



BELIZE

**MARRIED WOMEN'S PROPERTY ACT
CHAPTER 176**

**REVISED EDITION 2011
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

CHAPTER 176**MARRIED WOMEN'S PROPERTY****ARRANGEMENT OF SECTIONS**

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CHAPTER 176

MARRIED WOMEN'S PROPERTY

Ch. 194,
R.L., 1958.
CAP. 142,
R.E. 1980-1990.
4 of 1967.

[8th August, 1953]

1. This Act may be cited as the Married Women's Property Act.

Short title.

2. In this Act, unless the context otherwise requires.

Interpretation.

“contract” includes the acceptance of any trust, or of the office of executrix or administratrix, and the provisions of this Act as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastavit committed by any married woman being a trustee, executrix or administratrix either before or after her marriage, and her husband shall not be subject to those liabilities unless he has acted or intermeddled in the trust or administration;

“court” means the Supreme Court;

“property” includes a thing in action.

3.-(1) Subject to this Act, every married woman shall,

Capacity of married woman.

- (a) be capable of acquiring, holding and disposing of any property whatever;
- (b) be capable of rendering herself to, and be rendered liable in respect of, any tort, contract, debt or obligation;
- (c) be capable of suing and being sued, either in tort or in contract or otherwise; and
- (d) be subject to the law relating to bankruptcy and to the enforcement of judgments and orders,

in all respects as if she were a *feme sole*.

(2) From and after 8th August 1953, all the rights, powers and authorities of the husband existing at common law over and in relation to the property of a wife acquired before or after marriage shall cease to exist, and the husband shall not be liable in respect of any debt or obligation of the wife whenever incurred, and every married woman shall be entitled to sue, and be liable to be sued, in all courts of law in her own name without the intervention of her husband.

Property of married women.

4.-(1) Subject to this Act, all property which,

- (a) immediately before 8th August, 1953, was the separate property of a married woman or held for her separate use in equity;
- (b) belongs at the time of her marriage to a woman married after that date; or
- (c) after that date, is acquired by or devolves upon a married woman, shall belong to her in all respects as if she were a *feme sole* and may be disposed of accordingly.

(2) No restriction upon anticipation or alienation attached, or purported to be attached, to the enjoyment of any property by a woman which could not have been attached to the enjoyment of that property by a man shall be of any effect after the passing of this Act.

5. Subject to this Act, the husband of a married woman shall not, by reason only of his being her husband, be liable,

- (a) in respect of any tort committed by her, whether before or after the marriage, or in respect of any contract entered into, or debt or obligation incurred by her before the marriage; or
- (b) to be sued, or made a party to any legal proceeding brought, in respect of any such tort, contract, debt or obligation.

Abolition of husband's liability for wife's torts and antenuptial contracts, debts and obligations.

6.-(1) Nothing in this Act shall,

Savings.

- (a) during coverture which began before 1st January, 1899, affect any property to which the title (whether vested or contingent, and whether in possession, reversion or remainder) of a married woman accrued before that date, except property held for her separate use in equity;
- (b) affect any legal proceeding in respect of any tort, if proceedings had been instituted in respect thereof before the passing of this Act;
- (c) enable any judgment or order against a married woman in respect of a contract entered into, or debt or obligation incurred, before the passing of this Act, to be enforced in bankruptcy or to be enforced otherwise than against her property.

(2) For the avoidance of doubt, it is hereby declared that nothing in this Act,

- (a) renders the husband of a married woman liable in respect of any contract entered into, or debt or obligation incurred, by her after the marriage in respect of which he would not have been liable if this Act had not been passed;
- (b) exempts the husband of a married woman from liability in respect of any contract entered into, or debt or obligation (not being a debt or obligation arising out of the commission of a tort) incurred, by her after the marriage in respect of which he would have been liable if this Act had not been passed;
- (c) prevents a husband and wife from acquiring, holding and disposing of, any property jointly or as tenants in common or from rendering themselves, or being

rendered, jointly liable in respect of any tort, contract, debt or obligation, and of suing and being sued, either in tort or in contract or otherwise, in like manner as if they were not married;

- (d) prevents the exercise of any joint power given to a husband and wife.

Acquisitions and dispositions of trust estates by married woman.

7.-(1) A married woman is able to acquire as well from her husband as from any other person, and hold any interest in property real or personal either solely or jointly with any other person (whether or not including her husband) as a trustee or personal representative, in like manner as if she were a *feme sole*, and no interest in such property shall vest or be deemed to have vested in the husband by reason only of the acquisition by his wife.

(2) A married woman is able, without her husband, to dispose of, or to join in disposing of, any interest in real or personal property held by her solely or jointly with any other person (whether or not including her husband) as trustee or personal representative, in like manner as if she were a *feme sole*.

(3) This section applies to a woman married after 31st December, 1887, and to a woman married before 1st January, 1888, who became a trustee or personal representative on or after that date.

(4) This section operates to render valid and confirm all such acquisitions and dispositions made after 31st December, 1887, whether before or after the commencement of this Act, but where any title or right has been acquired through or with the concurrence of the husband before 1st January, 1908, that title or right shall prevail over any title or right which would otherwise be rendered valid by this section or any enactment which it replaces.

(5) This section does not prejudicially affect any beneficial interest of the husband of any such woman.

8.—(1) All deposits in any post office or other savings bank or in any other bank, all annuities of whatever kind and all sums forming part of the public stocks or funds of the Government of Belize, stocks or funds transferable in the books of the Bank of England or any other government which at the commencement of this Act are standing in the sole name of a married woman, and all shares, stocks, debentures, debenture stock or other interests of or in any corporation, company or public body, municipal, commercial or otherwise, or of or in any industrial, provident, friendly, benefit, building or loan society, which at the commencement of this Act are standing in her name, shall be deemed, unless and until the contrary is shown, to be the property of such married woman.

Stock, etc., to which a married woman is entitled.

(2) The fact that any such deposit, annuity, sum or any other stocks or funds, share, stock, debenture, debenture stock or other interest referred to in subsection (1) of this section, is standing in the sole name of a married woman shall, until the contrary is proved, be sufficient evidence that she is beneficially entitled thereto, so as to authorise, and empower her to receive or transfer the same, and to receive the dividends, interest and profits thereof, without the concurrence of her husband, and to indemnify the person paying or transferring the same in accordance with her instructions.

9.—(1) All sums forming part of the public stocks or funds of the Government of Belize or of any stocks or funds transferable in the books of the Bank of England or of any other bank, and all such deposits and annuities respectively as are mentioned in section 8, and all shares, stocks, debentures, debenture stock and other interests of or in any such corporation, company, public body or society as aforesaid, which are allotted to or placed, registered or transferred in or into or made to stand in the sole name of any married woman shall be deemed, unless and until the contrary is shown, to be her property, in respect of which, so far as any liability is incident thereto, she is alone liable.

Stock, etc., to be transferred, etc., to a married woman.

(2) Nothing in this Act shall require or authorise any corporation or joint stock company to admit any married woman to be holder of any shares or stocks therein to which any liability may be incident, contrary to the provisions of any Act of Belize, charter, by-law, articles of association or deed of settlement regulating such corporation or company.

Investments in joint names of married women and others.

10. All the provisions of sections 8 and 9 of this Act, as to deposits in any post office or other savings bank or in any other bank, annuities and all sums forming part of the public stocks or funds of the Government of Belize or of any stocks or funds transferable in the books of the Bank of England or of any other bank, shares, stocks, debentures, debenture stock or other interests of or in any such corporation, company, public body or society as aforesaid respectively, which at the commencement of this Act is standing in the sole name of a married woman, or which, after that time, is allotted to, or placed, registered or transferred to or into, or made to stand in, the sole name of a married woman, shall respectively extend and apply, so far as relates to the estate any right, title or interest of the married woman to any of the particulars aforesaid which, at the commencement of this Act, or at any time afterwards, is standing in, or shall be allotted to, placed, registered or transferred to or into, or made to stand in, the name of any married woman jointly with any persons or person other than her husband.

Stock, etc., standing in the joint names of a married woman and others.

11. It shall not be necessary for the husband of any married woman, in respect of her interest, to join in the transfer of any such annuity or deposit as aforesaid, or any sum forming part of the public stocks or funds, or of any other stocks or funds transferable as aforesaid, or any share, stock, debenture, debenture stock or other benefit, right, claim or other interest of or in any such corporation, company, public body or society as aforesaid, which is now or is at any time hereafter standing in the sole name of any married woman, or in the joint names of such married woman and any other persons or person not being her husband.

Fraudulent investments with money of husband.

12.—(1) If any investment in any such deposit or annuity as aforesaid, or in any of the public stocks or funds, or in any other stocks or funds transferable as aforesaid, or in any share, stock, debenture or debenture stock of any corporation, company, or other public body, municipal or otherwise, or in any share, debenture, benefit, right or claim whatever in, to or upon the funds of any industrial, provident, friendly, benefit, building or loan society, has been made by a married woman by means of moneys of her husband, without his consent, the court may, upon the application under section 16, order such investment, and the dividends thereof, or any part thereof, to be transferred and paid respectively to the husband.

(2) Nothing in this Act shall give validity as against creditors of the husband, to any gift by a husband to his wife of any property which, after such gift, continues to be in the order and disposition or reputed ownership of the husband, or to any deposit or other investment of moneys of the husband made by or in the name of his wife in fraud of his creditors, and any moneys so deposited or invested may be followed as if this Act had not been passed.

13.—(1) A married woman may effect a policy upon her own life or the life of her husband for her own benefit, and the same and all benefit thereof shall ensure accordingly.

Moneys payable under policy of assurance not to form part of estate of the insured.

(2) A policy of assurance effected by any man on his own life, and expressed to be for the benefit of his wife, or of his children, or of his wife and children, or any of them, or by any woman on her own life, and expressed to be for the benefit of her husband, or of her children, or of her husband and children, or any of them, shall create a trust in favour of the objects therein named, and the moneys payable under any such policy shall not, so long as any object of the trust remains unperformed, form part of the estate of the insured or be subject to his or her debts.

(3) Where it is proved that the policy was effected and the premiums paid with intent to defraud the creditors of the insured, they shall be entitled to receive, out of the money payable under the policy, a sum equal to the premiums so paid.

(4) The insured may by the policy, or by any memorandum under his or her hand, appoint a trustee or trustees of the moneys payable under the policy, and from time to time appoint a new trustee or new trustees thereof, and make provision for the appointment of a new trustee or new trustees thereof, and for the investment of the moneys payable under any such policy.

(5) In default of any such appointment of a trustee, such policy, immediately on its being effected, shall vest in the insured and his or her legal personal representatives, in trust for the purposes aforesaid.

(6) Where, at the time of the death of the insured, or at any time afterwards, there is no trustee, or it is expedient to appoint a new trustee or new trustees, a trustee or trustees or a new trustee or new trustees, may be appointed by the court under the Public Trustee Act, Cap. 199, or any law amending or replacing it.

(7) The receipt of a trustee or trustees duly appointed, or in default of any such appointment, or in default of notice to the insurance office, the receipt of the legal personal representatives of the insured, shall be a discharge to the insurers for the sum secured by the policy, or for the value thereof, in whole or in part.

Remedies of married women and their husbands for the protection of their respective properties.

14.—(1) Every woman, whether married before or after this Act, shall have in her own name against all persons, including her husband, the same civil remedies, and also, subject to subsection (3) of this section, the same remedies and redress by way of criminal proceedings in all courts of law for the protection and security of her own property, as if she were a *feme sole*, but, except as aforesaid, no husband or wife shall be entitled to sue the other for a tort.

(2) In any indictment, complaint or other proceedings under this section, it shall be sufficient to allege such property to be her own property.

(3) No criminal proceedings shall be taken by any wife against her husband by virtue of this Act while they are living together, as to or concerning any property claimed by her, nor while they are living apart, as to or concerning any act done by the husband while they were living together, concerning property claimed by the wife, unless such property shall have been wrongfully taken by the husband when leaving or deserting, or about to leave or desert, his wife.

(4) A wife doing any act with respect to any property of her husband, which, if done by the husband with respect to property of the wife, would make the husband liable to criminal proceedings by the wife under this Act, shall in like manner be liable to criminal proceedings by her husband.

4 of 1967.

15.—(1) A woman, after her marriage, shall continue to be liable for all debts contracted, and all contracts entered into or wrongs committed by her before her marriage, including any sums for which she may be liable as a contributory, either before or after she has been placed on the list of contributories, under any Act relating to joint stock companies, and she may be sued for any such debt and for any liability in damages or otherwise under any such contract, or in respect of any such wrong.

Wife's antenuptial debts and liabilities.

(2) All sums recovered against her in respect thereof, or for any costs relating thereto, shall be payable out of her separate property and, as between her and her husband, unless there be any contract between them to the contrary, her separate property shall be deemed to be primarily liable for all such debts, contracts or wrongs, and for all damages or costs recovered in respect thereof.

16.—(1) In any question between a husband and wife as to the title to or possession of property, either party, or any such bank, corporation, company, public body or society as aforesaid in whose books any stocks, funds or shares of either party are standing, may apply by summons in a summary way to a judge of the court who may make such order with respect to the application as he thinks fit, or may direct such application to stand over from time to time, and any inquiry touching the matters in question to be made in such manner as he thinks fit.

Questions between husband and wife as to property to be decided in a summary way.

(2) Any such order shall be subject to appeal in the same way as an order made by the judge in a civil action in the court.

(3) Any such bank, corporation, company, public body or society shall, in the matter of any such application, for the purposes of cost or otherwise, be treated as a stakeholder only.

17. A married woman who is an executrix or administratrix alone or jointly with any other person or persons of the estate of a deceased person, or a trustee alone or jointly as aforesaid of property subject to any trust, may sue or be sued, and may transfer or join in transferring any such annuity or deposit as aforesaid, or any sum forming part of the public stocks or funds, or of any other stocks or funds transferable as aforesaid, or any share, stock, debenture, debenture stock or other benefit, right,

Married woman as an executrix or trustee.

claim or other interest of or in any such corporation, company, public body or society in that character, without her husband, as if she were a *feme sole*.

Settlements of a married woman's property.

18.—(1) Nothing in this Act shall interfere with or affect any settlement or agreement for a settlement made or to be made, whether before or after marriage, respecting the property of any married woman, but no settlement or agreement for a settlement shall have any greater force or validity against creditors of such woman than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors.

(2) Notwithstanding subsection (1) of this section, a settlement or agreement for a settlement made after the commencement of this Act by the husband or intended husband, whether before or after marriage, respecting the property of any woman he may marry or have married, shall not be valid unless it is executed by her if she is of full age, or confirmed by her after she attains full age, but if she dies an infant, any covenant or disposition by her husband contained in the settlement or agreement shall bind or pass any interest in any property of hers to which he may become entitled on her death and which he could have bound or disposed of in the absence of this subsection.

(3) Nothing in this section shall render invalid any settlement or agreement for a settlement made or to be made under any law relating to infants' marriage settlements and contracts.

19.—(1) Where a married woman would, if single, be the protector of a settlement in respect of a prior estate, then she alone shall, in respect of that estate, be the protector of the settlement.

(2) This section applies to disentailing assurances and surrenders made after 31st December, 1898, and as well before as after the commencement of this Act.

20.—(1) A married woman, whether an infant or not, has power, as if she were unmarried and of full age, by deed, to appoint an attorney on her behalf for the purpose of executing any deed or doing any other act which she might herself execute or do, and the provisions of this Act relating to instruments creating powers of attorney apply thereto.

Married woman entitled to prior estate to be protector of settlement alone.

Power of attorney granted by married woman.

(2) This section applies to deeds executed after 31st December, 1899.

21. For the purposes of this Act, the legal personal representatives of any married woman shall, in respect of her estate, have the same rights and liabilities and be subject to the same jurisdiction as she would be if she were living.

Legal representative of married woman.

22. Where a married woman, in respect of any property or any interest in property belonging to her, is by law unable to dispose of or bind such property or her interest therein, including a reversionary interest arising under her marriage settlement, the court may, if it thinks fit, where it appears to the court to be for her benefit, by judgment or order, with her consent, bind her interest in such property.

Power of court to bind interest of married woman.

23. Section 4 of the Wills Act, Cap. 203, shall apply to the will of a married woman made during coverture and such will shall not require to be re-executed or republished after the death of her husband.

Time from which will of married woman takes effect.

24. Rules of court may be made for regulating the procedure in any proceeding in the court which may be taken under this Act.

Rules.