

The Constitutional guidelines for the Commission are found in Section 58A and 58B of the Cayman Islands Constitution Order 2020 (“the Order”) which reads as follows:

“Police Service Commission

58A.— (1) There shall be in and for the Cayman Islands a Police Service Commission, which shall consist of—

(a) the Governor as Chair;

(b) three members, experienced in matters of the police, law enforcement, the criminal law or other matters related to national security, two of whom shall be appointed in writing by the Governor acting in accordance with the advice of the Premier and the other in accordance with the advice of the Leader of the Opposition; and

(c) two members with qualifications described in paragraph (b), appointed in writing by the Governor acting after consultation with the Premier and the Leader of the Opposition.

(2) No person shall be qualified to be appointed as a member of the Police Service Commission if he or she is a member of, or a candidate for election to, the Parliament.

(3) The office of a member of the Police Service Commission (other than the Governor) shall become vacant—

(a) at the expiration of five years from the date of his or her appointment or such earlier time as may be specified in the instrument by which he or she was appointed;

(b) if he or she resigns office by writing under his or her hand addressed to and received by the Governor;

(c) if he or she becomes a member of, or a candidate for election to, the Parliament; or

(d) if the Governor, acting in his or her discretion, directs that he or she shall be removed from office for inability to discharge the functions of that office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(4) If the office of a member of the Police Service Commission (other than the Governor) is vacant or a member is for any reason unable to perform the functions of his or her office, the Governor, acting in the manner prescribed by subsection (1) for the appointment of that member, may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission, and any person so appointed shall, subject to subsection (3), continue so to act until he or she is notified by the Governor, acting in his or her discretion, that the circumstances giving rise to the appointment have ceased to exist.

(5) No business shall be transacted at any meeting of the Police Service Commission if there are less than four members of the Commission (in addition to the Governor) present.

(6) Any question proposed for decision at any meeting of the Police Service Commission shall be determined by a majority of the votes of the members present and voting; and if on any question the votes are equally divided the Chair shall have and exercise a casting vote.

(7) The Police Service Commission shall be served by a secretariat, the members of which shall be public officers.

(8) Subject to this Constitution, in the exercise of its functions the Police Service Commission shall not be subject to the direction or control of any other person or authority.

Power to appoint, etc, to offices in the Police Force

58B.—(1) Power to make appointments to offices in the Police Force and to remove and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor, acting in accordance with the advice of the Police Service Commission; but the Governor, acting in his or her discretion, may act otherwise than in accordance with that advice if he or she determines that compliance with that advice would prejudice Her Majesty's service.

(2) Where the Police Service Commission advises that any person should be appointed to an office in the Police Force of a rank superior to Chief Inspector, that advice shall require the approval of the National Security Council before being submitted to the Governor; but the Governor, acting in his or her discretion, may act without the approval of the National Security Council if he or she determines that to do otherwise would prejudice Her Majesty's service.

(3) Before exercising the powers vested in the Governor by subsection (1), the Governor may, acting in his or her discretion, refer the advice of the Police Service Commission back to the Commission for reconsideration by it.

(4) The Governor may make the referral described in subsection (3) only once.

(5) If the Police Service Commission, having reconsidered its original advice under subsection (3), substitutes for it different advice, subsection (3) shall apply to that different advice as it applies to the original advice.

(6) The Governor, acting after consultation with the Police Service Commission, may, by regulations published in a Government Notice, delegate to any member of the Commission or any public officer or class of public officer, to such extent and subject to such conditions as may be prescribed in the regulations, any of the powers vested in the Governor to make appointments to offices in the Police Force and to remove or

exercise disciplinary control over persons holding or acting in such offices; and except in so far as regulations made under this subsection otherwise provide, any power delegated by such regulations may be exercised by any person to whom it is delegated without reference to the Police Service Commission.

(7) No member of the Police Service Commission shall participate in any proceedings of the Commission which affect him or her personally.”