

CAYMAN ISLANDS



SUCCESSION (AMENDMENT) LAW, 2020

(Law 45 of 2020)

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PUBLISHING DETAILS



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CAYMAN ISLANDS

(Law 45 of 2020)

I Assent,

**Martyn Roper**
Governor

Date: 4th day of September, 2020

SUCCESSION (AMENDMENT) LAW, 2020

(Law 45 of 2020)

A LAW TO AMEND THE SUCCESSION LAW (2006 REVISION) AS A CONSEQUENCE OF THE ENACTMENT OF THE CIVIL 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, 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 Succession (Amendment) Law, 2020.
- (2) This Law comes into force immediately after the commencement of the *Civil 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 —
 - “**child**” or “**issue**” includes an individual —
 - (a) who is the offspring of a party, or both parties, to a civil partnership; or
 - (b) who has been treated by a party, or both parties, to a civil partnership as a child or issue of the family, including a step



child, an adopted or foster child or a child born to parents who were not in a civil partnership;

“**civil partner**” has the meaning assigned by section 2 of the *Civil Partnership Law, 2020*;

“**civil partnership**” has the meaning assigned by section 2 of the *Civil Partnership Law, 2020*;

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

“**parent**” includes a person who is a parent of a child or issue by virtue of a civil partnership; and

“**relative**”, in relation to a person, includes the person’s civil 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 civil partner”; and
 - (ii) by inserting after the words “surviving spouse” wherever they appear the words “or civil partner”;
 - (b) in subsection (2), by inserting after the words “husband and wife” the words “or the parties to a civil partnership”; and
 - (c) in subsection (3), by deleting the words “husband or wife” wherever they appear and substituting the words “husband, wife or civil 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 civil partnership”;
 - (b) in paragraph (b), by inserting after the word “marries” the words “or enters into a civil partnership”; and
 - (c) in paragraph (c), by inserting after the words “the marriage” the words “or the entering into a civil 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 civil partner”; and



- (b) in subsections (1) and (2), by inserting after the words “surviving spouse” wherever they appear the words “or civil 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 civil partnership”.

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

