

CAYMAN ISLANDS



PENAL CODE (AMENDMENT) LAW, 2020

(Law 42 of 2020)

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PUBLISHING DETAILS



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(Law 42 of 2020)

I Assent,

**Martyn Roper**
Governor

Date: 4th day of September, 2020

PENAL CODE (AMENDMENT) LAW, 2020

(Law 42 of 2020)

A LAW TO AMEND THE PENAL CODE (2019 REVISION) TO EXTEND THE OFFENCE OF BIGAMY TO INCLUDE CIVIL PARTNERSHIPS; 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 Penal Code (Amendment) Law, 2020.
- (2) This Law comes into force immediately after the commencement of the *Civil Partnership Law, 2020*.

Amendment of section 3 of the Penal Code (2019 Revision) - definitions

2. The *Penal Code (2019 Revision)* is amended in section 3 by inserting in the appropriate alphabetical sequence the following definitions —
 - “**“civil partner”** has the meaning assigned by the *Civil Partnership Law, 2020*; and
 - “**“civil partnership”** has the meaning assigned by the *Civil Partnership Law, 2020*”.

Repeal and substitution of section 150 of the Penal Code (2019 Revision) - bigamy

3. The *Penal Code (2019 Revision)* is amended by repealing section 150 and substituting the following section —

“Bigamy

- 150.**(1) Subject to subsection (2), a person who, having a husband, wife or civil partner living, goes through a ceremony of marriage or civil partnership whether within the Islands or elsewhere, which is void by reason of its taking place during the life of such husband, wife or civil partner commits an offence and is liable to imprisonment for five years.
- (2) This section does not extend to any person —
- (a) whose marriage or civil partnership has been declared void by a court of competent jurisdiction; or
 - (b) who contracts a marriage or civil partnership during the life of a former husband, wife or civil partner if such husband, wife or civil partner, at the time of the subsequent marriage or civil partnership —
 - (i) has been continually absent from such person for the period of time as is specified in the *Presumption of Death (Anna Evans) Law, 2020*; and
 - (ii) has not been heard of by such person as being alive within that time.”.

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

