of the Commission, particularly in relation to the recently published Discussion Paper on Penal Code Reform.

On 1st March, 2022, the Commission welcomed a new Commissioner in the newly appointed Director of Public Prosecutions, Mr. Simon Davis. Mr. Davis comes to Cayman from St Philips Chambers in the United Kingdom, and has extensive experience prosecuting cases involving terrorism, serious organised crime, modern slavery, exploitation of children, drug and gun supply, homicide, fraud and proceeds of crime. The Commission looks forward to drawing on his expertise.

I also use this opportunity to mention that during the reporting period, we welcomed two new members of staff. Ms. Catriona Steele was appointed as Senior Legislative Counsel, and Ms. Milicia Bodden joins us as Administrative Secretary. The Commission said farewell to Mrs. Lourdes Pacheco, who retired after serving as Administrative Secretary from 2017 to 2021. Mrs. Pacheco provided dedicated support to the Commission and on behalf of the Commission I

wish her the very best in her well-deserved retirement.

Despite the continuing challenges posed by the ongoing COVID-19 global pandemic during the reporting period, the Commission progressed several existing projects and added new projects to its agenda.

The Commission was pleased to submit to the Honourable Attorney General its Final Report titled “**The Enforcement of Mortgage-Type Security Over Real Estate: Is Reform of the Law Necessary?**”. This is the culmination of over 3 years of research and consultation since the Attorney General referred the matter to the Commission in January, 2018. The Final Report contains recommendations which seek to respond to issues that relate to the enforcement of mortgages over residential properties, and is supported by the proposed *Registered Land (Amendment) Bill, 2021*. The Commission hopes that the Government will favourably consider the recommendations of the Commission in this area and will deem it appropriate to advance the legislative proposals.

In addition, the Commission finalised and published for consultation three Discussion Papers during the reporting period. The first was the Paper titled “**Usury: The Common Law and Statutory Position in the Cayman Islands**”. The Paper examines whether any prohibition against usury exists in the Cayman Islands’ legislation, whether it be at common law, by statute, or both, and recommends enacting legislation to provide certainty in this area.

The second Discussion Paper is titled, “**Part 1 – The Penal Code: Is It Compatible With The Bill of Rights?**”. The Paper was prepared in response to a referral by the Honourable Attorney General requesting that the Commission review the *Penal Code (2019 Revision)* to assess its compatibility with the Bill of Rights, Freedoms and Responsibilities contained in Schedule 2 of the Cayman Islands Constitution Order, 2009.

The third Discussion Paper is titled, “**Appeals Tribunals**”. The Paper was prepared in response to a referral by the Honourable Attorney General, aimed at determining whether a centralised appeals tribunal should be established in substitution for the current arrangements for separate appeals tribunals for planning, immigration, labour and other administrative matters.

The Commission is now considering submissions received in response to the issues raised and the recommendations contained in these Discussion Papers. These submissions will ultimately inform the final recommendations of the Commission.

The Commission continues work on several ongoing projects, and added two new projects to its agenda during the reporting period, one examining the doctrine of adverse possession and the other examining the application of the *Settled Land Act (1998 Revision)*. More detailed information on each of these projects can be found in this Annual Report.

The Final Reports and Discussion Papers produced by the Commission are the product of extensive research, consultation and discussion. In this regard, I express my thanks to my fellow Commissioners for affording us the benefit of their expertise and the staff of the Commission for their dedication to the work of the Commission.

I also thank the individuals and organisations that have made carefully considered submissions in response to our Discussion Papers. Meaningful consultation is a core aspect of the law reform process, and we hope to broaden our reach in the coming year to ensure our work is informed by a wide range of views.

I extend my gratitude to the Honourable Attorney General for his continued support of the work of the Commission and for continuing to refer to the Commission central areas of law that require deeper examination and analysis.

The Commission looks forward to a productive year ahead as we continue to produce independently researched and formulated reports and recommendations to enhance the Government's ability to make informed decisions in important areas of reform.

A handwritten signature in blue ink, appearing to read "Hector Robinson", with a long horizontal flourish extending to the right.

Mr. Hector Robinson, Q.C.
Chairman

31st March, 2022

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OVERVIEW OF THE LAW REFORM COMMISSION

The Commission was established by the Law Reform Commission Act No. 6 of 2005 and commenced operations on 16th September, 2005.

In accordance with the Act, the Commission's mandate is to study and keep under constant review the statutes and other laws comprising the laws of the Cayman Islands with a view to its systematic development and reform, including in particular —

- (a) the modification of any branch of the law as far as that is practicable;
- (b) the elimination of anomalies in the law, the repeal of obsolete and unnecessary enactments and the simplification and modernisation of the law;
- (c) the development of new areas in the law with the aim of making them more responsive to the changing needs of Cayman Islands society;
- (d) the adoption of new or more effective methods for the administration of the law and the dispensation of justice; and
- (e) the codification of the unwritten laws of the Cayman Islands.

The Commission, in the performance of its functions, may —

- (a) review and consider any proposals for the reform of the law which may be referred to it by any person or authority;
- (b) prepare and submit to the Attorney General from time to time, a programme for the study and examination of any branch of the law with a view to making recommendations for its improvement, modernisation and reform;
- (c) initiate and carry out or direct the initiation and carrying out of, studies and research necessary for the improvement and modernisation of the law;
- (d) undertake, pursuant to any such recommendation approved by the Attorney General, the formulation and preparation of drafts in the form of Bills or other instruments for consideration by the Cabinet and the Legislative Assembly;
- (e) provide, at the instance of Government departments and other authorities concerned, advice, information and proposals for reform or amendment of any branch of the law; and
- (f) with the approval of the Attorney General appoint or empanel committees, whether from among members of the Commission or from among persons outside the Commission or both, to study and make recommendations to the Commission on any aspect of the law referred to it by the Commission.

The work of the Commission is conducted by six Commissioners and the staff of the Commission, which consists of two full time attorneys-at-law (the Director and Senior Legislative Counsel), a Paralegal Officer and an Administrative Secretary.

The Commission is a department of the Portfolio of Legal Affairs, but it acts independently in its review of matters. Its recommendations are based on its own research and analysis of ideas submitted by stakeholders and by the public.

The Honourable Attorney General refers matters to the Commission, but the Commission may initiate and carry out studies and research necessary for the improvement and modernisation of any area of the law of the Cayman Islands, based on comments from the public, recommendations from interest groups or on the Commission's independent research.

The law reform process is extensive and comprises of legal research, writing and consultation. The Commission usually prepares two publications during the course of a project. The first publication, which is an Issues Paper or Discussion Paper, sets out the Commission's preliminary suggestions for reform. The preliminary suggestions are usually made after legal research is carried out by the staff of the Commission and after such research has been considered by the Commissioners. The Commission either publishes the Discussion or Consultation paper on www.lrc.gov.ky and www.gov.ky or it submits the Consultation paper to identified stakeholders for comments.

The second publication is a Final Report, which is submitted to the Honourable Attorney General. It contains the final recommendations of the Commission which, in the majority of cases to date, are supported by draft legislation.

The Commission makes its final recommendations after it takes into account the responses it receives to the Discussion or Consultation Paper. Since its establishment, the Commission has produced several project papers, final reports and sixteen Annual Reports. These are listed in the Appendix.

THE CAYMAN ISLANDS LAW REFORM COMMISSION

COMMISSIONERS



CHAIRMAN
Hector Robinson, Q.C.
Partner at Mourant Ozannes



COMMISSIONER
Hon. Justice Alexander Henderson (retd.), Q.C.
Senior Counsel at Dentons



COMMISSIONER
Vaughan Carter, Attorney-at-Law
Managing Partner at Savannah Law



COMMISSIONER
Abraham Thoppil, Attorney-at-Law
Partner at Maples and Calder



COMMISSIONER
Reshma Sharma, Q.C.
Solicitor General



COMMISSIONER
Simon Davis, Attorney-at-Law
Director of Public Prosecutions

THE CAYMAN ISLANDS LAW REFORM COMMISSION

LEGAL AND ADMINISTRATIVE STAFF



DIRECTOR
José Griffith, Attorney-at-Law



SENIOR LEGISLATIVE COUNSEL
Catriona Steele, Attorney-at-Law



PARALEGAL
Felicia Connor



ADMINISTRATIVE SECRETARY
Milicia Bodden

YEAR IN REVIEW

PROJECTS OF THE LAW REFORM COMMISSION

1st APRIL, 2021 TO 31st MARCH, 2022

MEETINGS OF THE LAW REFORM COMMISSION

The Law Reform Commission (“the Commission”) met four times between 1st April, 2021 and 31st March, 2022 on the following dates —

- (a) 1st July, 2021;
- (b) 14th October, 2021;
- (c) 30th November, 2021; and
- (d) 24th March, 2022.

COMPLETED PROJECTS

On 28th July, 2021, the Commission submitted for the consideration of the Honourable Attorney General its Final Report titled “**The Enforcement of Mortgage-type Security Over Real Estate: Is Reform of the Law Necessary?**”. The Final Report contains recommendations which seek to respond to issues that relate to the enforcement of mortgages over residential properties.

The Commission recommends a legislative framework to address the incidence of foreclosures in the form of amendments to the *Registered Land Act (2018 Revision)*, which are contained in the draft *Registered Land (Amendment) Bill, 2021*. The amendments captured in the proposed legislation seek to streamline the provisions which the Commission believes impact the creation and enforcement of charges over land and to provide for a “Pre-lending and Pre-action Protocol” which is supported by a “Questionnaire”, both of which are intended to —

- (a) ensure that a chargee and a chargor act fairly and reasonably with each other in resolving any matter concerning a charge over land; and
- (b) encourage greater pre-action engagement between the chargee and chargor in order to seek agreement between the parties.

By way of background, on 28th August, 2020 the Commission published 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 Discussion Paper considered whether reform of the law relating to the enforcement of charges over residential properties was necessary in light of concerns regarding the number of

foreclosure proceedings initiated, and the level of hardship experienced by the owners of residential property who have been affected by such proceedings.

The Discussion Paper raised a number of questions and corresponding responses were received. The proposed legislation has accordingly benefited from those responses and is the product of a detailed examination of the manner in which charges over land are regulated under the *Registered Land Act (2018 Revision)*. In particular, focus was placed on the provisions dealing with the –

- (a) form of charges over land;
- (b) chargee’s remedies when the chargor defaults in payment or in satisfying some other obligation;
- (c) manner in which the chargee’s power of sale is exercised; and
- (d) variation of the chargee’s powers under the legislation.

The proposed legislation critically provides for a “Pre-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 seek to encourage between the lender and borrower greater pre-lending engagement before the registration of a charge and greater pre-action engagement before the commencement of enforcement proceedings.

The consultation period for these proposals expired on 20th January, 2021. The Commission received responses from the general public and several stakeholders including the Cayman Islands Legal Practitioners Association, the Cayman Islands Bankers’ Association, the Judiciary, the Registrar of Lands, the Ministry of Financial Services and Home Affairs, and the Cayman Islands Monetary Authority.

Several respondents expressed concern with respect to the impact the proposed changes would have on potential borrowers and called for a clear understanding of the meaning of terms and the need for consistency throughout the Bill. Recommendations were made to delete several provisions due to the risk of difficulties posed and the undermining nature of those particular provisions. Further, it was stated that the Bill creates practical problems related to an imbalance in its objective and with respect to knowledge, access, damage, expense, and third party liability.

Significant concern was expressed with respect to the extensive proposed changes made in the Bill which could have some serious unintended consequences on borrowers. These consequences related to access to finance, the cost of finance, volume and cost of enforcement actions and the certainty of procedure. Additionally, respondents commented on the lack of areas addressed which pose an important bearing on how banks respond, as well as the lack of clarity and vague language seen within several proposed amendments.

It was recommended that clarity, certainty and specificity should be reflected to ease concerns often raised in courts in relation to the power of sale. Some respondents proposed that

amendments to the Bill be incorporated into a standalone mortgage law due to its vast and broad encompassing subject. On the other hand, several respondents viewed the proposals as a significant step in the correct direction and suggested a few refinements.

The Commission considered all comments and options emerging from the consultation process and the legislative approaches adopted in other jurisdictions. In the view of the Commission, the review of the law relating to the enforcement of security over land supports the need for reform of the *Registered Land Act (2018 Revision)*.

The Commission believes that this may be best achieved by the introduction of new legislative provisions aimed at remedying some of the clear deficiencies in the *Registered Land Act (2018 Revision)* to create enhanced protections for chargors in certain areas. It is clear that the greatest concerns relate to the impact of the existing legislation on residential property owners and as such the recommendations focus on residential property.

Accordingly, the Commission recommended a legislative framework to address the incidence of foreclosures in the form of amendments to the *Registered Land Act (2018 Revision)*, which are contained in the *Registered Land (Amendment) Bill, 2021*. The amendments captured in the proposed legislation seek to streamline the provisions which the Commission believes impacts the charge of land and to provide for a “Pre-lending and Pre-action Protocol” which is supported by a “Questionnaire”, both of which are intended to —

- (a) ensure that a chargee and a chargor act fairly and reasonably with each other in resolving any matter concerning a charge over land; and
- (b) encourage greater pre-action engagement between the chargee and chargor in order to seek agreement between the parties.

CURRENT PROJECTS

The Commission, during the 2021/2022 reporting period, published Discussion Papers for public consultation on the following topics —

- (a) Usury;
- (b) Appeals Tribunals; and
- (c) Penal Code Reform.

(a) Usury

On 1st November, 2021, the Commission finalised and published for public consultation its Discussion Paper titled “**Usury: The Common Law and Statutory Position in the Cayman Islands**”. The term usury means charging anything, whether it is labelled as “interest” or some other term for the loan of money. The Discussion Paper examines whether any prohibition against usury exists in the Cayman Islands legislation, whether it be at common law, by statute, or both.

The Commission traced the common law and statute law and determined that they portray a complex and uncertain picture about the status of usury in the Cayman Islands. The Paper articulated the constitutional relationship between Cayman Islands and Jamaica and established that despite the express repeal of all acts, statutes and laws by the *Usury Repeal Act, 1854*, the Cayman Islands did not receive the *Usury Repeal Act, 1854*. Given that the *Interpretation Act (1995 Revision)* provides that laws before 1728 *George II* should be saved, the evidence suggests that the common law still existed in 1729 and was saved by the *Interpretation Act*. The Commission is therefore of the view that there is a strong basis to argue that the common law prohibition on usury remains applicable in the Cayman Islands.

To facilitate legislative certainty, the Commission recommends the enactment of the *Usury (Common Law Abrogation) Bill, 2021* which seeks to abrogate any common law rule in relation to usury.

The deadline for public and stakeholder submissions on this Discussion Paper expired on 6th December, 2021, and the Commission will now carefully consider the submissions received before proceeding to a Final Report.

(b) Appeals Tribunals

On 13th December, 2021, the Commission finalised and published for public consultation its Discussion Paper titled, “**Appeals Tribunals**”. The Paper was prepared in response to a referral by the Honourable Attorney General, aimed at determining whether a centralised appeals tribunal should be established in substitution for the current arrangements for separate appeal tribunals for planning, immigration, labour and other administrative matters.

The development of appeals tribunals to hear and determine appeals against decisions of public authorities recognises the importance of government decision-making on the lives of ordinary people in the Cayman Islands and the need for accountability in decision making. Although some administrative decisions are made out in the open, most are not. The courts provide an avenue for judicial review of an administrative decision, but an appeals tribunal can examine the entirety of the decision and review it on its merits.

The international trend towards consolidating tribunals reflects a widely held view that the practice of establishing tribunals on an ad hoc basis has led to a system that is overly complex and inaccessible, resulting in sub-optimal outcomes for users. The Cayman Islands has the opportunity to improve access to justice and increase accountability in administrative decision-making by creating a properly resourced and professionally operated administrative appeals

tribunal. The appropriate model should aim to provide a consistent, high-quality appeals process while ensuring the system is not burdened by the formality and complexity of court procedures.

The options for reform outlined in the Discussion Paper provide the basis for consultation to determine the best option for tribunal reform in the Cayman Islands.

The deadline for public and stakeholder submissions on this Discussion Paper expired on 15th March, 2022, and the Commission will now carefully consider the submissions received before proceeding to a Final Report.

(c) Penal Code Reform

On 17th December, 2021, the Commission finalised and published for public consultation its Discussion Paper titled, “**Part 1 – The Penal Code: Is It Compatible With The Bill of Rights?**”. The Paper was prepared in response to a referral by the Honourable Attorney General requesting that the Commission review the *Penal Code* (2019 Revision) (“Penal Code”) to assess its compatibility with the Bill of Rights, Freedoms and Responsibilities (the “Bill of Rights”) as reflected in Part I to Schedule 2 of the *Cayman Islands Constitution Order, 2009* (“the Constitution”) and to update the obsolete and archaic provisions contained therein.

The Penal Code plays a fundamental role in defining the rules governing some of our most important relationships as a society. There can be little doubt that it is necessary that the provisions of the Penal Code should conform with the standards of human rights prescribed by our Bill of Rights.

The Paper accordingly examines the provisions in the Penal Code against the Bill of Rights and identifies those provisions that raise issues of potential incompatibility with the Bill of Rights. Among the provisions identified are those 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.

The review suggests that these offences need to be reformed and in some cases repealed to remove issues of incompatibility between the Bill of Rights in the Constitution and the Penal Code. The Commission in each case recommends that the relevant provision of the Penal Code be amended or repealed as appropriate.

The deadline for public and stakeholder submissions on this Discussion Paper expired on 15th March, 2022, and the Commission will now carefully consider the submissions received before proceeding to a Final Report.

NEW PROJECTS

The Commission added to its law reform agenda the examination of –

- (a) the doctrine of adverse possession; and
- (b) the *Settled Land Act* (1998 Revision).

(a) Adverse Possession

The Commission has begun drafting a Discussion Paper on adverse possession. Adverse possession (colloquially known as “squatters’ rights”) is the doctrine under which a person who is not the legal owner of land may acquire title to it following a period of continuous possession of the land. In the Cayman Islands, adverse possession exists under the common law, with aspects codified by the *Limitation Act* (1996 Revision) and the *Registered Land Act* (2018 Revision).

The doctrine of adverse possession developed before title by registration was established as a fundamental tenet of property law. Its retention in modern systems of land ownership is controversial, and many jurisdictions have enacted legislation that restricts its application or abolishes it altogether.

The Discussion Paper will examine the historical origins and purpose of adverse possession, and consider whether it should be retained in its current form, modified by legislation or abolished entirely. The arguments for and against retaining adverse possession in some form will be examined, as will the state of the law and recent reforms in other jurisdictions.

(b) Settled Land Act

The Commission is examining the application of the *Settled Land Act* (1998 Revision) to determine whether it should be amended or repealed. The Act regulates dealings in land that is subject to certain life interests by conferring powers on the life tenant, such as the power to sell the legal title to the land. It was enacted to reflect almost identical legislation in the United Kingdom (“UK”).

The UK legislation, in its original form, was subject to substantial criticism by the UK Law Commission for its complexity and for some of its unintended effects. Primary among these was the inadvertent creation of settled land trusts, resulting in the accidental application of the legislation to land.

The Commission is preparing a Discussion Paper to examine the origins, purpose and practical application of the *Settled Land Act* (1998 Revision) and will make recommendations in relation to the amendment or repeal of the Act.

OTHER PROJECTS

The research, analysis and the legislative drafting of the Commission continues in the following areas and will be made available for publication, consultation or submission to the Attorney General at the appropriate stages of the law reform process –

- (a) Consumer Protection;
- (b) Reform of the Defamation Law;
- (c) Severance of Joint Tenancies;
- (d) Reform of the Succession and Wills Law;
- (e) Cremation;
- (f) Jury Trial;
- (g) Common Law Forfeiture Rule; and
- (h) Menstrual Leave.

CONCLUSION

In order to enhance justice and legal efficiency and to contribute to socio-economic development, reform needs to be of a high standard and done in a manner which helps to ensure that our legal system can respond appropriately and effectively. The approach of the Commission in the next year will continue to be one where we continue to reflect on the laws in our society, and make sound recommendations which inform the required legislative reforms.

APPENDIX

PUBLICATIONS

ISSUES PAPERS

- Enforcement of Foreign Judgments and Interim Orders – 6th March, 2012
- Directors’ Duties: Is Statutory Codification Needed? – 16th January, 2014
- Conditional Fees: Legislative Recognition and Regulation in the Cayman Islands – 3rd September, 2015
- Bullying: Legislation, Policy or Both? – 19th January, 2016
- Cybersecurity: Strategic Policy and Legislation – 29th November, 2017

DISCUSSION/CONSULTATION PAPERS

- Review of the Legal Aid System in the Cayman Islands (Preliminary Paper) – 28th March, 2006
- Review of the Law of Landlord and Tenant (Discussion Paper) – 30th September, 2006
- Review of the Law of Landlord and Tenant (Consultation Paper) – 29th January, 2007
- Review of the Law regulating legal practitioners in the Cayman Islands – 29th January, 2007
- Review of Corporate Insolvency Law in the Cayman Islands and Recommendations for the Amendment of Part V of the Companies Law (2004 Revision) – 20th July, 2007
- Review of the legal aid system in the Cayman Islands – 14th December, 2007
- Enduring Power of Attorney, Preliminary Paper (Draft) – 19th January, 2009
- Regulation of Charitable Non-profit Organisations in the Cayman Islands – 26th January, 2009
- Review of the Arbitration Laws of the Cayman Islands – 11th May, 2009
- Review of the Law of contempt of court in the Cayman Islands (Part 1) Contempt in the face of the court - September 2010
- Tort Reform - Caps on Non-Economic Damages and Reducing the Limitation Period – 22nd October, 2010
- Family Law Reform (Part 1) - Review of the Matrimonial Causes Law (2005 Revision) – 18th February, 2011
- Modernisation of the regulation of Strata titles in the Cayman Islands (Part 1) – Management of Strata Schemes – 4th April, 2011
- Introduction of the office of the Administrator-General in the Cayman Islands (Preliminary Paper) – 2nd June, 2011
- Introduction of the office of the Administrator-General in the Cayman Islands – 22nd

March, 2012

- Modernisation of the regulation of strata titles in the Cayman Islands (Part 2) -Review of the creation, management and termination of strata schemes - 3rd January, 2013
- Family Law Reform (Part 2) – Review of the Matrimonial Causes Law (2005 Revision), the Maintenance Law (1997 Revision) and the Family Property (Rights of Spouses) Bill, 2013 – 9th July, 2013
- Contempt of Court -10th January, 2014
- Contempt of Court: The Sub Judice Rule, 21st March, 2014
- Legislative Protection of Whistle Blowers - an Examination of the Legislation in the Cayman Islands and other Jurisdictions - 14th April, 2014
- The Way Forward for Regulation of Timeshares in the Cayman Islands – 15th September, 2014
- Consumer Protection: Entrenching Consumer Supremacy in the Cayman Islands, 27th November, 2015
- Litigation Funding Review – Discussion Paper – 29th December, 2015
- Contempt of Court – 15th January, 2016
- Contempt of Court – 15th July, 2016
- Trusts Law Reform – 5th April, 2017
- Regulation of Queen’s Evidence: Immunity from prosecution & reduced sentences – 25th September, 2017
- Enforcement of Mortgage-type Security over Real Estate: Is Reform of the Law Necessary – 23rd November, 2018
- Decriminalisation of Suicide – 16th August, 2019
- Usury: The Common Law and Statutory Position in the Cayman Islands (Discussion Paper) – 1st November, 2021
- Appeals Tribunals (Discussion Paper) – 13th December 2021
- The Penal Code: Is it Compatible with the Bill of Rights? (Discussion Paper) – 17th December, 2021

FINAL REPORTS

- Review of the Corporate Insolvency Law and recommendations for the amendment of Part V of the Companies Law - 12th April, 2006
- Review of the Law Regulating Legal Practitioners in the Cayman Islands – May 2007
- Review of Corporate Insolvency Law in the Cayman Islands and recommendations for the Amendment of Part V of the Companies Law (2004 Revision) – 15 July 2007
- Review of the Law Regulating the Relationship of Landlords and Tenants in the Cayman

Islands – July 2008

- Review of the Legal Aid System in the Cayman Islands – July 2008
- Is there a need for enduring Powers of Attorney in the Cayman Islands – 30th April, 2009
- Protection against Domestic Violence – 31st March, 2010
- Review of the Law regulating Charitable Organisations in the Cayman Islands – 31st March, 2010
- Tort Reform – 26th November, 2010
- Arbitration Law Review – Final Report 4th January 2012
- Introduction of the Office of the Administrator-General in the Cayman Islands – 8th August, 2012
- Enforcement of Foreign Judgments and Interim Orders Part I: Interim Orders in Aid of Foreign Proceedings – 8th March, 2013
- Enforcement of Foreign Judgments and Interim Orders Part II: Enforcement of Foreign Judgments – 8th March, 2013
- Sexual Harassment – 1st May, 2013
- Review of Legislative Protection for Whistleblowers in the Cayman Islands – 3rd December, 2014
- Legislative Protection of Whistle Blowers - an Examination of the Legislation in the Cayman Islands and other Jurisdictions – 5th December, 2014
- Stalking Legislation – 5th February, 2015
- The Way Forward For the Regulation of Timeshares in the Islands – 24th August 2015
- Review of the Matrimonial Causes Law (2005 Revision) and the Maintenance Law (1997 Revision); the Family Property (Rights of Spouses) Bill, 2016 – 24th August, 2015
- Modernisation of the Regulation of Strata Titles in the Cayman Islands – 9th November, 2016
- Directors Duties: Is Statutory Codification Needed – 30th March, 2017
- A Review of Litigation Funding in the Cayman Islands - Conditional and Contingency Fee Agreements – 26th January, 2018
- Regulation of Queen’s Evidence: Immunity from Prosecution and Reduced Sentences – 20th March, 2018
- Trusts Law Reform – Final Report, 1st May, 2018
- Contempt of Court – Final Report – 23rd January, 2019
- Litigation Funding – Final Report – 30th September, 2019
- Contempt of Court – Final Report – 31st March, 2020
- Decriminalisation of Suicide – Final Report – 31st March, 2020

- Anti-Bullying Final Report: Bullying: Legislation, Policy or Both? – 5th November, 2020
- The Enforcement of Mortgage-Type Security Over Real Estate: Is Reform of the Law Necessary? – Final Report – 28th July, 2021

BILLS

- Legal Aid Bill, 2005
- Companies (Amendment) Bill, 2006
- Draft Residential Tenancies Bill, 2006
- Companies (Amendment) Bill July, 2007
- Legal Practitioners Bill, 2007
- Residential Tenancies Bill, 2008
- Draft Charities Bill, 2009
- The Trusts (Amendment) Bill - 26 June, 2009 (Draft)
- Protection Against Domestic Violence Bill, 2009
- Arbitration Bill, 2012
- Strata Titles Registration (Amendment) Bill, 2011
- Administrator-General Bill, 2012
- Foreign Judgments Reciprocal Enforcement (Amendment) Bill, 2012
- Grand Court (Amendment) Bill, 2012
- Sexual Harassment Bill, 2012
- Family Property (Rights of Spouses) Bill, 2013
- Foreign Judgments Reciprocal Enforcement (Scheduled Countries and Territories) Order, 2013
- Foreign Judgments Reciprocal Enforcement (Amendment) Bill, 2013
- Grand Court Amendment Bill, 2013
- Maintenance Bill, 2013
- Sexual Harassment Bill, 2013
- Charities Bill, 2014
- Penal Code (Amendment) Bill 2014 – Consultation Draft
- Protected Disclosures Bill, 2014
- Strata Titles Bill, 2014
- Timeshare Bill, Draft 2014

- Stalking (Civil Jurisdiction) Bill, 2014
- Funding of Litigation Bill, 2015
- Legal Aid Bill, 2015
- Whistleblower Protection Bill, 2015
- Penal Code (Amendment) Bill, 2016
- Contempt of Court Bill, 2016
- Matrimonial Causes Bill, 2016
- Timeshare Bill, 2016
- The Tourism (Timeshare) (Amendment) Bill, 2016
- Plea Bargains Bill – Discussion Draft - August 2017
- Draft Consumer Protection and Guarantees Bill, 2017
- Draft Trusts (Amendment) Bill, 2017
- Contempt of Court Bill, 2018
- Criminal Justice (Offenders Assisting Investigations and Prosecutions) Bill, 2018
- Trusts (Amendment) Bill, 2018
- The Private Funding of Legal Services Bill, 2018
- Contempt of Court Bill, 2019
- Penal Code (Amendment) Bill, 2019
- Anti-Bullying (Schools) Bill, 2019
- Private Funding of Legal Services Bill, 2019
- Private Funding of Litigation Bill, 2019
- Registered Land (Amendment) Bill, 2019
- Penal Code (Amendment) Bill, 2019
- Health Care Decisions (Amendment) Bill, 2019
- Penal Code (Amendment) Bill, 2020
- Contempt of Court Bill, 2020
- Education (Amendment) Bill, 2020
- Health Care Decision (Amendment) Bill, 2020
- Private Funding of Legal Services Bill, 2020
- Registered Land (Amendment) Bill, 2021
- Usury (Common Law Abrogation) Bill, 2021

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- Legal Aid Regulations, March, 2006
- Accountant's Reports Regulations, May 2007
- Legal Aid Regulations, 2015
- Private Funding of Legal Services Regulations, 2018
- Private Funding of Legal Services Regulations, 2019
- Private Funding of Litigation Regulations, 2019
- Anti-Bullying (Schools) Regulations, 2020
- Private Funding of Legal Services Regulations, 2020

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- Annual Report no. 1 – 16th September, 2005/31st March, 2006
- Annual Report no. 2 – 1st April, 2006/31st March, 2007
- Annual Report no. 3 – 1st April, 2007/31st March, 2008
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- Annual Report no. 14 – 1st April, 2018/31st March, 2019
- Annual Report no. 15 – 1st April 2019/31st March, 2020
- Annual Report no. 16 – 1st April 2020/31st March, 2021



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