

CAYMAN ISLANDS



ESTATES PROCEEDINGS LAW

(1995 Revision)

Supplement No. 4 published with Gazette No. 18 of 4th September, 1995.

PUBLISHING DETAILS

Consolidated with Law 10 of 1987.

Revised under the authority of the Law Revision Law (19 of 1975).

Originally enacted-

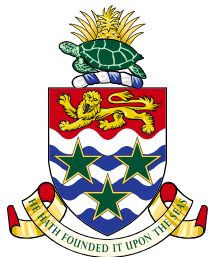
Law 3 of 1974-11th June, 1974

Law 10 of 1987-29th April, 1987.

Consolidated and revised this 8th day of August, 1995.



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Arrangement of Sections

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ESTATES PROCEEDINGS LAW

(1995 Revision)

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the *Estates Proceedings Law (1995 Revision)*.

Survival of causes of action after death

2. Subject as herein, on the death of any person all causes of action subsisting against or vested in him immediately before his death shall survive against or, as the case may be, for the benefit of his estate.

Causes of action not surviving

3. Section 2 shall not apply to causes of action for —
 - (a) defamation;
 - (b) seduction;
 - (c) inducing one spouse to leave or remain apart from the other;
 - (d) adultery; or
 - (e) breach of promise to marry.

Certain heads of damages not surviving

4. Where, under section 2, a cause of action survives for the benefit of the estate of a deceased person the damages recoverable shall not include —
 - (a) exemplary damages;



- (b) in respect of any cause of action which arose after the 31st day of May, 1987, damages for loss of income in respect of any period after that person's death; or
- (c) damages calculated with reference to the loss or gain to the estate of such person consequent upon his death other than in respect of funeral expenses.

Limitation re actions in tort

5. No proceedings shall be maintainable in respect of a cause of action in tort under section 2 unless —
- (a) proceedings were pending at the date of the death; or
 - (b) the cause of action arose not earlier than one year before death and suit is filed in court in respect thereof not later than one year after the personal representative or representatives took out representation.

Presumption in certain cases

6. Where damage has been suffered by reason of any act or omission in respect of which a cause of action would have subsisted against any person if that person had not died before or at the same time as the damage was suffered, there shall be deemed, for the purpose of this Law, to have been subsisting against him before his death such cause of action in respect of that act or omission as would have subsisted if he had died after the damage was suffered.

Saving of certain laws

7. The rights conferred by this Law for the benefit of estates of deceased persons shall be in addition to and not in derogation of any rights conferred on the dependants of deceased persons by Part II of the *Law of Torts Reform Law (Revised)* [U.K. Act] or by the *Carriage by Air Act, 1932* of the Imperial Parliament, as applied to the Islands, and so much of this Law as relates to causes of action against the estates of deceased persons shall apply in relation to causes of action under the aforesaid Law and Act as it applies in relation to other causes of action not expressly excepted from the operation of section 2.

Proof in insolvency of an estate

8. In the event of the insolvency of an estate against which proceedings are maintainable under section 2, any liability in respect of the cause of action in respect of which the proceedings are maintainable shall be deemed to be a debt provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by a contract, promise or breach of trust.



**Publication in consolidated and revised form authorised by the Governor in Council
this 8th day of August, 1995.**

Mona N. Banks-Jackson
Clerk of Executive Council

