

CAYMAN ISLANDS



**NATIONAL PENSIONS (AMENDMENT)
(NO. 2) LAW, 2020**

(Law 41 of 2020)

Supplement No. 7 published with Legislation Gazette No. 64 dated 4th September, 2020.

PUBLISHING DETAILS



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**NATIONAL PENSIONS (AMENDMENT) (NO. 2)
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CAYMAN ISLANDS

(Law 41 of 2020)

I Assent,

**Martyn Roper**
Governor

Date: 4th day of September, 2020

**NATIONAL PENSIONS (AMENDMENT) (NO. 2)
LAW, 2020**

(Law 41 of 2020)

A LAW TO AMEND THE NATIONAL PENSIONS LAW (2012 REVISION) AS A CONSEQUENCE OF THE ENACTMENT OF THE CIVIL 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, with the prior approval of the Secretary of State, and pursuant to instructions issued in accordance with section 31 of the Constitution.

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 *Civil 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 —



“**civil partner**” has the meaning assigned by the *Civil Partnership Law, 2020*;

“**civil partnership**” has the meaning assigned by the *Civil Partnership Law, 2020*; and

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

- (a) a decree of dissolution or nullity of the civil partnership;
 - (b) a decree of presumption of death of a civil partner; or
 - (c) a decree of judicial separation;”;
- (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 civil 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 civil partner or former civil partner where the civil 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 civil partner”; and
 - (ii) by inserting after the words “payable to the spouse” the words “or the civil partner”;
- (b) in subsection 4(c), by inserting after the word “spouse” the words “or a civil partner”;
- (c) in subsection (5) as follows —
 - (i) by inserting after the words “a surviving spouse” the words “or civil partner”;
 - (ii) by inserting after the words “the spouse” the words “or civil partner”; and
 - (iii) by inserting after the words “of the spouse’s” the words “or the civil partner’s”; and



- (d) in subsection (6), by inserting after the words “payable to the surviving spouse” the words “or civil 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 civil partnership or marriage by a civil partner”; and
- (b) in subsection (1) as follows —
 - (i) by inserting after the words “The surviving spouse” the words “or civil partner”; and
 - (ii) by inserting after the words, “the subsequent remarriage of such surviving spouse”, the words “, or the entering into a subsequent civil partnership or marriage by such surviving civil 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 civil partner”;
- (b) in subsection (2) as follows —
 - (i) by inserting after the words “The surviving spouse” the words “or civil partner”;
 - (ii) in paragraph (a) as follows —
 - (A) by inserting after the words “the spouse” wherever they appear the words “or civil partner”; and
 - (B) in subparagraph (ii), by inserting after the words “the spouse’s” the words “or the civil partner’s”;
- (c) in subsection (3), by inserting after the words “the spouse” the words “or civil partner”;
- (d) in subsection (5)(b), by inserting after the word “spouse” the words “or civil partner” and
- (e) in subsection 6(b), by inserting after the word “spouse” the words “or civil 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 civil 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 civil partnership”;
- (b) in subsection (1) as follows —
 - (i) by deleting the word “divorce” wherever it appears and substituting the words “dissolution of a civil partnership, divorce”; and
 - (ii) by inserting after the word “spouse” the words “or civil partner”;
- (c) in subsection (2) as follows —
 - (i) by inserting after the words “to a spouse” the words “or civil partner”;
 - (ii) by inserting after the words “conjugal period” wherever they appear the words “or period pertaining to civil partnership”; and
 - (iii) by deleting the words “and his spouse” and substituting the words “and the member’s or former member’s spouse or civil partner”; and
- (d) in subsection (5) as follows —
 - (i) by inserting after the words “A spouse” the words “or a civil partner”; and
 - (ii) by inserting after the words “the spouse’s” the words “or civil 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 civil partnership, divorce”.

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 civil partnership, divorce”.

Assented to by the Governor the 4th day of September, 2020.

