

**CAYMAN ISLANDS**



# **NATIONAL PENSIONS (AMENDMENT) (NO. 2) BILL, 2020**

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**A BILL FOR A LAW TO AMEND THE NATIONAL PENSIONS LAW (2012 REVISION)  
AS A CONSEQUENCE OF THE ENACTMENT OF THE DOMESTIC PARTNERSHIP  
LAW, 2020; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

## PUBLISHING DETAILS

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**Sponsoring Ministry/Portfolio:** Governor's Office



## Memorandum of OBJECTS AND REASONS

This Bill seeks to amend the National Pensions Law (2012 Revision) (the “principal Law”) as a consequence of the enactment of the Domestic Partnership Law, 2020 and to provide for incidental and connected purposes.

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

Clause 2 amends section 3 of the principal Law to introduce new definitions and expand existing definitions of certain terms used in the Law.

Clause 3 amends section 23 of the principal Law to add a member or former member’s domestic partner or former domestic partner to the list of persons who may inspect the administrator’s documents in relation to a pension plan and pension fund.

Clause 4 amends section 36 of the principal Law to enable a domestic partner of a former member to receive joint and survivor pension benefits.

Clause 5 amends section 38 of the principal Law to clarify that the surviving domestic partner of a former member of a pension plan who is receiving a pension under such pension plan remains entitled to such pension notwithstanding the entering into a subsequent domestic partnership or marriage by such surviving domestic partner.

Clause 6 amends section 39 of the principal Law to enable a domestic partner of a member or former member to receive pre-retirement death benefits upon the death of the member or former member.

Clause 7 amends section 42 of the principal Law to enable the administrator to distribute small benefits to the domestic partner of a member where the member is deceased.

Clause 8 amends section 43 of the principal Law to provide for the arrangements for payment on the dissolution of a domestic partnership.

Clause 9 amends section 55(2) of the principal Law to clarify that a transfer required by a court order relating to the transfer of assets on the dissolution of a domestic partnership is not a void transaction under that section.

Clause 10 amends section 56(4) of the principal Law to clarify that the exemption of a pension plan from execution, seizure or attachment does not apply where such process is imposed in satisfaction of a court order made upon the dissolution of a domestic partnership or other payments respecting a dissolution of a domestic partnership.



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# **NATIONAL PENSIONS (AMENDMENT) (NO. 2) BILL, 2020**

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**CAYMAN ISLANDS****NATIONAL PENSIONS (AMENDMENT) (NO. 2)  
BILL, 2020**

**A BILL FOR A LAW TO AMEND THE NATIONAL PENSIONS LAW (2012 REVISION) AS A CONSEQUENCE OF THE ENACTMENT OF THE DOMESTIC PARTNERSHIP LAW, 2020; AND TO PROVIDE FOR INCIDENTAL AND CONNECTED PURPOSES**

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 National Pensions (Amendment) (No. 2) Law, 2020.
- (2) This Law comes into force immediately after the commencement of the *Domestic Partnership Law, 2020*.

**Amendment of section 3 of the National Pensions Law (2012 Revision) - definitions**

2. The *National Pensions Law (2012 Revision)*, in this Law referred to as the “principal Law”, is amended in section 3 as follows —
  - (a) by inserting in the appropriate alphabetical sequence the following definitions —

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

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

“ **period pertaining to domestic partnership**” means a period beginning with the entering into a domestic partnership and ending on either the death of one of the domestic partners or on the date set out in —

- (a) a decree of dissolution or nullity of the domestic partnership;
  - (b) a decree of presumption of death of a domestic partner; or
  - (c) a decree of judicial separation;”; and
- (b) in the definition of the words “ **joint and survivor pension**” by deleting the words “and his spouse” and substituting the words “and the person’s spouse or domestic partner”.

### **Amendment of section 23 - inspection of administrator’s documents**

3. The principal Law is amended in section 23(1) as follows —

- (a) by inserting after paragraph (c) the following paragraph —
  - “(ca) the member’s or former member’s domestic partner or former domestic partner where the domestic partnership is dissolved or annulled;”; and
- (b) in paragraph (f), by deleting the words “paragraph (a), (b), (c), (d) or (e)” and substituting the words “paragraph (a), (b), (c), (ca), (d) or (e)”.

### **Amendment of section 36 - joint and survivor pension benefits**

4. The principal Law is amended in section 36 as follows —

- (a) in subsection (1) as follows —
  - (i) by inserting after the words “who has a spouse” the words “or a domestic partner”; and
  - (ii) by inserting after the words “payable to the spouse” the words “or the domestic partner”;
- (b) in subsection 4(c), by inserting after the word “spouse” the words “or a domestic partner”;
- (c) in subsection (5) as follows —
  - (i) by inserting after the words “a surviving spouse” the words “or domestic partner”;
  - (ii) by inserting after the words “the spouse” the words “or domestic partner”; and





- (iii) by inserting after the words “of the spouse’s” the words “or the domestic partner’s”; and
- (d) in subsection (6), by inserting after the words “payable to the surviving spouse” the words “or domestic partner”.

### **Amendment of section 38 - remarriage of spouse**

5. The principal Law is amended in section 38 as follows —

- (a) in the section heading, by inserting after the word “spouse” the words “or entering into a subsequent domestic partnership or marriage by a domestic partner”; and
- (b) in subsection (1) as follows —
  - (i) by inserting after the words “The surviving spouse” the words “or domestic partner”; and
  - (ii) by inserting after the words, “the subsequent remarriage of such surviving spouse”, the words “, or the entering into a subsequent domestic partnership or marriage by such surviving domestic partner”.

### **Amendment of section 39 - pre-retirement death benefit**

6. The principal Law is amended in section 39 as follows —

- (a) in subsection (1), by inserting after the words “the spouse” the words “or domestic partner”;
- (b) in subsection (2) as follows —
  - (i) by inserting after the words “The surviving spouse” the words “or domestic partner”;
  - (ii) in paragraph (a) as follows —
    - (A) by inserting after the words “the spouse” wherever they appear the words “or domestic partner”; and
    - (B) in subparagraph (ii), by inserting after the words “the spouse’s” the words “or the domestic partner’s”;
- (c) in subsection (3), by inserting after the words “the spouse” the words “or domestic partner”;
- (d) in subsection (5)(b), by inserting after the word “spouse” the words “or domestic partner” and
- (e) in subsection 6(b), by inserting after the word “spouse” the words “or domestic partner”.

**Amendment of section 42 - cash out of small benefits**

7. The principal Law is amended in section 42 by deleting the words “to his spouse,” and substituting the words “to the member’s spouse or domestic partner,”.

**Amendment of section 43 - payment on breakdown of marriage**

8. The principal Law is amended in section 43 as follows —
- (a) in the section heading, by inserting after the word “marriage” the words “or domestic partnership”;
  - (b) in subsection (1) as follows —
    - (i) by deleting the word “divorce” wherever it appears and substituting the words “dissolution of a domestic partnership, divorce”; and
    - (ii) by inserting after the word “spouse” the words “or domestic partner”;
  - (c) in subsection (2) as follows —
    - (i) by inserting after the words “to a spouse” the words “or domestic partner”;
    - (ii) by inserting after the words “conjugal period” wherever they appear the words “or period pertaining to domestic partnership”; and
    - (iii) by deleting the words “and his spouse” and substituting the words “and the member’s or former member’s spouse or domestic partner”; and
  - (d) in subsection (5) as follows —
    - (i) by inserting after the words “A spouse” the words “or a domestic partner”; and
    - (ii) by inserting after the words “the spouse’s” the words “or domestic partner’s”.

**Amendment of section 55 - void transactions**

9. The principal Law is amended in section 55(2) by deleting the word “divorce” and substituting the words “dissolution of a domestic partnership, divorce”.



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**Amendment of section 56 - exemption from execution, seizure or attachment**

- 10.** The principal Law is amended in section 56(4) by deleting the word “divorce” wherever it appears and substituting the words “dissolution of a domestic partnership, divorce”.

**Assented to by the Governor the    day of                    , 2020.**