CAYMAN ISLANDS



DOMESTIC PARTNERSHIP BILL, 2020

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A BILL FOR A LAW TO PROVIDE FOR DOMESTIC PARTNERSHIPS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Portfolio of Legal Affairs (PLA)

Memorandum of

OBJECTS AND REASONS

This Bill provides for domestic partnerships, and for incidental and connected purposes.

PART 1 - PRELIMINARY

Part 1 of the Bill contains the preliminary provisions.

Clause 1 provides the short title and commencement of the legislation.

Clause 2 provides the interpretation of certain words used in the legislation.

Clause 3 provides for an overview of domestic partnership, including the conditions which must be satisfied for two people to enter into a domestic partnership under the legislation.

Clause 3 also provides that a domestic partnership may be formalised by the Registrar, or in some instances, by a domestic partnership officer. Further, the clause provides for the registration of a domestic partnership after the domestic partnership is finalised.

PART 2 – CAPACITY

Part 2 of the Bill provides for the capacity to enter into a domestic partnership.

Clause 4 provides for the age of eligibility and consent. A person who has not reached the age of eighteen years is prohibited from entering into a domestic partnership. However where a person is under the age of eighteen years but is sixteen years of age or older, is not a widower or widow, and the person intends to enter into a domestic partnership, either parent or the legal guardian of the person shall have authority to consent to the domestic partnership of the person, and such consent is required by the legislation.

Clause 5 provides that a person who is either married, already in a domestic partnership or in an overseas relationship is prohibited from entering into a domestic partnership.

Clause 6 provides for the prohibited degrees of a domestic partnership. Two people who are within the prohibited degrees of domestic partnership are prohibited from entering into a domestic partnership with each other. The prohibited degrees are set out in Schedule 1 and provide that a person may not enter into a domestic partnership with certain specified relatives or family members. This clause further provides however that two people who are within the prohibited degrees of affinity, but who are not within the prohibited degrees of consanguinity, may apply to the Grand Court for an order which dispenses with the prohibition.

PART 3 – NOTICE AND ISSUE OF LICENCE

Part 3 of the Bill provides for notice of domestic partnership and the issue of licences in respect of domestic partnerships.

Clause 7 provides for the giving of a notice in the prescribed form to the Registrar by a person intending to enter into a domestic partnership with another person. The person giving notice shall also make a statutory declaration in the prescribed form before the Registrar declaring that the person believes that —

(a) the parties are both eighteen years of age or older;

(b) either or both parties are at least sixteen years of age but under eighteen years of age and has or have received consent to enter into a domestic partnership in accordance with the legislation;

(c) neither party is currently married, in a domestic partnership or overseas relationship;

(d) the parties are not within the prohibited degrees of domestic partnership or, if they are, a court order has been made under paragraph 4 of Schedule 1 dispensing with the prohibition;

(e) there is no other lawful impediment to the intended domestic partnership; and

(f) the particulars in the notice are true.

Clause 8 provides for the registration and publication of a notice of an intended domestic partnership. On receiving notice of an intended domestic partnership, the Registrar shall enter the particulars contained in the notice and the date of the receipt of the notice in the part of the Domestic Partnerships Register designated by the Registrar for such information. The Registrar shall also keep the notice posted in a conspicuous place in the office of the Registrar-General for a period of not less than fourteen days from the date of the receipt thereof. Further, this clause provides that the Registrar shall also, within five working days of the receipt of the notice of intended domestic partnership, cause a notice in the prescribed form to be published twice in any newspaper or other local media published and circulated in the Islands.

Clause 9 provides for the issue of a licence to enter into a domestic partnership. If there is no lawful impediment or no caveat against the issue of a licence, or if a caveat entered has been removed, the Registrar shall, after the posting and publication of the notice of intended domestic partnership, and, at any time not later than three months nor earlier than fourteen days after the receipt of the notice of domestic partnership, on the application of either party to the intended domestic partnership, issue a licence to the applicant for domestic partnership in the prescribed form.

Clause 10 provides for the application for and the issue of a special licence by the Deputy Governor. Under this clause, an application for a special licence may be made by a party to the intended domestic partnership to the Deputy Governor and it shall be submitted to the Registrar together with an affidavit which deposes to the following matters —

(a) the parties are either both eighteen years of age or older;

(b) either or both parties are at least sixteen years of age but under eighteen years of age and has or have received consent to enter into a domestic partnership in accordance with the legislation;

(c) neither party is currently married, in a domestic partnership or overseas relationship;

(d) the parties are not within the prohibited degrees of domestic partnership or, if they are, a court order has been made under paragraph 4 of Schedule 1 dispensing with the prohibition; and

(d) there is no other lawful impediment to the intended domestic partnership.

The Deputy Governor may then dispense with the giving of notice of domestic partnership and with the issue of a licence for domestic partnership by the Registrar. Further, the Deputy Governor may grant a special licence in the prescribed form authorising the formalising of the domestic partnership before the Registrar or a domestic partnership officer.

Clause 11 provides that a licence or special licence which is issued in respect of an intended domestic partnership becomes void where the intended domestic partnership does not take place within three months after the date of the issue of the licence or special licence. Therefore, the intended domestic partnership shall not be entered into under the authority of that licence or special licence.

Clause 12 provides that while a licence or special licence authorises a domestic partnership, it does not oblige a domestic partnership officer to formalise the domestic partnership to which the licence relates.

PART 4 – FORMALISATION OF DOMESTIC PARTNERSHIP

Part 4 of the Bill provides for the formalisation of domestic partnerships.

Clause 13 provides for the formalisation of domestic partnerships by the Registrar. The Registrar may formalise a domestic partnership if the Registrar is satisfied that —

(a) the domestic partnership is not prohibited by the legislation;

(b) the requirements of the legislation have been complied with; and

(c) no caveat to the domestic partnership has been lodged or if a caveat has been lodged, it has been withdrawn or removed.

Clause 13 also provides for the timeframe within which, the hours between which and the locations at which the formalisation of a domestic partnership shall take place.

This clause further provides that during the formalisation, in the presence of the Registrar and at least two credible witnesses, each party shall make a clear statement that —

(a) gives the full name of each party; and

(b) acknowledges that they are freely joining in a domestic partnership with each other and know of no lawful impediment to the domestic partnership.

Clause 14 provides for formalisation of domestic partnerships by a domestic partnership officer. On the delivery to a domestic partnership officer of either a valid licence for domestic partnership issued by the Registrar or a valid special licence granted by the Deputy Governor, the domestic partnership officer may formalise a domestic partnership between the parties specified in the licence or special licence. The clause further provides that a domestic partnership shall be formalised in the presence of two or more credible witnesses in addition to the domestic partnership officer.

As in the case of a domestic partnership formalised by the Registrar, during the formalisation by a domestic partnership officer, each party to the domestic partnership shall make a clear statement in the presence of the domestic partnership office and at least two credible witnesses that —

(a) gives the full name of each party; and

(b) acknowledges that they are freely joining in a domestic partnership with each other and know of no lawful impediment to the domestic partnership.

Clause 15 provides for domestic partnership *in extremis*. This clause provides that if certain conditions are fulfilled, a domestic partnership may be formalised before a domestic partnership officer without giving notice of the intended domestic partnership or, if the notice had been given, without the issue of any licence for domestic partnership, without the grant of a special licence or after the expiration of three months from the date of the issue of a licence or special licence.

One of the conditions that must be fulfilled under this clause is that at least one of the parties to the intended domestic partnership must, in the opinion of a medical doctor, be in a dying state but able to understand the effect of entering into the domestic partnership.

PART 5 – CAVEAT

Part 5 of the Bill provides for caveats in respect of intended domestic partnerships.

Clause 16 provides that where a person knows or claims to know of any lawful grounds why a domestic partnership should not take place, the person may enter a caveat by notice against the issue of a licence by the Registrar.

On receipt of a caveat, the Registrar shall record in the Domestic Partnerships Register the particulars contained in the notice and the date of receipt and further, shall refer the caveat to a judge of the Grand Court.

Clause 17 provides for the judge's powers in relation to a caveat in respect of an intended domestic partnership. Among other things, the judge may order the caveat to be removed without requiring any parties to appear if the judge is of the opinion that no legal ground has been disclosed in the caveat preventing the domestic partnership. Alternatively, the judge may confirm the caveat and where this is done, the Registrar shall forthwith inform every domestic partnership officer.

PART 6 – VOID AND VOIDABLE DOMESTIC PARTNERSHIPS

Part 6 of the Bill provides for void and voidable domestic partnerships.

Clause 18 provides the grounds on which a domestic partnership is void. The grounds include, among other things, the following —

(a) if it is not formalised by the Registrar, a Deputy Registrar or a domestic partnership officer;

(b) if at the time it was entered into either party was at least sixteen years of age but under the age of eighteen years and did not receive the consent required under section 4;

(c) if at the time it was entered into either party was under the age of eighteen years;

(d) if at the time it was entered into either party was already lawfully married, in a domestic partnership or overseas relationship; or

(e) if at the time it was entered into the parties were within the prohibited degrees of domestic partnership, and no order under paragraph 4 of Schedule 1 had been obtained.

Clause 19 provides the grounds on which a domestic partnership is voidable. The grounds include, among other things, the following —

(a) that either party to the domestic partnership did not validly consent to it, whether by consequence of duress, mistake, unsoundness of mind or otherwise;

(b) that at the time of the domestic partnership either party, though capable of giving a valid consent, was suffering (whether continuously or intermittently) from mental impairment or serious mental illness within the meaning of the Mental Health Law, 2013 of such a kind or to such an extent as to be unfit for domestic partnership; or

(c) that the petitioner was unaware that at the time of the domestic partnership the respondent was suffering from a venereal disease in a communicable form.

Clause 20 provides that, among other things, save as provided in clause 18, a defect in compliance with the formalities or procedures required under the legislation does not in itself render a domestic partnership void.

PART 7 – REGISTRATION

Part 7 of the Bill provides for, among other things, registration of domestic partnerships.

Clause 21 provides that the Registrar shall keep at the office of the Registrar-General the Domestic Partnerships Register. In the Domestic Partnerships Register will be recorded all particulars of notices of an intended domestic partnership, all domestic partnerships entered into in the Islands and all domestic partnerships recognised under the legislation.

Clause 21 also provides for the procedure to be followed by the Registrar after the formalisation of a domestic partnership by the Registrar or a domestic partnership officer, and further provides certain requirements in respect of domestic partnerships which are formalised *in extremis*.

Clause 22 provides that, during normal business hours and on payment of the prescribed fee, a person may search the entries in the Domestic Partnerships Register and may obtain true copies certified under the hand and seal of the Registrar of all particulars recorded in any such entry.

Clause 23 provides that the Registrar may, for the purpose of completing or rectifying the registration of any domestic partnership, require certain persons to make any written declaration or give information within the person's knowledge relating to the domestic partnership, and to attend at the office of the Registrar-General for the purpose of making the declaration or giving the information. Clause 23 further provides that if the Registrar thinks fit, the Registrar may require any such declaration or information to be made or given on oath.

Clause 24 provides for the making of alterations and amendments to the Domestic Partnerships Register. Where a correction of a clerical error or an error of fact or substance is made, a note to that effect shall be inserted in the Domestic Partnerships Register and shall be signed by the Registrar.

Where a person applies for the correction of an error of fact or substance, the Registrar, if satisfied as to the truth of the correction, and upon payment of the prescribed fee, may make the correction upon production to the Registrar by the applicant of a sworn declaration —

(a) in writing setting out the nature of the error and the true facts of the case; and

(b) made and signed by —

  (i) a person required to make any statement under the provisions of the legislation relating to the domestic partnership to which the application relates; or

  (ii) by any two credible persons aving knowledge of the truth of the case.

PART 8 – DOMESTIC PARTNERSHIP OFFICERS

Part 8 of the Bill provides for domestic partnership officers.

Clause 25 provides for the appointment of domestic partnership officers. The Deputy Governor may appoint a person who applies to the Deputy Governor to be appointed as a domestic partnership where the Deputy Governor, after consulting the Registrar, is satisfied that —

(a) the person is of good character;

(b) the person is able to, and will, conscientiously perform the duties of a domestic partnership officer under the legislation; and

(c) the appointment is in the public interest.

The Registrar shall give notice in the Gazette of the name of every person who is appointed as a domestic partnership officer.

Clause 26 provides that a person ceases to be a domestic partnership officer upon resignation or upon cancellation of the person's appointment by the Deputy Governor.

Clause 27 provides for the publication of a list of domestic partnership officers by the Registrar in a conspicuous place in the office of the Registrar-General. This clause further provides that the Registrar may at any time publish in the Gazette a list of the names of persons who have ceased to be domestic partnership officers.

PART 9 – DEPUTY REGISTRARS

Part 9 of the Bill provides for Deputy Registrars.

Clause 28 provides that the Deputy Governor may appoint a public officer or a domestic partnership officer to be a Deputy Registrar for the purpose of formalising a domestic partnership under this provision.

PART 10 – PROTECTION FOR MARRIAGE OFFICERS

Part 10 of the Bill provides for the protection of marriage officers.

Clause 29 provides that a person granted a licence as a marriage officer under the Marriage Law (2010 Revision) is not authorised to formalise a domestic partnership unless the person is also appointed as a domestic partnership officer under the legislation.

Clause 29 further provides that a marriage officer appointed under the Marriage Law (2010 Revision), cannot be compelled to permit the use of any place of worship under the control of the marriage officer for the formalisation of a domestic partnership.

PART 11 – MARITIME DOMESTIC PARTNERSHIPS

Part 11 of the Bill provides for maritime domestic partnerships.

Clause 30 provides for the interpretation of certain words used in clauses 31 to 35 of the Bill.

Clause 31 provides for domestic partnership officers in respect of maritime domestic partnerships. The Deputy Governor may grant a licence to the master of a Cayman Islands ship to be a domestic partnership officer for the purposes of the legislation. The Registrar shall give notice in the Gazette as soon as practicable after the grant of a licence to the master of a Cayman Islands ship to be a domestic partnership officer.

Clause 32 provides for provisional domestic partnership officers in respect of maritime domestic partnerships. The Deputy Governor may grant a licence to a person who is the second in command to the master of a Cayman Islands ship to be a provisional domestic partnership officer for the purposes of the legislation. Such a licence shall be granted subject to the condition that the licensee shall formalise a domestic partnership only if the licensee is, at the time scheduled for the formalisation of the domestic partnership, the

master of a Cayman Islands ship; and the licensee shall be deemed to be a domestic partnership officer for that purpose.

Clause 33 provides for the register of domestic partnership officers in respect of maritime domestic partnerships. The Registrar shall keep affixed in a conspicuous place in the office of the Registrar-General a list showing the names of all domestic partnership officers licensed under clause 31 and the names of the ships on which they are serving.

Clause 34 provides generally for maritime domestic partnerships. This clause provides that subject to the requirements of the legislation relating to notice of domestic partnership and the issue of a licence for domestic partnership, a domestic partnership may be formalised before a domestic partnership officer on the high seas under the authority of a licence for domestic partnership.

Clause 34 also provides that a domestic partnership may be formalised before a domestic partnership officer on the high seas without notice of domestic partnership or the issue of any licence for domestic partnership under the authority of a special licence.

This clause further provides that domestic partnerships *in extremis* may be formalised on the high seas by a domestic partnership in accordance with clause 15.

Finally, this clause provides that a domestic partnership formalised in the manner provided in the legislation on board Cayman Islands ships on the high seas before a domestic partnership officer shall be as valid in law as if it had been formalised in the Islands.

Clause 35 provides that the Registrar shall indicate on any notice published in relation to a maritime domestic partnership that it relates to a maritime domestic partnership. Further, clause 35 provides that the Domestic Partnerships Register shall contain a separate part for the registration of maritime domestic partnerships.

PART 12 – OVERSEAS RELATIONSHIPS TREATED AS DOMESTIC PARTNERSHIPS

Part 12 of the Bill provides that overseas relationships shall be treated as domestic partnerships.

Clause 36 provides for the meaning of "overseas relationships". An "overseas relationship" means a relationship —

(a) which is either a specified relationship or a relationship which meets certain general conditions; and

(b) which is registered (whether before or after the commencement date) with a responsible authority in a country or territory outside the Islands in accordance with the relevant law (that is, the law of the country or territory where the relationship is registered, including its rules of private international law), by two people neither of whom is already in a domestic partnership or lawfully married,

but does not include marriage contracted between parties who are respectively male and female.

Clause 37 provides for specified relationships and general conditions. The clause provides that a specified relationship is one of the relationships listed by reference to the respective overseas jurisdictions listed in Schedule 2. Schedule 2 includes territories such as Australia, Canada, Denmark, Ireland, Jersey, Netherlands, New Zealand and United Kingdom.

Clause 37 further provides that the Cabinet may by Order amend Schedule 2 to add an overseas relationship to the list if the Deputy Governor is satisfied that the overseas relationship —

(a) is established or recognised under the law of the country or territory where the relationship is registered, including its rules of private international law; and

(b) meets the general conditions.

The general conditions are that the relevant law (that is, the law of the country or territory where the relationship is registered, including its rules of private international law) —

(a) prohibits a person from entering into the relationship if either party is already a party to a similar relationship or married, and requires that during the relationship the parties may not enter into another similar relationship or marry anyone else;

(b) requires that the parties explicitly consent to entering into the relationship;

(c) provides that the relationship ends only on death or by a judicial or other process recognised under the law of the Islands as a dissolution or an annulment; and

(d) does not permit or recognise the relationship if the parties are related as parent and child, siblings or half-siblings, or grandparent and grandchild.

Clause 38 provides that two people are to be treated as having entered into a domestic partnership as a result of having registered an overseas relationship under the relevant law (that is, the law of the country or territory where the relationship is registered, including its rules of private international law) if, under that law, they had capacity to enter into the relationship and met all requirements necessary to ensure the formal validity of the relationship.

Clause 39 provides for a public policy exception to the general rule that overseas relationships will be treated as domestic partnerships. This clause provides that if it would be manifestly contrary to public policy to recognise the capacity, under the relevant law, of one or both parties to enter into a domestic partnership, the two people are not to be treated as having entered into a domestic partnership as a result of having entered into an overseas relationship.

PART 13 – BREAKDOWN, DISSOLUTION AND FINANCIAL RELIEF

Part 13 of the Bill provides for the breakdown and dissolution of a domestic partnership, and financial relief in respect of a broken down or dissolved domestic relationship.

Clause 40 provides that the Matrimonial Causes Law (2005 Revision), the Maintenance Law (1996 Revision), rules and regulations made under those Laws shall apply to proceedings brought in respect of the breakdown and dissolution of domestic partnerships

and related financial relief in such proceedings, as they apply in respect of matrimonial proceedings.

PART 14 – OFFENCES IN CONNECTION WITH DOMESTIC PARTNERSHIPS

Part 14 of the Bill provides for offences in connection with domestic partnerships.

Clause 41 provides for various offences, including the offences of —

(a) knowingly and wilfully purporting to formalise a domestic partnership without being the Registrar, a Deputy Registrar or a domestic partnership officer;

(b) being a party to a domestic partnership, knowing that the domestic partnership is void on any ground and that the other party believes it to be valid; or

(c) personating any other person in a domestic partnership or entering into a domestic partnership under a false name or description, with intent to deceive the other party to the domestic partnership.

PART 15 – MISCELLANEOUS

Part 15 of the Bill provides for miscellaneous matters.

Clause 42 provides that every entry in the Domestic Partnerships Register kept by the Registrar and every true copy of such entry under the hand and seal of the Registrar shall be received in all courts and in all proceedings as evidence of the domestic partnership to which the entry relates.

Clause 43 provides that the information contained in any register, book or other document required to be kept by the Registrar under the legislation may be recorded and kept by the Registrar in electronic form or such other form as the Registrar thinks fit.

Clause 44 provides that where any party to a domestic partnership is not conversant with the English language, then the statements and declarations required by the legislation to be used in the formalisation of the domestic partnership shall, so far as they affect or are to be used by that party, be made in the language which that party commonly uses.

Clause 45 provides for an annual report by the Registrar, which shall contain a summary of the domestic partnerships registered under the legislation during that year and which shall be published in such form and manner as the Deputy Governor may approve.

PART 16 – CONSEQUENTIAL AND RELATED AMENDMENTS

Part 16 of the Bill provides for consequential and related amendments.

A review of the Laws of the Islands should be undertaken as consequential amendments will be required in respect of many Laws including the Evidence Law (2019 Revision), the Health Insurance Law (2018 Revision), the Immigration (Transition) Law, 2018, the Maintenance Law (1996 Revision), the Matrimonial Causes Law (2005 Revision), the

Mental Health Law, 2013, the National Pensions Law (2012 Revision) and the Penal Code Law (2019 Revision).

Clause 46 provides that certain words and expressions in certain enactments shall be read in as the corresponding word or expression provided in the table in that clause, unless the context otherwise requires, the enactment is specifically amended, or the enactment contains an express provision to the contrary. For example, the word "divorce" shall be read as "dissolution" and the words "husband and wife" shall be read as "the parties to a domestic partnership".

PART 17 – PROVISIONS RELATING TO MARRIAGE

Part 17 of the Bill deals with provisions relating to marriage.

Clause 47 provides that unless a marriage is saved under clause 48, a marriage is void unless the parties are respectively male and female.

Clause 48 saves certain same sex marriages. This clause provides that notwithstanding certain clauses in the legislation, nothing in the legislation prevents the recognition in the Islands of a marriage lawfully entered into and registered in an overseas jurisdiction under the relevant law (that is, the law of the country or territory where the relationship is registered, including its rules of private international law) before the commencement date by two people of the same sex if —

(a) both parties met all requirements necessary to ensure the formal validity of the marriage under the relevant law; and

(b) at the time of the marriage each party was domiciled in the Islands or had capacity to enter into the marriage under the place of his or her domicile,

provided that both parties were eighteen years or older at the time of the marriage.

PART 18 – FINAL PROVISIONS

Part 18 of the Bill contains the final provisions.

Clause 49 provides for the making of regulations by the Cabinet.

Clause 49 also provides that regulations and Orders made under the legislation are subject to the negative resolution procedure.

Clause 50 provides that the legislation binds the Crown.

Schedule 1 provides for the prohibited degrees of domestic partnerships.

Schedule 2 provides for specified relationships.

CAYMAN ISLANDS

DOMESTIC PARTNERSHIP BILL, 2020

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CAYMAN ISLANDS

DOMESTIC PARTNERSHIP BILL, 2020

A BILL FOR A LAW TO PROVIDE FOR DOMESTIC PARTNERSHIPS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

PART 1 - PRELIMINARY

Short title and commencement

1. (1) This Law may be cited as the Domestic Partnership Law, 2020.

(2) This Law comes into operation on such day as Cabinet may appoint by Order.

Interpretation

2. In this Law —

"**commencement date**" means the date on which this Law comes into operation;

"credible witness" means a witness eighteen years of age or older who is of sound mind;

"Deputy Registrar" means a person appointed under section 28;

"**domestic partner**" means a party to a domestic partnership;

"**domestic partnership**" means a domestic partnership formalised and registered in accordance with this Law;

"**domestic partnership officer**" means a person appointed under section 25 or licensed under section 31 or 32;

"**Domestic Partnerships Register**" means the register kept under section 21;

"**licence**" means a licence for domestic partnership (except in relation to a licence for maritime domestic partnership officers in sections 31 to 34);

"**licence for domestic partnership**" means a licence issued by the Registrar under section 9;

"**overseas relationship**" has the meaning assigned in section 36;

"**prohibited degrees of domestic partnership**" has the meaning given in section 6 and Schedule 1;

"**Registrar**" means the Registrar of Domestic Partnerships who shall be —

(a) the Registrar-General; or

(b) such other public officer as may be appointed by the Deputy Governor to carry out the functions of the Registrar in relation to this Law;

"**special licence**" means a special licence issued by the Deputy Governor under section 10; and

"specified relationship" has the meaning assigned in section 37.

Overview of domestic partnership

3. (1) Two persons may enter into a domestic partnership under this Law if —

(a) either person is sixteen years of age or older but under the age of eighteen and the person's parent, legal guardian or the court consents to the domestic partnership in accordance with this Law;

(b) both persons are over the age of eighteen years;

(c) neither person is currently married, in a domestic partnership or overseas relationship; and

(d) neither person is within the prohibited degrees of domestic partnership.

(2) A domestic partnership may be formalised by the Registrar or, if the Registrar has issued a licence or the Deputy Governor has issued a special licence, by a domestic partnership officer.

(3) After a domestic partnership is formalised, a party to the domestic partnership shall register it under section 21.

(4) The dissolution of a domestic partnership is governed by the *Matrimonial Causes Law (2005 Revision)* and the *Maintenance Law (1996 Revision)* as applied by section 40.

(5) This section is subject to the provisions of this Law.

PART 2 - CAPACITY

Age of eligibility and consent

4. (1) Subject to this section, a person who has not reached the age of eighteen years is prohibited from entering into a domestic partnership.

(2) Where a person is under the age of eighteen years but is sixteen years of age or older and is not a widower or widow, and the person intends to enter into a domestic partnership, either parent or the legal guardian of the person shall have authority to consent to the domestic partnership of the person, and such consent is required by this Law.

(3) If the parent or legal guardian whose consent to a domestic partnership is necessary —

(a) is not of sound mind; or

(b) is unreasonably withholding consent,

either party to the domestic partnership may refer the matter to the Grand Court and a judge shall decide upon the matter summarily.

(4) If, upon examination by a judge of the Grand Court under subsection (3) the proposed domestic partnership appears to be proper, the judge shall certify to that fact, and certificate of the court shall be as good and effectual as if the necessary consent had been given.

(5) Where either of the parties to a domestic partnership is under eighteen years of age, is not a widower or widow, and enters into a domestic partnership under this Law without the consent of the person having authority to consent, the domestic partnership shall be void.

Requirement not to be already married or in domestic partnership

5. (1) A person who is married is prohibited from entering into a domestic partnership.

(2) A person who is in a domestic partnership is prohibited from entering into another domestic partnership during the currency of the first-mentioned domestic partnership.

(3) A person who is in an overseas relationship is prohibited from entering into a domestic partnership.

Prohibited degrees of domestic partnership

6. (1) Two persons who are within the prohibited degrees of domestic partnership, as set out in Schedule 1, are prohibited from entering into a domestic partnership with each other.

(2) Subsection (1) is subject to paragraph 4 of Schedule 1.

PART 3 - NOTICE AND ISSUE OF LICENCE

Notice of domestic partnership and statutory declaration

7. (1) If two persons intend to enter into a domestic partnership, one of them shall appear personally before the Registrar and give notice in the prescribed form of the intended domestic partnership.

(2) The person giving notice under subsection (1) shall also make a statutory declaration in the prescribed form before the Registrar declaring that the person believes that —

(a) where applicable, either of the parties or both are at least sixteen years of age but under eighteen years of age and has or have received consent to enter into a domestic partnership in accordance with this Law;

(b) where applicable, the parties are both eighteen years of age or older;

(c) neither party is currently married, in a domestic partnership or overseas relationship;

(d) the parties are not within the prohibited degrees of domestic partnership or, if they are, a court order has been made under paragraph 4 of Schedule 1 dispensing with the prohibition;

(e) there is no other lawful impediment to the intended domestic partnership; and

(f) the particulars in the notice are true.

(3) If both of the parties to an intended domestic partnership are ordinarily resident outside of the Islands the requirements of this section are satisfied if —

(a) one of the parties posts the notice in the prescribed form to the Registrar; and

(b) one of the parties, at any time before the licence is issued or, if the Registrar is to formalise the domestic partnership, the domestic partnership is formalised, makes a statutory declaration as to the matters in subsection (2).

(4) The person giving notice under this section shall pay the prescribed notice fee.

Registration and publication of notice

8. (1) On receiving notice of an intended domestic partnership, the Registrar shall —

(a) enter the particulars contained in the notice and the date of the receipt of the notice in the part of the Domestic Partnerships Register designated by the Registrar for such information;

(b) keep the notice posted in a conspicuous place in the office of the Registrar-General for a period of not less than fourteen days from the date of the receipt of the notice; and

(c) within five working days of the receipt of the notice of intended domestic partnership, cause a notice in the prescribed form to be published twice in any newspaper or other local media published and circulated in the Islands.

(2) Any expenses incurred by the Registrar in the publication of such a notice of domestic partnership shall be paid to the Registrar by the person who gave the notice.

Issue of licence to enter into domestic partnership

9. (1) After the posting and publication of the notice of intended domestic partnership as required by section 8, and, at any time not later than three months nor earlier than fourteen days after the receipt of the notice of domestic partnership, the Registrar on the application of either of the parties to the intended domestic partnership, shall issue to the applicant a licence for domestic partnership in the prescribed form —

(a) if no lawful impediment has been shown to the Registrar's satisfaction why a licence for domestic partnership should not be issued; and

(b) if no caveat has been entered against the issue of a licence or if a caveat so entered has been removed.

(2) The Registrar shall not issue a licence for domestic partnership until the expenses of publication of the notice have been paid as required by section 8(2).

Special licence

10. (1) Notwithstanding anything in this Law, the Deputy Governor may, in the case of any intended domestic partnership between two persons who are not resident in the Islands —

(a) dispense with the giving of notice of domestic partnership and with the issue of a licence for domestic partnership by the Registrar; and

(b) grant a special licence in the prescribed form authorising the formalising of the domestic partnership before the Registrar or a domestic partnership officer.

(2) An application for a special licence may be made by a party to the intended domestic partnership to the Deputy Governor and it shall be submitted by the party to the Registrar together with the affidavit referred to in subsection (5).

(3) The Registrar shall, if satisfied that there is sufficient information for the consideration of the Deputy Governor, forward the application under subsection (2) and all other relevant documents to the Deputy Governor together with the Registrar's recommendation in relation to the application.

(4) The Deputy Governor shall not grant a special licence under this section unless —

(a) it appears to the Deputy Governor that the intended domestic partnership is not prohibited by this Law;

(b) there are special or exceptional circumstances justifying the grant of a special licence; and

(c) an affidavit is produced to the Deputy Governor as mentioned in subsection (5).

(5) One of the parties to the intended domestic partnership shall make an affidavit deposing to the following matters —

(a) where applicable, that either party is sixteen years of age or older but under the age of eighteen and consent has been received in accordance with this Law; or

(b) where applicable, that the parties are both eighteen years of age or over;

(c) that neither party is currently married, in a domestic partnership or overseas relationship; and

(d) that the parties are not within the prohibited degrees of domestic partnership or, if they are, that a court order has been made under paragraph 4 of Schedule 1 dispensing with the prohibition; and

(e) that there is no other lawful impediment to the intended domestic partnership.

Licence and special licence lapse within three months

11. Subject to the lodging of a caveat under section 16, where an intended domestic partnership does not take place within three months after the date of the issue of any licence or special licence relating to the intended domestic partnership, the licence or special licence shall be void, and the domestic partnership shall not be entered into under the authority of that licence or special licence.

Licence authorises but does not oblige

12. A licence or special licence authorises, but does not oblige, a domestic partnership officer to formalise the domestic partnership to which the licence relates.

PART 4 - FORMALISATION OF DOMESTIC PARTNERSHIP

Formalisation by the Registrar

13. (1) The Registrar may formalise a domestic partnership if the Registrar is satisfied —

(a) that the domestic partnership is not prohibited by this Law;

(b) that the requirements of this Law have been complied with; and

(c) that —

(i) no caveat to the domestic partnership has been lodged under section 16; or

(ii) if a caveat has been lodged, it has been withdrawn or removed.

(2) The formalisation of a domestic partnership shall not take place —

(a) earlier than fourteen days after the date on which notice of intended domestic partnership was given; or

(b) more than three months after the date on which notice of the intended domestic partnership was given or, where a caveat has been lodged, more than three months after the date on which the caveat was withdrawn or removed.

(3) A domestic partnership shall only be formalised by the Registrar between the hours of —

(a) 9:00 a.m. and 5:00 p.m. on a Monday to Friday; or

(b) 9:00 a.m. and 12:00 noon on a Saturday,

and shall not be formalised on a public holiday.

(4) A domestic partnership may only be formalised by the Registrar —

(a) at the office of the Registrar-General; or

(b) at an alternative-location approved by the Registrar.

(5) During the formalisation, in the presence of the Registrar and at least two credible witnesses each party shall make a clear statement that —

(a) gives the full names of both parties; and

(b) acknowledges that they are freely joining in a domestic partnership with each other and know of no lawful impediment to the domestic partnership.

(6) Cabinet may —

(a) make regulations prescribing buildings or other places as alternative approved locations for the purposes of subsection (4)(b); and

(b) on application made by the parties in writing at least fourteen days before the proposed date of the formalisation, approve an additional alternative location, subject to the approval of the Registrar and on such terms and conditions as Cabinet may direct.

(7) The parties to a domestic partnership to be formalised at an alternative approved location shall —

(a) obtain the written permission of the owner or occupier to use that location for the formalisation of their domestic partnership and notify the Registrar accordingly; and

(b) comply with any terms and conditions imposed by the owner or occupier.

Formalisation by domestic partnership officer

14. (1) On the delivery to a domestic partnership officer of either —

(a) a valid licence for domestic partnership issued by the Registrar under section 9; or

(b) a valid special licence granted by the Deputy Governor under section 10,

the domestic partnership officer may formalise a domestic partnership between the parties specified in the licence or special licence.

(2) A domestic partnership shall be formalised in the presence of two or more credible witnesses in addition to the domestic partnership officer.

(3) A domestic partnership may be formalised in any place in the Islands, but shall not be formalised in a place to which access is prevented by locked or barred doors or otherwise.

(4) During the formalisation, in the presence of the domestic partnership officer and at least two credible witnesses, each party shall make a clear statement that —

(a) gives the full name of each party; and

(b) acknowledges that they are freely joining in a domestic partnership with each other and know of no lawful impediment to the domestic partnership.

(5) A domestic partnership officer shall not formalise a domestic partnership if the domestic partnership officer knows or has reason to believe that there is a lawful impediment to the domestic partnership.

Domestic partnership *in extremis*

15. (1) Notwithstanding anything in this Law, if the conditions specified in subsection (2) are fulfilled, it shall be lawful to formalise a domestic partnership before a domestic partnership officer without giving notice of the intended domestic partnership, or, if notice has been given —

(a) without the issue of any licence for domestic partnership;

(b) without the grant of a special licence; or

(c) after the expiration of three months from the date of the issue of a licence or special licence.

(2) The conditions referred to in subsection (1) are as follows —

(a) both parties to the intended domestic partnership are required to be legally competent to enter into the domestic partnership;

(b) the domestic partnership shall be formalised in the presence of two or more credible witnesses in addition to the domestic partnership officer, and one of the witnesses must be a medical doctor;

(c) each party shall give a clear statement that —

(i) gives the full name of each party; and

(ii) acknowledges that the parties are freely joining in a domestic partnership with each other and know of no lawful impediment to the domestic partnership; and

(d) at least one of the parties to the intended domestic partnership must, in the opinion of a medical doctor, be in a dying state but is able to understand the effect of entering into the domestic partnership.

(3) A domestic partnership formalised under this section shall not operate as a revocation of any will.

PART 5 - CAVEAT

Caveat to intended domestic partnership

16. (1) A person who knows or claims to know of any lawful grounds why a domestic partnership should not take place may enter a caveat against the issue of a licence by the Registrar.

(2) A person shall enter a caveat by notice in writing signed by that person, stating the person's full name, residential address, and the grounds of objection on which the person claims the domestic partnership should not take place.

(3) A caveat shall be given to the Registrar, and may be given at any time before the issue of the licence to which it relates.

(4) On receipt of a caveat, the Registrar shall forthwith —

(a) record in the Domestic Partnerships Register the particulars contained in the notice and the date of receipt; and

(b) refer the caveat to a judge of the Grand Court.

Powers of Judge regarding caveat

17. Where a caveat has been referred to a judge, the following provisions shall have effect —

(a) if the judge is of the opinion that no legal ground has been disclosed in the caveat for preventing the domestic partnership, the judge may order the caveat to be removed without requiring any of the parties to appear;

(b) the judge may cause a summons to be issued to the parties to the intended domestic partnership and the person by whom the caveat has been entered requiring such person to show cause why the licence for domestic partnership should not be issued;

(c) the judge may hear and determine every such matter in a summary way and shall either confirm the caveat or order it to be removed;

(d) if the caveat is removed, the Registrar may issue the licence for domestic partnership and the domestic partnership may proceed as if the caveat had

not been entered, but the time that has elapsed between the entry and removal of the caveat shall not be computed in the period of three months specified in section 11;

(e) if it appears to the judge that the caveat has been entered on insufficient grounds, the judge may order the person who entered the caveat to pay compensation and costs to the parties to the intended domestic partnership; and

(f) if the caveat is confirmed, the Registrar shall forthwith inform every domestic partnership officer.

PART 6 - VOID AND VOIDABLE DOMESTIC PARTNERSHIPS

Grounds on which a domestic partnership is void

18. A domestic partnership shall be void on the following grounds only —

(a) if it is not formalised by the Registrar, a Deputy Registrar or a domestic partnership officer;

(b) if at the time it was entered into either party was at least sixteen years of age but under the age of eighteen years and did not receive the consent required under section 4;

(c) subject to paragraph (b), if at the time it was entered into, either party was under the age of eighteen years;

(d) if at the time it was entered into either party was already married, in a domestic partnership or overseas relationship;

(e) if at the time it was entered into the parties were within the prohibited degrees of domestic partnership, and no order under paragraph 4 of Schedule 1 had been obtained;

(f) if both parties knowingly and wilfully acquiesced in the formalisation of the domestic partnership under a false name or names;

(g) if both parties to the domestic partnership (not being a domestic partnership *in extremis*) knowingly and wilfully acquiesced in its formalisation without any notice given of the domestic partnership (where such notice is required by this Law) or without the authority of a licence or special licence; or

(h) if it is formalised as a domestic partnership *in extremis*, and both parties knowingly and wilfully acquiesced in its being so formalised without fulfilment of the conditions specified by section 15.

Grounds on which a domestic partnership is voidable

19. (1) A domestic partnership is voidable on the following grounds only —

(a) that either party to the domestic partnership did not validly consent to it, whether by consequence of duress, mistake, unsoundness of mind or otherwise;

(b) that at the time of the domestic partnership either party, though capable of giving a valid consent, was suffering (whether continuously or intermittently) from mental impairment or serious mental illness within the meaning of the *Mental Health Law, 2013* of such a kind or to such an extent as to be unfit for domestic partnership;

(c) that the petitioner was unaware that at the time of the domestic partnership the respondent was suffering from venereal disease in a communicable form; or

(d) that the petitioner was unaware that at the time of the domestic partnership the respondent was pregnant by some person other than the petitioner.

(2) In subsection (1)(c) and (d), "**petitioner**" and "**respondent**" mean the parties to an application under the *Matrimonial Causes Law (2005 Revision)* as applied by section 40.

Effect of defect in formalities or procedures

20. (1) Save as provided in section 18, a defect in compliance with the formalities or procedures required under this Law does not, in itself, render a domestic partnership void.

(2) Notwithstanding subsection (1), nothing in this section exempts the Registrar, a Deputy Registrar or a domestic partnership officer who does anything contrary to the provisions of this Law from any penalty for an offence under this Law.

PART 7-REGISTRATION

Registration of domestic partnerships

21. (1) The Registrar shall keep at the office of the Registrar-General the Domestic Partnerships Register in which shall be recorded —

(a) all particulars of notices of an intended domestic partnership required under section 8;

(b) all domestic partnerships entered into in the Islands; and

(c) all domestic partnerships recognised under this Law.

(2) Immediately after a domestic partnership has been formalised by the Registrar, the Registrar shall enter a statement of the domestic partnership in the prescribed form in the Domestic Partnerships Register, which shall be signed by —

(a) the Registrar;

(b) the parties to the domestic partnership; and

(c) two credible witnesses to the domestic partnership,

and the Registrar shall give a copy of the statement to the parties to the domestic partnership.

(3) Immediately after a domestic partnership has been formalised by a domestic partnership officer, the domestic partnership officer shall prepare a statement of the domestic partnership in the prescribed form, which statement shall be signed by —

(a) the domestic partnership officer;

(b) the parties to the domestic partnership; and

(c) two credible witnesses to the domestic partnership,

and given to the parties to the domestic partnership.

(4) The domestic partnership officer shall, as soon as practicable, transmit to the Registrar a duplicate of the statement prepared under subsection (3) similarly signed, and the duplicate statement shall be filed by the Registrar and preserved among the records of the office of the Registrar-General, and the Registrar shall enter a true copy thereof in the Domestic Partnerships Register.

(5) In the case of a domestic partnership formalised *in extremis* under section 15 —

(a) the requirement as to the signing of the statement by the parties to the domestic partnership shall be waived so far as regards any party unable to sign;

(b) there shall be endorsed on the statement a certificate in the prescribed form signed by —

(i) the Registrar or the domestic partnership officer who formalised the domestic partnership;

(ii) any party to the domestic partnership able to sign; and

(iii) two credible witnesses to the domestic partnership, one of whom shall be the medical doctor referred to in section 15; and

(c) the Registrar shall insert the words "*in extremis*" in the entry to be made in the Domestic Partnerships Register.

Any person may search register and obtain copies of particulars

22. Any person may, during normal business hours and on payment of the prescribed fee, search the entries in the Domestic Partnerships Register and may have true copies certified under the hand and seal of the Registrar of all particulars recorded in any such entry.

Registrar may require information

23. (1) The Registrar may, for the purpose of completing or rectifying the registration of any domestic partnership, require any person —

(a) who is required by this Law to give any notice or statement relating to the domestic partnership; or

(b) who may reasonably be expected to have knowledge of the true facts relating to the domestic partnership,

to make any written declaration or to give any information within the person's knowledge relating to the domestic partnership, and to attend at the office of the Registrar-General for the purpose of making the declaration or giving the information.

(2) If the Registrar thinks fit, the Registrar may require any such declaration or information to be made or given on oath.

Alterations and amendments to the register

24. (1) No alteration in the Domestic Partnerships Register shall be made except as authorised by this section.

(2) Any clerical error which may from time to time be discovered in the Domestic Partnerships Register may be corrected by the Registrar or by any person authorised by the Registrar in that behalf; and where any such correction is made a note to that effect shall be inserted in the Domestic Partnership Register and shall be signed by the Registrar.

(3) Any error of fact or substance in the Domestic Partnership Register may be corrected by the Registrar in cases where the Registrar is satisfied as to the truth of the correction.

(4) The correction shall be made by entry in the Domestic Partnership Register (without any alteration in the original entry) and a note to that effect shall be inserted in the Domestic Partnership Register and shall be signed by the Registrar.

(5) Where a person applies for the correction of an error of fact or substance, the Registrar, if satisfied as to the truth of the correction, and upon payment of the prescribed fee, may make the correction in the manner set out in subsection (4) upon production to the Registrar by the applicant of a sworn declaration in writing setting out —

(a) the nature of the error; and

(b) the true facts of the case,

and made and signed by a person required to make any statement under the provisions of this Law relating to the domestic partnership to which the application relates, or by any two credible persons having knowledge of the truth of the case.

PART 8 - DOMESTIC PARTNERSHIP OFFICERS

Appointment of domestic partnership officers

25. (1) A person may apply in writing to the Deputy Governor to be appointed as a domestic partnership officer and shall give his or her full name, address and date of birth, and such other particulars as may be prescribed.

(2) The Deputy Governor may appoint a person as a domestic partnership officer if the Deputy Governor, after consulting the Registrar, is satisfied —

(a) that the person is of good character;

(b) that the person is able to, and will, conscientiously perform the duties of a domestic partnership officer under this Law; and

(c) that the appointment is in the public interest.

(3) The Registrar shall give notice in the *Gazette* of the name of every person who is appointed as a domestic partnership officer.

(4) A person named in a notice given under subsection (3) is entitled to act as a domestic partnership officer on and from the date specified in the notice until the person's appointment ceases under section 26.

Ceasing to be a domestic partnership officer

26. (1) A person ceases to be a domestic partnership officer —

(a) in the case of a person who resigns, on the date on which the Registrar receives the person's written notice of resignation; or

(b) in the case of a person whose appointment is cancelled by the Deputy Governor under this section, on the date referred to in subsection (5).

(2) The Deputy Governor, after consulting the Registrar, may cancel a person's appointment as a domestic partnership officer if the Deputy Governor is no longer satisfied, with respect to the person, as to any of the matters set out in section 25(2).

(3) The Deputy Governor shall not cancel a person's appointment as a domestic partnership officer without first —

(a) giving the person notice that the Deputy Governor is considering cancelling the appointment;

(b) giving the person a reasonable opportunity to make submissions on the proposed cancellation; and

(c) considering any submissions made by the person within that time.

(4) The Registrar shall give notice in writing to the person concerned of the Deputy Governor's decision to cancel the person's appointment as a domestic partnership officer, and also of any decision not to proceed with a proposed cancellation.

(5) If a person's appointment as a domestic partnership officer is cancelled, the notice from the Registrar shall specify the date on which the cancellation takes effect, which must be a date not sooner than five days after the date on which the notice is sent.

Publication of list of domestic partnership officers

27. (1) The Registrar shall keep affixed in a conspicuous place in the office of the Registrar-General a list showing the names of all domestic partnership officers appointed under section 25.

(2) The Registrar shall, at least once every year, publish a list in the *Gazette* of the names of all current domestic partnership officers, and this list may be combined with any notice given under section 25(3).

(3) The Registrar may at any time publish in the *Gazette* a list of the names of persons who have ceased to be domestic partnership officers since the latest list under this section was published.

PART 9 - DEPUTY REGISTRARS

Deputy Registrars

28. (1) The Deputy Governor may appoint a public officer or a domestic partnership officer to be a Deputy Registrar for the purpose of formalising a domestic partnership under section 13.

(2) A Deputy Registrar shall be appointed on such terms and conditions as the Deputy Governor may determine and shall act in accordance with the directions of the Registrar.

(3) A person who ceases to be a domestic partnership officer under section 26 shall at the same time cease to be a Deputy Registrar.

PART 10-PROTECTION FOR MARRIAGE OFFICERS

Provision in respect of marriage officers

29. (1) A person granted a licence as a marriage officer under the *Marriage Law (2010 Revision)* is not authorised to formalise a domestic partnership unless the person is also appointed as a domestic partnership officer under this Law.

(2) No person may compel a marriage officer appointed under the *Marriage Law (2010 Revision)* to permit the use of any place of worship under the control of the marriage officer for the formalisation of a domestic partnership.

PART 11 - MARITIME DOMESTIC PARTNERSHIPS

Maritime domestic partnerships: interpretation

30. In sections 31 to 35 —

"**Cayman Islands ship**" has the meaning given in section 2 of the *Merchant Shipping Law (2016 Revision)*;

"**high seas**" means all parts of the sea that are not included in the territorial sea or the internal waters of a state or territory;

"**master**" includes every person (except a pilot) having command or charge of any ship; and

"**Registrar of Shipping**" means the Registrar of Shipping appointed under section 10 of the *Maritime Authority Law (2013 Revision).*

Maritime domestic partnerships: domestic partnership officers

31. (1) The Deputy Governor may grant a licence to the master of a Cayman Islands ship to be a domestic partnership officer for the purposes of this Law.

(2) An application for the grant to a master of a Cayman Islands ship of a licence to be a domestic partnership officer shall be made in writing to the Deputy Governor and shall state the full name of the applicant, the applicant's address and date of birth, and shall contain such other particulars as may be prescribed.

(3) An application under subsection (2) shall be forwarded to the Registrar of Shipping accompanied by a certificate of the applicant's qualifications to be a master of a Cayman Islands ship and a letter of the applicant's appointment to serve on board a Cayman Islands ship.

(4) The Registrar of Shipping, on being satisfied that the application contains sufficient information to enable the application to be considered by the Deputy Governor, shall forward the application to the Registrar with the Deputy Governor'srecommendation on the application.

(5) Every licence granted by the Deputy Governor under this section shall have effect as from such date and shall be valid for such period as may be specified in the licence, and may, by the terms of the licence, limit to any particular Cayman Islands ship or ships, the functions of the master so licensed.

(6) A licence granted by the Deputy Governor under this section shall be in the prescribed form.

(7) The Registrar shall publish a notice in the *Gazette* as soon as practicable after the grant of a licence under this section.

(8) The Deputy Governor may, at any time and without assigning any reason, revoke a licence granted by the Deputy Governor under this section.

(9) A domestic partnership officer may, at any time by notice in writing to the Deputy Governor, surrender his or hericence.

(10) The Registrar shall give notice in the *Gazette* of every revocation of a licence under subsection (8) or surrender of a licence under subsection (9).

Maritime domestic partnerships: provisional domestic partnership officers

32. (1) The Deputy Governor may grant a licence to a person who is the second in command to the master of a Cayman Islands ship to be a provisional domestic partnership officer for the purposes of this Law.

(2) The making of an application for a licence under subsection (1) and the way the application is dealt with shall be the same as an application for a licence under section 31(2) to (4).

(3) Section 31(5) to (10) shall apply, with necessary modifications, to a licence granted under subsection (1).

(4) Notwithstanding subsections (2) and (3), a licence granted under subsection (1) shall be granted subject to the condition that the licensee shall formalise a domestic partnership only if the licensee is, at the time scheduled for the formalisation of the domestic partnership, the master of a Cayman Islands ship; and the licensee shall be deemed to be a domestic partnership officer for that purpose.

Maritime domestic partnerships: register of domestic partnership officers

33. The Registrar shall keep affixed in a conspicuous place in the office of the Registrar-General a list showing the names of all domestic partnership officers licensed under section 31 and the names of the Cayman Islands ships on which they are serving.

Maritime domestic partnerships: general provisions

34. (1) Subject to the requirements of this Law relating to notice of domestic partnership and the issue of a licence for domestic partnership, a domestic partnership may be formalised before a domestic partnership officer on the high seas under the authority of a licence for domestic partnership.

(2) A domestic partnership may be formalised before a domestic partnership officer on the high seas without notice of domestic partnership or the issue of any licence for domestic partnership under the authority of a special licence.

(3) A domestic partnership *in extremis* may be formalised on the high seas by a domestic partnership officer in accordance with section 15.

(4) A domestic partnership formalised in the manner provided in this Law on board Cayman Islands ships on the high seas before a domestic partnership officer shall be as valid in law as if it had been formalised in the Islands.

(5) In this section, "**domestic partnership officer**" means one granted a licence under section 31 or 32.

Maritime domestic partnerships: notices and register

35. (1) The Registrar shall indicate on any notice published in relation to a maritime domestic partnership that it relates to a maritime domestic partnership.

(2) The Domestic Partnerships Register shall contain a separate part for the registration of maritime domestic partnerships.

PART 12 - OVERSEAS RELATIONSHIPS TREATED AS DOMESTIC PARTNERSHIPS

Meaning of "overseas relationships"

36. (1) For the purposes of this Law, "**overseas relationship**" means a relationship which is —

(a) either a specified relationship or a relationship which meets the general conditions in section 37(4); and

(b) registered (whether before or after the commencement date) with a responsible authority in a country or territory outside the Islands in accordance with the relevant law, by two persons neither of whom is already in a domestic partnership or lawfully married,

but does not include marriage contracted between parties who are respectively male and female.

(2) In this section and sections 37 to 39, "**relevant law**" means the law of the country or territory where the relationship is registered, including its rules of private international law.

Specified relationships and the general conditions

37. (1) "**Specified relationship**" means one of the relationships listed by reference to the respective overseas jurisdictions listed in Schedule 2.

(2) The Cabinet may by Order amend Schedule 2.

(3) No Order shall be made under subsection (2) to add an overseas relationship to the list in Schedule 2 unless the Cabinet is satisfied that the overseas relationship is established or recognised under the relevant law and the relevant law meets the general conditions.

(4) The "**general conditions**" referred to in subsection (3) are that the relevant law —

(a) prohibits a person from entering into the relationship if either party is already a party to a similar relationship or married, and requires that during the relationship the parties may not enter into another similar relationship or marry anyone else;

(b) requires that the parties explicitly consent to entering into the relationship;

(c) provides that the relationship ends only —

(i) on the death of a party; or

(ii) by a judicial or other process that would be recognised under the law of the Islands as a dissolution or an annulment; and

(d) does not permit or recognise the relationship if the parties are related as —

(i) parent and child (including an adopted child);

(ii) siblings or half-siblings; or

(iii) grandparent and grandchild.

Overseas relationships treated as domestic partnerships

38. (1) Two persons are to be treated as having entered into a domestic partnership as a result of having registered an overseas relationship under the relevant law if, under that law, they —

(a) had capacity to enter into the relationship; and

(b) met all requirements necessary to ensure the formal validity of the relationship.

(2) Subject to subsection (3), the date on which the parties are to be treated as having entered into the domestic partnership is —

(a) the date on which the overseas relationship is registered (under the relevant law) as having been entered into; or

(b) if later, the date on which both parties have attained the age of eighteen years.

(3) Subject to subsection (4), if the overseas relationship is registered under the relevant law as having been entered into before the commencement date, then, from the commencement date, the parties are to be treated as having entered into a domestic partnership —

(a) on the date on which the overseas relationship was registered under the relevant law as having been entered into; or

(b) if later, the date on which both parties have attained the age of eighteen years.

(4) Subsection (3) does not apply if a dissolution or an annulment of the overseas relationship was obtained outside the Islands which would be recognised in the Islands had the overseas relationship been treated as a domestic partnership at the time of the dissolution or the annulment.

(5) Cabinet may by regulations make such further provision as it considers necessary with respect to the treating of overseas relationships as domestic partnerships in the Islands.

Public policy exception

39. Two persons are not to be treated as having entered into a domestic partnership as a result of having entered into an overseas relationship if it would be manifestly contrary to public policy to recognise the capacity, under the relevant law, of one or both of them to enter into that relationship.

PART 13 - BREAKDOWN, DISSOLUTION AND FINANCIAL RELIEF

Application of the Matrimonial Causes Law (2005 Revision) and the Maintenance Law (1996 Revision)

40. The *Matrimonial Causes Law (2005 Revision)*, the *Maintenance Law (1996 Revision)* and the rules and regulations made under those Laws shall apply to proceedings brought in respect of the breakdown and dissolution of domestic partnerships and related financial relief in such proceedings, as they apply in respect of matrimonial proceedings.

PART 14 - OFFENCES IN CONNECTION WITH DOMESTIC PARTNERSHIPS

Offences

41. (1) A person commits an offence if the person —

(a) knowingly and wilfully purports to formalise a domestic partnership without being the Registrar, a Deputy Registrar or a domestic partnership officer;

(b) being the Registrar, a Deputy Registrar or a domestic partnership officer, formalises a domestic partnership —

(i) knowing that the domestic partnership is void on any ground; or

(ii) knowing that it is an irregular domestic partnership; or

(iii) accepts or publishes a notice, or issues a licence, in respect of any intended domestic partnership knowing that the domestic partnership would be void or irregular;

(c) is a party to a domestic partnership, knowing that the domestic partnership is void on any ground and that the other party believes it to be valid;

(d) personates any other person in a domestic partnership or enters into a domestic partnership under a false name or description, with intent to deceive the other party to the domestic partnership;

(e) in any declaration, notice, statement, certificate, entry, licence or document required by any of the provisions of this Law to be made, given or issued for the purposes of a domestic partnership, declares, states, certifies or enters any material matter or thing which the person knows to be false; or

(f) attempts or aids or abets the commission of an offence under any of the preceding paragraphs,

and is liable on conviction on indictment to a term of imprisonment of four years.

(2) Without prejudice to the effect of subsection (1)(c) or (d), a person commits an offence if the person —

(a) is a party to a domestic partnership knowing that it is void on any ground or knowing that it is an irregular domestic partnership;

(b) enters into a domestic partnership under a false name or description; or

(c) attempts or aids or abets the commission of an offence under either of the preceding paragraphs,

and is liable on conviction on indictment to fine of ten thousand dollars, a term of imprisonment of two years, or to both.

(3) A person commits an offence if the person attempts to prevent a domestic partnership by pretending that there is any legal impediment to the domestic partnership knowing that the pretence is false, or having no reason to believe that it is true, and is liable on conviction on indictment to fine of ten thousand dollars, a term of imprisonment of two years, or both.

(4) Any domestic partnership officer who, without reasonable cause or excuse, fails within seven days after the formalisation of any domestic partnership to transmit to the Registrar a duplicate statement in accordance with section 21 commits an offence, and is liable on summary conviction to a fine of five thousand dollars.

(5) For the purpose of this section, "**irregular domestic partnership**" means a domestic partnership (other than a void domestic partnership or a domestic partnership *in extremis*) formalised —

(a) without any notice given of the domestic partnership as required by this Law;

(b) without the authority —

(i) of a domestic partnership licence issued by the Registrar under by section 9; or

(ii) of a special licence granted by the Deputy Governor under section 10;

(c) after the expiration of three months from the date of the issue of a domestic partnership licence or from the date of the grant of a special licence; or

(d) before the removal of a caveat entered against the issue of a licence.

(6) A prosecution under this section shall not be instituted without the written consent of the Director of Public Prosecutions.

PART 15 - MISCELLANEOUS

Evidence of domestic partnership by means of Register

42. Every entry in the Domestic Partnerships Register kept by the Registrar under this Law, and every copy of any such entry purporting to be certified as a true copy under the hand and seal of the Registrar, shall be received in all courts and in all proceedings as evidence of the domestic partnership to which the entry relates.

Information may be recorded in electronic form

43. The information contained in any register, book or other document required to be kept by the Registrar under this Law may be recorded and kept by the Registrar in electronic form or such other form as the Registrar thinks fit, provided that it is possible to inspect the information and to produce a copy of it in legible form.

Use of foreign language

44. Where any party to a domestic partnership is not conversant with the English language, then the statements and declarations required by this Law to be used in the formalisation of the domestic partnership shall, so far as they affect or are to be used by that party, be made in the language which that party commonly uses.

Annual report

45. The Registrar shall within ninety days after the expiration of every calendar year, compile for publication in such form and manner as the Deputy Governor may approve, a summary of the domestic partnerships registered under this Law during that year.

PART 16 - CONSEQUENTIAL AND RELATED AMENDMENTS

Application by reference of enactments relating to marriage etc.

46. (1) In any enactment, whether passed before or after the commencement date, the words and expressions listed in the first column of the table shall, in the case of a person in a domestic partnership, in each place be read as the corresponding word or expression in the second column unless —

(a) the context otherwise requires;

(b) the enactment is specifically amended; or

(c) the enactment contains an express provision to the contrary —

conjugal	pertaining to domestic partnership
dissolution (of marriage)	dissolution (of domestic partnership)
divorce	dissolution
divorced	former domestic partner where domestic partnership dissolved
former spouse	former domestic partner where domestic partnership dissolved or annulled
husband	domestic partner
husband and wife	the parties to a domestic partnership
marital	pertaining to domestic partnership
marriage	domestic partnership
married	party to a domestic partnership
marry	enter into a domestic partnership
matrimonial	domestic partnership

conjugal	pertaining to domestic partnership
next of kin	includes domestic partner
relative	includes domestic partner
remarriage	entering into a subsequent domestic partnership or marriage
remarry	entering into a subsequent domestic partnership or marriage
separated (of spouses)	separated (of domestic partners)
spouse	domestic partner
widow or widower	surviving domestic partner.

PART 17 - PROVISIONS RELATING TO MARRIAGE

Clarification of the law of marriage

47. Unless a marriage falls within section 48, a marriage is void unless the parties are respectively male and female.

Saving for certain same sex marriages

48. (1) Notwithstanding sections 38 and 47, nothing in this Law prevents the recognition in the Islands of a marriage lawfully entered into and registered in an overseas jurisdiction under the relevant law of that jurisdiction before the commencement date by two persons of the same sex if —

(a) both parties met all requirements necessary to ensure the formal validity of the marriage under the relevant law; and

(b) at the time of the marriage each party was domiciled in the Islands or had capacity to enter into the marriage under the place of each party's domicile,

provided that both parties were eighteen years or older at the time of the marriage.

(2) In relation to a marriage falling within subsection (1), any reference in any enactment to marriage, the parties to marriage or the dissolution of marriage shall be read with the necessary modifications.

(3) No action shall lie against any person for any act or omission before the commencement date relating to any failure to recognise a marriage falling within subsection (1).

(4) In this section "**relevant law**" means the law of the country or territory where the relationship is registered, including its rules of private international law.

PART 18 - FINAL PROVISIONS

Regulations and orders

49. (1) Cabinet may make regulations for the purpose of prescribing forms, fees and generally for the purpose of giving effect to this Law.

(2) Regulations and Orders made under this Law are subject to the negative resolution procedure.

Law binding on Crown

50. This Law binds the Crown.

SCHEDULE 1

(Section 6)

PROHIBITED DEGREES OF DOMESTIC PARTNERSHIP

1. A person may not enter into a domestic partnership with the person's —

(a)	grandparent; parent; child; grandchild; sibling;
(b)	parent's sibling; sibling's child;
(c)	grandparent's former spouse or domestic partner; parent's former spouse or domestic partner; spouse's or domestic partner's grandparent; spouse's or domestic partner's parent;
(d)	spouse's or domestic partner's child; spouse's or domestic partner's grandchild; child's former spouse or domestic partner;
(e)	grandchild's former spouse or domestic partner.
(f)	grandparent; parent; child; grandchild; sibling;
(g)	parent's sibling; sibling's child;
(h)	grandparent's former spouse or domestic partner; parent's former spouse or domestic partner; spouse's or domestic partner's grandparent; spouse's or domestic partner's parent;
(i)	spouse's or domestic partner's child; spouse's or domestic partner's grandchild; child's former spouse or domestic partner;
(j)	grandchild's former spouse or domestic partner.
(k)	grandparent; parent; child; grandchild; sibling;
(l)	parent's sibling; sibling's child;
(m)	grandparent's former spouse or domestic partner; parent's former spouse or domestic partner; spouse's or domestic partner's grandparent; spouse's or domestic partner's parent;
(n)	spouse's or domestic partner's child; spouse's or domestic partner's grandchild; child's former spouse or domestic partner;
(o)	grandchild's former spouse or domestic partner.

2. The prohibited degrees of domestic partnership apply whether the relationships described in paragraph 1 are by the whole blood or by the half blood.

3. In this Schedule, "**spouse**" and "**domestic partner**" include a former spouse or former domestic partner, whether alive or deceased, and whether the marriage or domestic partnership was terminated by death, dissolution, or otherwise.

4. (1) Two persons who are within the prohibited degrees of affinity, but who are not within the prohibited degrees of consanguinity, may apply to the Grand Court for an order under this paragraph.

   (2) On an application under subparagraph (1), the Grand Court may make an order disapplying section 6(1) as it applies to the applicants.

   (3) The Clerk of the Court shall send a copy of the order to the Registrar.

5. Cabinet may, by Order, amend this Schedule and make such transitional or further provision as it considers necessary in consequence.

SCHEDULE 2

(Section 37)

SPECIFIED RELATIONSHIPS

List of specified relationships for purposes of section 37

Country or territory	**Description**
Andorra	unión estable de parella or partnership domestic
Argentina	marriage
Argentina: Autonomous City of Buenos Aires	unión domestic
Australia: Australian Capital Territory	civil partnership
Australia: New South Wales	registered relationship registered
Australia: Queensland	civil partnership
Australia: Tasmania	significant relationship
Australia: Victoria	registered domestic relationship
Austria	eingetragene Partnerschaft
Belgium	cohabitation légale, wettelijke samenwoning or gesetzliches zusammenwohnen
Belgium	marriage
Brazil	marriage
Brazil	união estável or casamento civil homoafetivo
Canada	marriage
Canada: Manitoba	common-law relationship or union de fait

Country or territory	Description
Canada: Nova Scotia	domestic partnership
Canada: Quebec	union civile or civil union
Colombia	unión marital de hecho
Czech Republic	registrované partnertství
Denmark	marriage
Denmark	registreret partnerskab
Ecuador	unión civil
Finland	rekisteröity parisuhde or registrerad partnerskap
France	pacte civil de solidarité
Germany	gleichgeschlechtliche Ehe
Germany	eingetragene lebenspartnerschaft
Gibraltar	civil partnership
Greenland	nalunaarsukkamik inooqatigiinneq or registreret partnerskab
Hungary	bejegyzett élettársi kapcsolat
Iceland	marriage
Iceland	staðfesta samvist
Ireland	marriage
Ireland	civil partnership
Isle of Man	civil partnership
Jersey	civil partnership
Liechtenstein	eingetragene partnerschaft
Luxembourg	partenariat légal or eingetragene partnerschaft
Malta	Żwieġ bejn l-istess sess
Malta	unjoni ċivili
Mexico: Coahuila	pacto civil de solidaridad
Mexico: Mexico City Federal District	marriage
Mexico: Mexico City Federal District	sociedad de convivencia
Netherlands	geregistreerd partnerschap
Netherlands	marriage
New Zealand	civil union
Norway	marriage
Norway	registrert partnerskap
Portugal	marriage or união *de facto*
Slovenia	zakon o registraciji istospolne partnerske partnerske skupnosti
South Africa	marriage
South Africa	civil partnership
Spain	marriage or pareja de hecho

Country or territory	Description
Sweden	marriage
Switzerland	eingetragene partnerschaft, partenariat enregistré or partnershipe domestica registrata
United Kingdom: England & Wales marriage	marriage
United Kingdom: England & Wales	civil partnership
United Kingdom: Northern Ireland	civil partnership
United Kingdom: Scotland	marriage
United Kingdom: Scotland	civil partnership
United States of America (including the unincorporated territories of Guam, the Northern Mariana Islands, Puerto Rico and the United States Virgin Islands)	marriage
United States of America: California	domestic partnership
United States of America: Colorado	the relationship between designated beneficiaries
United States of America: Connecticut	civil union
United States of America: Delaware	civil union
United States of America: Hawaii	civil union
United States of America: Hawaii	reciprocal beneficiary relationship
United States of America: Illinois	civil union
United States of America: Maine	domestic partnership
United States of America: Nevada	domestic partnership
United States of America: New Jersey	civil union

Passed by the Legislative Assembly the day of , 2020.

Speaker

Clerk of the Legislative Assembly