

CAYMAN ISLANDS



PROPERTY (MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL, 2020

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A BILL FOR A LAW TO AMEND THE PROPERTY (MISCELLANEOUS PROVISIONS) LAW (2017 REVISION) TO PROVIDE FOR THE VIRTUAL WITNESSING AND ATTESTATION OF REQUIRED SIGNATURES FOR THE EXECUTION OF A DEED OR INSTRUMENT UNDER SEAL; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Financial Services and Home Affairs
(MFSHA)



**Memorandum of
OBJECTS AND REASONS**

This Bill provides for the amendment of the Property (Miscellaneous Provisions) Law (2017 Revision) (the “principal Law”) to provide for the virtual witnessing and attestation of required signatures for the execution of a deed or instrument under seal; and for incidental and connected purposes.

Clause 1 of the Bill provides the short title of the legislation.

Clause 2 amends section 8 of the principal Law by inserting proposed new subsection (4A). Proposed subsection (4A) provides that for the period beginning on the date of commencement of this amending Law and ending on 16th April, 2022 or such other date that Cabinet may appoint by Order, a deed or instrument may be signed in the virtual presence of a witness.

The proposed subsection further requires that where a deed or instrument is signed in the virtual presence of a witness that the witness must be able to view the remote signing of the deed or instrument contemporaneously, that the individual signing the deed or instrument present a valid photo identification to the witness contemporaneously where the individual signing the deed or instrument is not personally known to the witness and that the witness demonstrate that he or she is physically situated in the Islands. Clause 2 also inserts definitions of “communication technology”, “electronic” and “presence”.

Clause 2 also amends section 8(5) and (6) to include references to the proposed new subsection (4A).

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ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the Property (Miscellaneous Provisions) (Amendment) Law, 2020.

Amendment of section 8 of the Property (Miscellaneous Provisions) Law (2017 Revision) - deeds and certain other instruments no longer required to be executed under seal

2. The *Property (Miscellaneous Provisions) Law (2017 Revision)* is amended in section 8 as follows —
 - (a) by inserting after subsection (4), the following subsection —

“(4A) During the period commencing on the date of commencement of the *Property (Miscellaneous Provisions) (Amendment) Law, 2020* and ending on 16th April, 2022 or at such other date as Cabinet may by Order appoint —

- (a) where an individual or another person, at the direction of the individual or on behalf of the individual, signs a deed or instrument in the virtual presence of a witness —
 - (i) the witness must be able to contemporaneously view the signing of the deed or instrument remotely;
 - (ii) where the individual signing the deed or instrument is not personally known to the witness, the individual shall present a valid photo identification to the witness contemporaneously; and
 - (iii) the witness must demonstrate that the witness is physically situated in the Islands;
- (b) a person is in the virtual presence of another if, using communication technology, both persons are able to contemporaneously see, hear and speak to each other;
- (c) **“communication technology”** means any electronic device or process that facilitates communication of visual images and audio in real time;
- (d) **“electronic”** means relating to technology having electrical, magnetic, optical, electromagnetic, or similar capabilities, whether digital, analogue or otherwise; and
- (e) **“presence”** includes virtual presence.”; and
- (b) in subsection (5), by deleting the words “subsections (1) to (4)” and substituting the words “subsections (1) to (4A)”; and
- (c) in subsection (6) by deleting the words “subsection (4)” and substituting the words “subsections (4) and (4A)”.

Passed by the Legislative Assembly the day of , 2020.

Speaker

Clerk of the Legislative Assembly

