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**Contact: Lisa.Carroll@fco.gov.uk**

## **Statement from His Excellency The Governor on the Domestic Partnership Law**

“Following the failure of the Legislative Assembly to pass the Domestic Partnership Bill on the 29<sup>th</sup> July 2020 in to law, I have discussed the legal implications of the decision with the FCO and UK Ministers.

“The Cayman Islands Court of Appeal was clear that Cayman is in breach of the Bill of Rights in the Constitution and the European Convention on Human Rights (ECHR) by its continuing failure to put in place a framework for same sex couples that is functionally equivalent to marriage. Both I and the FCO were grateful to the Honourable Premier and Attorney-General for their considerable effort in seeking to put the law in place. It was clear to me that the Bill would satisfy the legal requirement and at the same time maintain the current definition of marriage. I fully recognise how sensitive and controversial this issue is. But it was my expectation, and that of the FCO, that all lawmakers would recognise their legal responsibility and pass the Bill after debate in the Legislative Assembly.

“The failure of the Legislative Assembly to pass the Domestic Partnership Bill leaves me, as Governor and the UK Government, with no option but to act to uphold the law. The question of same sex marriage is currently before the Privy Council and it will reach a decision on the appeal early next year. I believe it is therefore imperative that the Domestic Partnership Bill is passed into law so that the discrimination suffered by Chantelle Day and Vicky Bodden-Bush, and others in same sex relationships, is brought to an end as required by the Court of Appeal.

“Despite calls in many quarters for the UK to legislate for same sex marriage, the FCO decided that passing a version of the current Bill would be the right approach as this would fully comply with the Court of Appeal judgment. Acting on instructions from the Foreign Secretary, I intend to publish on 10 August the Domestic Partnership Bill and allow 21 days consultation for the public and Members of the

Legislative Assembly. My team and that of the Attorney-General will be available to consider any additional comments on the provisions of the Bill. At the end of this period, acting under instructions from the Foreign Secretary, I will use my Reserved Powers under Section 81 of the Constitution to assent to the Bill. I expect it to be gazetted and come into law at the beginning of September.

“A number of consequential pieces of legislation will be amended at the same time to bring them into line with the new law. These will also be published for consultation on 10 August.

“As Governor, this is not a position I would ever have wanted to be in. Since arriving in October 2018, I have fully respected Cayman’s extensive responsibility for dealing with domestic matters. But I cannot simply stand aside when it comes to upholding the rule of law and complying with international obligations, which fall squarely within my responsibilities as Governor. In seeking to find a way forward, I believe I have been consistent and true to my pledge when I arrived to serve all the people of these wonderful islands to the best of my ability. I hope we can soon put this divisive debate behind us and come together as a people as we continue to navigate our way through a challenging global pandemic.”

ENDS

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