

CAYMAN ISLANDS



WILLS (AMENDMENT) BILL, 2020

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A BILL FOR A LAW TO AMEND THE WILLS LAW (2020 REVISION) AS A CONSEQUENCE OF THE ENACTMENT OF THE DOMESTIC PARTNERSHIP LAW, 2020; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Governor's Office



**Memorandum of
OBJECTS AND REASONS**

This Bill seeks to amend the Wills Law (2020 Revision) (“the principal Law”) as a consequence of the enactment of the Domestic Partnership Law, 2020.

Clause 1 provides the short title and commencement of the legislation.

Clause 2 amends section 2 of the principal Law by inserting definitions of the words “domestic partner”, “domestic partnership” and “next of kin”.

Clause 3 amends section 10 of the principal Law to extend the application of the section to domestic partners. The amendment provides that where the attesting witness to the execution of a will is a domestic partner, a gift to the domestic partner under such will is void in the same way that a gift to a husband or wife is void in the same circumstances.

Clause 4 amends section 11 of the principal Law to extend the application of the section to domestic partners. The amendment provides that where —

- (a) by a will, any real or personal estate is charged with any debt; and
- (b) any creditor, or the domestic partner of any creditor, whose debt is so charged, attests the execution of such will,

such creditor, notwithstanding such charge, shall be admitted as a witness to prove the execution of the will, or to prove the validity or invalidity of the will.

Clause 5 amends section 13 of the principal Law to extend the application of the section to domestic partnership. The amendment provides that wills made by a person shall be revoked by that person’s marriage or domestic partnership.

CAYMAN ISLANDS



WILLS (AMENDMENT) BILL, 2020

Arrangement of Clauses

Clause	Page
1. Short title and commencement	7
2. Amendment of section 2 of the Wills Law (2020 Revision) – definitions	7
3. Amendment of section 10 – gift to attesting witness to be void.....	8
4. Amendment of section 11 – creditor attesting will may be a witness to prove its execution	8
5. Amendment of section 13 – will revoked by marriage	8

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ENACTED by the Governor in accordance with section 81 of the Constitution, after consultation with the Premier and with the prior approval of a Secretary of State.

Short title and commencement

1. (1) This Law may be cited as the Wills (Amendment) Law, 2020.
- (2) This Law comes into force immediately after the commencement of the *Domestic Partnership Law, 2020*.

Amendment of section 2 of the Wills Law (2020 Revision) – definitions

2. The *Wills Law (2020 Revision)*, in this Law referred to as the “principal Law”, is amended in section 2 by inserting, in the appropriate alphabetical sequence, the following definitions —

“**domestic partner**” has the meaning assigned by section 2 of the *Domestic Partnership Law, 2020*;

“**domestic partnership**” has the meaning assigned by section 2 of the *Domestic Partnership Law, 2020*; and

“**next of kin**”, in relation to a person, includes the person’s domestic partner;”.



Amendment of section 10 – gift to attesting witness to be void

3. The principal Law is amended in section 10 by deleting the words “wife or husband” wherever they appear and substituting the words “wife, husband or domestic partner”.

Amendment of section 11 – creditor attesting will may be a witness to prove its execution

4. The principal Law is amended in section 11 by deleting the words “the wife or husband” and substituting the words “the wife, husband or domestic partner”.

Amendment of section 13 – will revoked by marriage

5. The principal Law is amended in section 13 as follows —
- (a) in the section heading by inserting after the word “marriage” the words “or domestic partnership”; and
 - (b) by inserting after the words “that person’s marriage” the words “or domestic partnership”.

Assented to by the Governor the day of , 2020.

