

**CAYMAN ISLANDS**



# **PROTECTION FROM DOMESTIC VIOLENCE (AMENDMENT) BILL, 2020**

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**A BILL FOR A LAW TO AMEND THE PROTECTION FROM DOMESTIC VIOLENCE  
LAW, 2010 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 Protection from Domestic Violence Law, 2010 (“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 deleting the definition of the word “child” and substituting a definition which provides for a child of a domestic partner. The clause also amends the definition of the words “prescribed person” to include a reference to a domestic partner. Further the clause amends section 2 of the principal Law by inserting definitions of the words “domestic partner” and “domestic partnership”.

Clause 3 amends section 4(3) of the principal Law to extend the application of the provision to domestic partners. The amendment provides that an application for a protection order, an occupation order or a tenancy order may be made with the leave of the court on behalf of a domestic partner, in the same way that such an application may be made with the leave of the court on behalf of a spouse.

Clause 4 amends section 7(g) of the principal Law to extend the application of the provision to domestic partnerships. The amendment provides that in determining whether or not to impose one or more of the prohibitions or directions specified under section 6 of the principal Law, a court shall have regard to, among other things, the need to preserve and protect the domestic partnership, in the same way that the court shall have regard to the need to preserve and protect the institution of marriage and other relationships while affording protection and assistance to the family as a unit.



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## Arrangement of Clauses

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**A BILL FOR A LAW TO AMEND THE PROTECTION FROM DOMESTIC VIOLENCE LAW, 2010 AS A CONSEQUENCE OF THE ENACTMENT OF THE DOMESTIC PARTNERSHIP LAW, 2020; AND 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 Protection from Domestic Violence (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 Protection from Domestic Violence Law, 2010 – interpretation

2. The *Protection from Domestic Violence Law, 2010*, in this Law referred to as the “principal Law”, is amended in section 2 as follows —
  - (a) by deleting the definition of the word “child” and substituting the following definition —

“**child**” means any individual under the age of eighteen who has never been married or a party to a domestic partnership and who is —

- (a) a child of both parties to a marriage or domestic partnership;
- (b) a child (whether or not a child of either party to a marriage or a domestic partnership) who is or has been living in the household residence as a member of the family;
- (c) a child of a man and a woman who, although not married to each other or in a domestic partnership with each other, are living together or have lived together in the same household residence;
- (d) a child of two persons who, although not in a domestic partnership with each other, are living together or have lived together in the same household;
- (e) a child (whether or not a child of the man and woman referred to in paragraph (c) or either of them, or whether or not a child of the two persons referred to in paragraph (d) or either of them) —
  - (i) who is or has been a member of their household residence;
  - (ii) who resides in that household residence on a regular basis;  
or
  - (iii) of whom either the man or woman referred to in paragraph (c) or one of the two persons referred to in paragraph (d) is a guardian,

and includes an adopted child and a step-child;”;

- (b) in the definition of the words “prescribed person”, by inserting after the words “the spouse” the words “, domestic partner”; and
- (c) 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* and includes —

- (a) two persons who cohabit with each other as if they are in law each other’s domestic partner; and
- (b) a former domestic partner where a domestic partnership is dissolved or annulled; and

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





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**Amendment of section 4 – power of court to grant a protection order, an occupation order or a tenancy order**

3. The principal Law is amended in section 4(3) by inserting after the words “a spouse” the words “domestic partner”.

**Amendment of section 7 – matters to be considered**

4. The principal Law is amended in section 7(g) by inserting after the words “the institution of marriage” the words “, the domestic partnership”.

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