

CAYMAN ISLANDS



SUCCESSION (AMENDMENT) BILL, 2020

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A BILL FOR A LAW TO AMEND THE SUCCESSION LAW (2006 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 Succession Law (2006 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”, “next-of-kin” and “relative”.

Clause 3 amends section 29 of the principal Law to extend the application of the section to domestic partners. The amendment provides for, among other things, the manner of distribution where the intestate leaves behind a domestic partner.

Clause 4 amends section 30 of the principal Law to extend the application of the section to domestic partners. The amendment provides for the manner in which the residuary estate of an intestate shall be held on the statutory trusts for the issue of the intestate, where, among other things, the issue enters into a domestic partnership under the age of eighteen years.

Clause 5 amends section 32 of the principal Law to provide that a surviving domestic partner has the same powers which a surviving spouse has in respect of an interest.

Clause 6 amends section 35 of the principal Law to extend the application of the section to a person under the age of eighteen years who dies without having been a party to a domestic partnership.

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Arrangement of Clauses

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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 Succession (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 Succession Law (2006 Revision) – definitions

2. The *Succession Law (2006 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*;

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



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

Amendment of section 29 – succession to real and personal estate on intestacy

3. The principal Law is amended in section 29 as follows —

- (a) in subsection (1) as follows —
 - (i) by deleting the words “husband or wife” wherever they appear and substituting the words “husband, wife or domestic partner”; and
 - (ii) by inserting after the words “surviving spouse” wherever they appear the words “or domestic partner”;
- (b) in subsection (2), by inserting after the words “husband and wife” the words “or the parties to a domestic partnership”; and
- (c) in subsection (3), by deleting the words “husband or wife” wherever they appear and substituting the words “husband, wife or domestic partner”.

Amendment of section 30 – statutory trusts

4. The principal Law is amended in section 30(1) as follows —

- (a) in paragraph (a), by inserting after the word “marry” wherever it appears the words “or enters into a domestic partnership”;
- (b) in paragraph (b), by inserting after the word “marries” the words “or enters into a domestic partnerships”; and
- (c) in paragraph (c), by inserting after the words “the marriage” the words “or the entering into a domestic partnership”.

Amendment of section 32 – powers in respect of interest of surviving spouse

5. The principal Law is amended in section 32 as follows —

- (a) in the section heading, by inserting after the word “spouse” the words “or domestic partner”; and
- (b) in subsections (1) and (2), by inserting after the words “surviving spouse” wherever they appear the words “or domestic partner”.

Amendment of section 35 – succession of an equitable interest in fee simple vested in a person under the age of eighteen years

6. The principal Law is amended in section 35 by inserting after the word “married” the words “or a party to a domestic partnership”.

Assented to by the Governor the day of , 2020.

