

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE INFORMATION AND  
COMMUNICATIONS TECHNOLOGY AUTHORITY LAW (2011  
REVISION) TO INCREASE THE FINE UNDER SECTION 58; TO  
AMEND VARIOUS REFERENCES TO “THE GOVERNOR IN  
CABINET” TO “CABINET” IN ACCORDANCE WITH  
CONSTITUTIONAL REQUIREMENTS; AND FOR INCIDENTAL AND  
CONNECTED PURPOSES**

**THE INFORMATION AND COMMUNICATIONS TECHNOLOGY  
AUTHORITY (AMENDMENT) BILL, 2016**

**MEMORANDUM OF OBJECTS AND REASONS**

This Bill amends the Information and Communications Technology Authority Law (2011 Revision).

Clause 1 seeks to provide for the short title.

Clause 2 amends several provisions in the legislation to delete references to “Governor in Cabinet” and to substitute in each case the word “Cabinet”.

Clause 3 amends section 2 of the legislation to delete the definition of “Governor in Cabinet”.

Clause 4 amends section 5 of the legislation to delete references to “Governor in Cabinet” and “Governor” and to substitute in each case the word “Cabinet”.

Clause 5 amends section 16 to delete references to “Governor in Cabinet” and substitute in each case the word “Cabinet”.

Clause 6 amends section 58 of the Law to increase the amount of the fine applicable where, among other things, a licensee has failed to comply with or has contravened the terms of a licence or directive. The clause also provides that where a licensee’s failure or contravention continues after a determination has been made, the Authority may impose a fine of up to twenty-five thousand dollars in respect of each day on which a licensee fails to comply or the contravention continues.

Clause 7 amends paragraph 14 in Schedule 1. In the first instance, the amendment deletes the reference to “Governor in Cabinet” and substitutes a reference to the “Cabinet”. In the second instance, it amends the reference to “Governor” to “Cabinet”.

Clause 8 amends paragraph 22 of Schedule 2 to delete the reference to “Governor in Cabinet” substituting in its place the word “Governor”.

**THE INFORMATION AND COMMUNICATIONS TECHNOLOGY  
AUTHORITY (AMENDMENT) BILL, 2016**

**ARRANGEMENT OF CLAUSES**

1. Short title
2. Amendment of sections of the Information and Communications Technology Authority Law (2011 Revision) - substitution of “Cabinet for “Governor in Cabinet”)
3. Amendment of section 2 - definitions
4. Amendment of section 5 - appointment of directors
5. Amendment of section 16 - advances, grants and guarantees
6. Amendment of section 58 - administrative fines
7. Amendment of Schedule 1 - procedure of the Board
8. Amendment of Schedule 2 - a Code to govern, etc.

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**A BILL FOR A LAW TO AMEND THE INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY LAW (2011 REVISION) TO INCREASE THE FINE UNDER SECTION 58; TO AMEND VARIOUS REFERENCES TO “THE GOVERNOR IN CABINET” TO “CABINET” IN ACCORDANCE WITH CONSTITUTIONAL REQUIREMENTS; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the Information and Communications Technology Authority (Amendment) Law, 2016.

Amendment of sections of the Information and Communications Technology Authority Law (2011 Revision) - substitution of “Cabinet” for “Governor in Cabinet”

2. The Information and Communications Technology Authority Law (2011 Revision), in this Law referred to as the “principal Law”, is amended by deleting the words “Governor in Cabinet” wherever they appear in -

(a) sections 1, 6, 7, 15, 17, 18, 21, 22, 23, 24, 31, 51, 53, 59, 60, 61, 64, 66, 69, 71, 97, and 101; and

(b) paragraphs 1, and 7 of Schedule 1,

and substituting in each instance the word “Cabinet”.

Amendment of section 2 - definitions

3. The principal Law is amended in section 2 by deleting the definition of the words “Governor in Cabinet”.

4. The principal Law is amended in section 5 by deleting the words “Governor in Cabinet” and “Governor” wherever they appear and substituting in each instance the word “Cabinet”. Amendment of section 5  
- appointment of  
directors
5. The principal Law is amended in section 16 as follows - Amendment of section  
16 - advances, grants  
and guarantees
- (a) in subsection (1), by deleting the words “Governor in Cabinet” and substituting the words “Cabinet”;
  - (b) in subsection (2) by deleting the words “Governor in Cabinet may guarantee, in such manner and on such conditions as he thinks fit” and substituting the words “Cabinet may guarantee, in such manner and on such conditions as it thinks fit”; and
  - (c) in subsection (3) by deleting the words “Governor in Cabinet is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under subsection (2), he shall” and substituting the words “Cabinet is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under subsection (2), it shall”.
6. The principal Law is amended in section 58(9) by deleting the words “by the Authority, and may issue a warning or impose a fine not exceeding twenty-five thousand dollars in respect of each such failure to comply or contravention.” and substituting the following words - Amendment of section  
58 - administrative fines
- “by the Authority, and may -
- (a) issue a warning or impose a fine not exceeding five hundred thousand dollars in respect of each such failure to comply or contravention; and
  - (b) where the licensee’s failure to comply or contravention continues after a determination has been made under this subsection, impose a fine in respect of each day on which the licensee failed to comply or the contravention continued, such fine being an amount not exceeding twenty-five thousand dollars for each day.”.
7. The principal Law is amended in Schedule 1 as follows - Amendment of Schedule  
1 - procedure of the  
Board
- (a) in paragraph 14(1), by deleting the words “The Governor in Cabinet may, subject to such conditions as he may think fit,” and substituting the words “The Cabinet may, subject to such conditions as it may think fit,”; and
  - (b) in paragraph 14(2), by deleting the words “the Governor” and substituting the words “the Cabinet”.

*The Information and Communications Technology Authority (Amendment) Bill, 2016*

Amendment of Schedule  
2 - a Code to govern,  
etc.

8. The principal Law is amended in paragraph 22(3) of Schedule 2 by deleting the words “Governor in Cabinet” and substituting the word “Governor”.

Passed by the Legislative Assembly the        day of        , 2016.

Speaker.

Clerk of the Legislative Assembly.