

**CAYMAN ISLANDS**



**PENAL CODE (AMENDMENT) BILL, 2020**

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**A BILL FOR A LAW TO AMEND THE PENAL CODE (2019 REVISION) TO EXTEND THE OFFENCE OF BIGAMY TO INCLUDE DOMESTIC PARTNERSHIPS; 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 amends the Penal Code (2019 Revision) (“the Law”) to extend the offence of bigamy to include domestic partnerships.

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

Clause 2 amends the definitions section of the Law to provide definitions for “domestic partner” and “domestic partnership”.

Clause 3 amends section 150 of the Law to extend the offence of bigamy to domestic partnerships.



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

**Amendment of section 3 of the Penal Code (2019 Revision) - definitions**

- The *Penal Code (2019 Revision)* is amended in section 3 by inserting in the appropriate alphabetical sequence the following definitions —

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

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

**Repeal and substitution of section 150 of the Penal Code (2019 Revision) - bigamy**

3. The *Penal Code (2019 Revision)* is amended by repealing section 150 and substituting the following section —

**“Bigamy**

- 150.**(1) Subject to subsection (2), a person who, having a husband, wife or domestic partner living, goes through a ceremony of marriage or domestic partnership whether within the Islands or elsewhere, which is void by reason of its taking place during the life of such husband, wife or domestic partner commits an offence and is liable to imprisonment for five years.
- (2) This section does not extend to any person —
- (a) whose marriage or domestic partnership has been declared void by a court of competent jurisdiction; or
  - (b) who contracts a marriage or domestic partnership during the life of a former husband, wife or domestic partner if such husband, wife or domestic partner, at the time of the subsequent marriage or domestic partnership —
    - (i) has been continually absent from such person for the period of time as is specified in the *Presumption of Death (Anna Evans) Law, 2020*; and
    - (ii) has not been heard of by such person as being alive within that time.”.

Assented to by the Governor the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

