

LAWS OF DOMINICA

APPORTIONMENT ACT

CHAPTER 7:03

**Act
L.I.15 of 1887**

Current Authorised Pages

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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation

CHAPTER 7:03**APPORTIONMENT ACT****ARRANGEMENT OF SECTIONS****SECTION**

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CHAPTER 7:03

APPORTIONMENT ACT

1961 Ed.
Cap. 1.
L.I. 15 of 1887.

AN ACT relating to the apportionment of certain periodical payments and taxes.

Commencement.

[31st December 1887]

Short title.

1. This Act may be cited as the –
APPORTIONMENT ACT.

Interpretation.

2. In this Act –

“annuities” includes salaries and pensions;

“dividends” includes all payments made by the name of dividend, bonus, or otherwise, out of the revenue of trading or other public companies, divisible between all or any of the members of such respective companies, whether the payments are usually made or declared at any fixed time or otherwise; and all such divisible revenue, shall for the purposes of this Act, be deemed to have accrued by equal daily increment during and within the period for or in respect of which the payment of the same revenue are declared or expressed to be made, but the said word “dividend” does not include payments in the nature of a return or reimbursement of capital;

“rents” includes rent-service, rent-charge, and rent-seck, and all periodical payments or renderings in the nature of rent.

Rents, etc., to accrue from day to day and be apportionable in respect of time.

3. From and after the passing of the Act, all rents, annuities, dividends and other periodical payments in the nature of income (whether reserved or made payable under an instrument in writing or otherwise) shall, like interest on money lent, be considered as accruing from day to day and shall be apportionable in respect of time accordingly.

Apportioned part to be payable when next entire

4. The apportioned part of any such rent, annuity, dividend or other payment shall be payable or recoverable, in the case of a

of which the apportioned part forms part becomes due and payable and not before and, in the case of a rent, annuity, or other such payment determined by re-entry, death or otherwise, when the next entire portion of the same would have been payable if the same had not so determined, and not before.

5. All persons and their respective heirs, executors, administrators and assigns, and also the executors, administrators and assigns respectively of persons whose interests determine with their own deaths, shall have such and the same remedies, at law and in equity, for recovering the apportioned parts as aforesaid when payable (allowing proportionate parts of all just allowances) as they respectively would have had for recovering the entire portions as aforesaid if entitled thereto respectively; but persons liable to pay rents reserved out of or charged on lands or other hereditaments of any tenure, and the same lands or other hereditaments, shall not be resorted to for any such apportioned part forming part of an entire or continuing rent as aforesaid specifically, but the entire or continuing rent, including the apportioned part, shall be recovered and received by the heir or other person who, if the rent had not been apportionable under this Act, or otherwise, would have been entitled to the entire or continuing rent; and the apportioned part shall be recoverable from such heir or other person by the executors of other parties entitled under this Act to the same, by action at law.

Persons shall have same remedies for recovering apportioned parts as for entire portions.

6. Nothing contained in this Act shall render apportionable any annual sums made payable in policies of assurance of any description.

Act not to apply to policies of assurance.

7. The provisions of this Act shall not extend to any case in which it is expressly stipulated that no apportionment shall take place.

Nor where stipulation made to the contrary.

