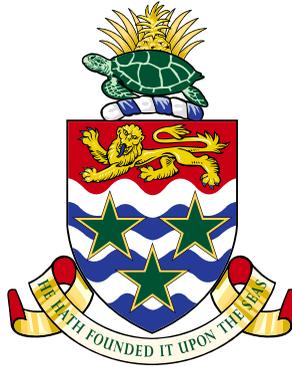


**CAYMAN ISLANDS**



# **MAINTENANCE (AMENDMENT) ACT, 2024**

**(Act 29 of 2024)**

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## PUBLISHING DETAILS

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## CAYMAN ISLANDS

(Act 29 of 2024)

I Assent,

**Jane Owen**  
**Governor**

Date: 9th January, 2025

**MAINTENANCE (AMENDMENT) ACT, 2024****(Act 29 of 2024)**

**AN ACT TO AMEND THE MAINTENANCE ACT (1996 REVISION) TO REMOVE REFERENCES TO MAINTENANCE OF CHILDREN AS MATTERS DEALING WITH THE MAINTENANCE OF CHILDREN ARE BEING PROVIDED FOR UNDER THE CHILDREN ACT (2012 REVISION); TO REMOVE REFERENCES TO AFFILIATION ORDERS AS A CONSEQUENCE OF THE REPEAL OF THE AFFILIATION ACT (1995 REVISION); AND FOR INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

**Short title and commencement**

1. (1) This Act may be cited as the Maintenance (Amendment) Act, 2024.
- (2) This Act shall come into force on such date as may be appointed by Order made by the Cabinet and different dates may be appointed for different provisions of this Act and in relation to different matters.

**General amendments to the Maintenance Act (1996 Revision) - references to Part headings**

2. The *Maintenance Act (1996 Revision)*, in this Act referred to as the “principal Act”, is amended as follows —
  - (a) by deleting the words “Part I” wherever they appear and substituting the words “Part 1”; and



- (b) by deleting the words “Part II” wherever they appear and substituting the words “Part 2”.

### **Amendment of section 2 - definitions**

3. The principal Act is amended in section 2 as follows —

- (a) by repealing the section heading and substituting the following section heading —  
**“Interpretation”;**
- (b) by deleting the definition of the words “**affiliation order**”; and
- (c) by deleting the definition of the words “**maintenance order**” and substituting the following definition —  
**“‘maintenance order’ —**
- (a) means an order, however described, which provides for the periodical payment of sums towards the maintenance of a person, being a person whom the person liable to make payments under the order is, according to the law applied in the place where the order was made, liable to maintain; and
- (b) in the case of a maintenance order which has been varied, means that order as varied; and”.

### **Repeal of section 3 - duty of man to maintain certain children**

4. The principal Act is amended by repealing section 3.

### **Repeal of section 4 - duty of woman to maintain certain children**

5. The principal Act is amended by repealing section 4.

### **Repeal and substitution of section 6 - method of compelling performance of duties imposed by this Act**

6. The principal Act is amended by repealing section 6 and substituting the following section —

#### **“Method of compelling performance of duties imposed by this Act**

6. (1) A person (“applicant”) who is entitled to be maintained by any other person (“respondent”) under this Act may apply to a court for a maintenance order if the person is not being maintained in accordance with this Act.
- (2) Where an application is made under subsection (1), the court shall enquire into the matter and if it appears to the court that —
- (a) the applicant is entitled to be maintained by the respondent to the application; and



- (b) the respondent has failed to maintain the applicant in accordance with this Act,
- the court shall issue a summons requiring the respondent to appear before the court at a time and place specified in the summons.”.

### **Amendment of section 7 - manner of proceeding on summons**

7. The principal Act is amended in section 7 by deleting the words “an order of maintenance” and substituting the words “a maintenance order”.

### **Repeal and substitution of section 8 - duration of order of maintenance**

8. The principal Act is amended by repealing section 8 and substituting the following section —

#### **“Duration of maintenance order**

8. (1) Subject to subsection (2), a maintenance order shall remain in force for a period as may be specified in the order, and it may be renewed, reviewed or varied at any time by the court.
- (2) Where a person who is to be maintained under this Act is unable to maintain himself or herself by reason of old age or an illness or infirmity which is likely to be permanent, the court may make a maintenance order that provides that the order is to remain in force for the rest of the natural life of that person.”.

### **Repeal of section 10 - burden of proof**

9. The principal Act is amended by repealing section 10.

### **Repeal and substitution of section 12 - penalties on neglecting to maintain wife and children or abandoning them**

10. The principal Act is amended by repealing section 12 and substituting the following section —

#### **“Penalties for neglecting to maintain wife or abandoning wife**

12. A person who —

- (a) is able to maintain that person and that person’s wife and who refuses or neglects to do so or wilfully abandons that person’s wife; or
- (b) fails to comply with an order made under this Act,
- commits an offence and is liable, on summary conviction, for the first offence, to imprisonment for thirty days and for a second or subsequent offence, to imprisonment for three months.”.

**Repeal and substitution of section 13 - order for maintenance of wife and children**

11. The principal Act is amended by repealing section 13 and substituting the following section —

**“Maintenance order in respect of wife instead of or in addition to imprisonment**

13. Notwithstanding section 12, the court may make a maintenance order against a person who refuses or neglects to maintain that person’s wife, or who abandons that person’s wife, instead of, or in addition to, ordering that person to be imprisoned.”.

**Amendment of section 18 - courts and officers shall take steps for enforcing orders**

12. The principal Act is amended in section 18 by repealing subsection (2) and substituting the following subsection —

“(2) An order referred to under subsection (1) is enforceable in like manner as if the order were for the payment of a civil debt recoverable summarily.”.

**Passed by the Parliament the 16th day of December, 2024.**

**Hon. Sir Alden McLaughlin**  
*Speaker*

**Zena Merren-Chin**  
*Clerk of the Parliament*

