

**Address by Hon. Samuel Bulgin QC,
Attorney General – Grand Court Opening
January 13, 2021**

My Lord Chief Justice, other Honourable Judges of the Grand Court, Honourable Chief Magistrate, and other Honourable Magistrates, President of the Justices of the Peace Association, Madam Solicitor General, Director of Public Prosecutions, President of Cayman Islands Legal Practitioners Association, President of ALPA, Special Guests, distinguished colleagues at the Public and Private bars, Ladies and Gentlemen.

At your invitation, My Lord Chief Justice, I rise to move the motion for the opening of the Grand Court for the Year 2021 and in doing so I crave your indulgence to make some brief remarks on what can only be described as an extraordinary 2020, as well as the year ahead.

Before doing so My Lord, please permit me to join you in also recognizing His Excellency the Governor, Honourable Premier, the Honourable

Deputy Governor and other Cabinet Colleagues, all of whom are here to, *inter alia*, underscore their continuing commitment to the administration of Justice.

My Lord, as is customary, on this occasion we pay tribute to those who are no longer with us. We sadly note the passing of Norman Hill Q.C. in August last year. Many of those gathered here this morning will remember Mr. Hill who practiced in these Islands as one of our leading counsel for several years. Our thoughts and prayers are with his family and loved ones.

My Lord, we are preparing to bid farewell to Justice McMillan who will soon be leaving us for a well-deserved retirement after a lengthy career which includes many years of legal practice in this jurisdiction and approximately 5 years on the Bench. Other members of the Judiciary also set to retire are Dame Linda Dobbs, Acting Judge of the Grand Court, and Chief Magistrate Ms. Nova Hall who has served the Judiciary since 1994, and as Chief Magistrate for the past 8 years. I am happy to note that she

will be ably succeeded by Mr. Valdis Foldats. My congratulations to Mr. Foldats on this appointment.

More fulsome tributes to our departing members of the Bench will no doubt be given at a later stage but for the moment, I would like to convey my appreciation for their dedicated service over the years, and to wish them the very best for the future.

My Lords, 2020 was a year in which every institution in these Islands was stress-tested by one issue or another. But as ever, we were the epitome of resilience. And my Lord, the Courts were no exception. It is quite clear that the pandemic did not slow down the work of the courts. Indeed, the demands were such that 3 Acting Magistrates were appointed to provide additional support to the Summary Court. Permit me My Lord to congratulate Ms. Vanessa Allard, Mr. Robert Jones and Mr. David McGrath on their appointments which have helped us to navigate the challenges thrown our way.

The Judiciary demonstrated great flexibility in adapting to the constraints of lockdown and social distancing by facilitating, among other things, the

electronic filing of documents and Zoom hearings. At all times, the courts remained functional, even with hearings where the Judge, parties and counsel in multiple locations. I must therefore commend all members of the Judiciary, ably supported by the staff of Judicial Administration for their stellar efforts in unprecedented circumstances.

My Lord, in relation to the international standards for anti-money laundering and the combatting of terrorism financing, 2020 proved to be as challenging – if not more - as I had predicted at previous Grand Court openings. Notwithstanding the pandemic, the jurisdiction worked tirelessly to implement the CFATF’s Recommended Actions and submit the Islands’ Post-Observation Period Report to the FATF. And just last week, My Lord, the Cayman delegation met virtually with the FATF Joint Group which will now determine whether sufficient progress has been made by the jurisdiction to meet the standards. The final outcome is expected to be announced in February.

Another notable accomplishment, my Lord, was the removal of the jurisdiction from the EU’s list of non-cooperative jurisdictions for tax

purposes in October 2020. The financial services industry welcomed this as the EU's recognition of the Islands' reform to its statutory framework on collective investment funds.

My sincere gratitude to all those involved from the public and private sectors in the seemingly never-ending work involved in demonstrating that the Cayman Islands continue to adhere to international standards, however fluid they may be. I thank them for their dedication and professionalism.

Notwithstanding the significant head winds encountered in 2020 my Lord, it was not all doom and gloom. We did manage to soar in a number of areas. And so, in 2020 my Lord, we witnessed a number of very impactful legislative initiatives starting with the Constitution (Amendment) Order 2020 which gave rise to the historic transition of the Legislative Assembly to the House of Parliament on December 4, 2020. The Order also provided for the establishment of a Police Service Commission which will serve as an independent advisory body for matters relating to offices within the Police Force.

My Lord, another legislative milestone, which I am especially pleased to report, was the passage of the Legal Services Act in December, after consistent but failed attempts – with which my Lord Chief Justice is all too familiar - at reform over some two decades. Once in force, this law will provide a comprehensive and contemporary framework for the regulation of the legal profession in matters including discipline. Thanks to you My Lord Chief Justice and the Judiciary for the unwavering support of this initiative. Thanks also to colleagues at the Private Bar for their tremendous assistance with this initiative. The profession is very grateful to Government for this achievement.

Other notable pieces of legislation introduced in 2020 included the Citation of Acts of Parliament Act, 2020, pursuant to which all primary legislation – existing and future – shall now be referred to as “Acts” instead of “Laws”; the Legislative Assembly (Management) Act which confers on the Parliament, and not the Executive, autonomy over its administration, staffing and resources; the Defence Act which provides for the governance and management of the new Cayman Islands

Regiment; the Presumption of Death (Anna Evans) Act which it is sincerely hoped, will only be used on the rarest of occasions; and the Civil Partnership Act.

Also of significance are the amendment to the Penal Code and the Health Care Decisions Act, which have the conjoint effect of decriminalizing the offence of suicide, and instead treating such matters as public health issues. However, the act of assisting someone in the commission of suicide will remain a criminal offence.

My Lord, considerable strides were made to facilitate greater access to justice with the introduction of legislation such as the amendment to the Judicature Act which introduced a comprehensive framework for protective costs orders in public interest litigation; and the passage of the Private Funding of Legal Services Act which will provide various types of arrangements for legal representation due to special fee structures as well as litigation funding agreements.

In similar vein, permit me my Lord to also mention the Notaries Public (Virtual Conduct of Notarial Acts) Regulations, 2020 to allow for the use

of audiovisual communications technology for notarial acts; and the amendment to the Births and Deaths Registration Act which provides for the electronic registration of births.

Pausing here, My Lord, I would like to convey my appreciation to the staff of my Legislative Drafting Department for their dedicated work over the past year, particularly in relation to the various iterations of COVID-19 regulations as restrictions were gradually eased.

The full legislative agenda for 2021 – an election year - of course, remains to be determined, but I anticipate that it will be no less demanding.

In 2020, My Lord, the website **legislation.gov.ky** was launched by the Attorney General's Chambers, thanks to the hard work of Law Revision Commissioner Dr. Camille Stoll-Davey. I had alluded to this legislation database for some time and it is now fully operational. For the first time, all laws and secondary legislation in force in the Islands since 1964 are available to the public at no cost, and should also be accessible at public libraries. The website also provides links to relevant case law and easy

reference to the legislative history of any given instrument. My thanks to Dr. Stoll-Davey for her work on this excellent project.

Permit me My Lord, to recognize and thank all of the staff of the Portfolio of Legal Affairs – ably led by our learned Solicitor General Ms. Reshma Sharma - for their hard work and dedication in the past year through trying times. As always, I am very grateful for their support.

I would like to extend commendation and thanks to the Director and staff of the Office of the DPP for all of their hard work, including their support with the ongoing CFATF initiatives. The DPP in his address will be covering some of the matters pertaining to his office during 2020.

Permit me My Lord, to also recognize the Commissioner of Police and his Officers of the RCIPS for all of their dedicated work in law enforcement.

I would also highlight the formal establishment of the Cayman Islands Bureau of Financial Investigations in 2020, building on the work done by an interim task force set up in April 2019. The Bureau offers enhanced law enforcement in the investigation of complex, cross-border, financial crimes, some of which are currently ongoing.

I would also like to commend the Customs and Border Control (CBC) for their continued vigilance at our ports of entry.

And my Lord, if you would permit me a slight bit of tangential indulgence to say a big thank you to all of our public health professionals for their exemplary service last year and as we speak.

In closing, My Lord, I wish a safe, prosperous and productive New Year to you, all the Judges and Magistrates, the Court staff, fellow members of the legal profession and those in attendance this morning.

I now formally move for the Opening of the Grand Court for the year 2021.

May it so please you My Lords.

SAMUEL BULGIN Q.C.
ATTORNEY GENERAL