

CAYMAN ISLANDS



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THE SUCCESSION (AMENDMENT) LAW, 2006

(LAW 2 OF 2006)

THE SUCCESSION (AMENDMENT) LAW, 2006

ARRANGEMENT OF SECTIONS

1. Short title.
2. Amendment of section 29 of the Succession Law (2004 Revision) – succession to real and personal estate on intestacy.
3. Insertion of section 35A in the Succession Law (2004 Revision) – presumption of survivorship.
4. Savings and transitional provisions.

CAYMAN ISLANDS

Law 2 of 2006.

I Assent

Stuart Jack

Governor.

22 March, 2006

**A LAW TO AMEND THE SUCCESSION LAW (2004 REVISION) TO
MAKE PROVISION FOR A PRESUMPTION OF SURVIVORSHIP IN
CASES WHERE TWO OR MORE PERSONS HAVE DIED IN
CIRCUMSTANCES RENDERING IT UNCERTAIN WHICH OF THEM
SURVIVED THE OTHER OR OTHERS; AND FOR INCIDENTAL AND
CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands

1. This Law may be cited as the Succession (Amendment) Law, 2006. Short title
2. The Succession Law (2004 Revision) is amended in section 29 by inserting after subsection (2) the following subsection - Amendment of section 29 of the Succession Law (2004 Revision) – succession to real and personal estate on intestacy

“ (3) Where the intestate and the intestate’s husband or wife have died in circumstances rendering it uncertain which of them survived the other and the intestate’s husband or wife is by virtue of section 35A deemed to have survived the intestate, this section shall, nevertheless, have effect as respects the intestate as if the husband or wife had not survived the intestate.”.

Insertion of section 35A
in the Succession Law
(2004 Revision) –
presumption of
survivorship

3. The Succession Law (2004 Revision) is amended by inserting after section 35 the following section -

“Presumption of
survivorship

35A. (1) In all cases where, after the commencement of this section, two or more persons have died in circumstances rendering it uncertain which of them survived the other or others, such deaths shall for all purposes affecting the title of property, be presumed to have occurred in order of seniority, and accordingly the younger shall be deemed to have survived the elder.

(2) In subsection (1), “property” includes any chose in action, and any interest in real or personal property.”.

Savings and transitional
provisions

4. (1) Every matter affecting the title of property that was commenced under the former Law and partly dealt with by a court when the new Law comes into force, is to be continued and dealt with in all respects as if the new Law had not come into force.

(2) Every matter affecting the title of property that was commenced under the former Law and not wholly or partly dealt with by a court when the new Law comes into force, is to be taken to be a matter commenced under the new Law and the provisions of the new Law are to apply accordingly.

(3) In this section -

“court” means any court of the Islands of competent jurisdiction;

“former Law” means the principal Law in force immediately before the date of commencement of this Law; and

“new Law” means the principal Law as amended by this Law.

Passed by the Legislative Assembly the 2nd day of March, 2006.

EDNA MOYLE

Speaker.

WENDY LAUER EBANKS

Clerk of the Legislative Assembly.