

IN THE COURT OF APPEAL OF THE CAYMAN ISLANDS

**CICA No. 9 of 2019
Civil Cause No. 111 of 2018
Civil Cause No. 184 of 2018**

BETWEEN

**(1) THE DEPUTY REGISTRAR OF THE CAYMAN ISLANDS
(2) THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS**

Appellants

AND

**(1) CHANTELLE DAY
(2) VICKIE BODDEN BUSH**

Respondents

NOTE

1. Before we hand down our judgment, I just want to say a few words summarising our decision. What I say does not form part of the judgment.
2. Following our analysis of the law, and as we set out in paragraph 115 of the judgment, we have been driven to conclude that this appeal must be allowed, and that the orders made by the Chief Justice should be set aside.
3. However, as we set out in paragraph 6 of the judgment, the Appellants have finally accepted that the Legislative Assembly is required to provide Ms Day and Ms Bush with legal status equivalent to marriage. As we state in the judgment, that the Legislative Assembly had such an obligation has been apparent for years. Its failure to comply with its obligations under the law in that regard is woeful.
4. In the judgment, we set out a declaration in the following terms.

“In recognition of the longstanding and continuing failure of the Legislative Assembly of the Cayman Islands to comply with its legal obligations under section 9 of the Bill of Rights

And in recognition of the Legislative Assembly’s longstanding and continuing violation of Article 8 of the European Convention on Human Rights,

IT IS DECLARED THAT:

Chantelle Day and Vickie Bodden Bush are entitled, expeditiously, to legal protection in the Cayman Islands, which is functionally equivalent to marriage.”

5. We also state that it would be wholly unacceptable for this declaration to be ignored: that there can be no justification for further delay or prevarication. That in the absence of expeditious action by the Legislative Assembly, we would expect the United Kingdom Government to recognise its legal responsibility and take action to bring this unsatisfactory state of affairs to an end.

6. We now hand down the judgment of the court.

John Goldring, President
7 November 2019