Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Married
Women's Policies of Assurance (Scotland) Act 1880. (See end of Document for details)

Married Women's Policies of Assurance (Scotland) Act 1880

1880 CHAPTER 26 43 and 44 Vict

An Act to extend to Scotland the Facilities for effecting Policies of Assurance for the Benefit of Married Women and Children now in force in England and Ireland. [26th August 1880]

Modifications etc. (not altering text)
C1 Preamble omitted under authority of Statute Law Revision Act 1894 (c. 56)
C2 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), **s. 3**

1   **Married woman may effect policy of assurance for her separate use.**

A married woman may effect a policy of assurance, on her own life or on the life of her husband, for her separate use; and the same and all benefit thereof, if expressed to be for her separate use, shall, immediately on being so effected, vest in her, and shall be payable to her, and her heirs, executors, and assignees, excluding the jus mariti and right of administration of her husband, and shall be assignable by her either inter vivos or mortis causa without consent of her husband; and the contract in such policy shall be as valid and effectual as if made with an unmarried woman.

2   **Policy of assurance may be effected in trust for wife and children.**

[F1A policy of assurance effected by a man or woman on his or her own life, and expressed upon the face of it to be for the benefit of his or her spouse or children, or his or her spouse and children, or any of them, shall together with all benefit thereof, be deemed a trust for their benefit;]; and such policy, immediately on its being so effected, shall vest in him [F2or her] and his [F2or her] legal representatives in trust for the purpose or purposes so expressed, or in any trustee nominated in the policy, or appointed by separate writing duly intimated to the assurance office, but in trust always as aforesaid, and shall not otherwise be subject to his [F2or her] control, or form part of his [F2or her] estate, or be liable to the diligence of his [F2or her] creditors, or be revocable as a donation, or reducible on any ground of excess or insolvency: And the

receipt of such trustee for the sums secured by the policy, or for the value thereof, in whole or in part, shall be a sufficient and effectual discharge to the assurance office: Provided always, that if it shall be proved that the policy was effected and premiums thereon paid with intent to defraud creditors, or if the person upon whose life the policy is effected shall be made bankrupt within two years from the date of such policy, it shall be competent to the creditors to claim repayment of the premiums so paid from the trustee of the policy out of the proceeds thereof.

[**F3**In this section—

"spouse" includes a person, named in the policy as a beneficiary, who becomes the spouse of the person effecting the policy; and

"children" includes children that the person effecting the policy has or may have, including his or her illegitimate or adopted children, but does not include children of his or her spouse and another person, unless they have been adopted by the person effecting the policy.]

Textual Amendments

F1 Words substituted by Married Women's Policies of Assurance (Scotland) (Amendment) Act 1980 (c. 56, SIF 49:6), **s. 1**(*a*)

F2 Words inserted by Married Women's Policies of Assurance (Scotland) (Amendment) Act 1980 (c. 56, SIF 49:6), **s. 1**(*b*)

F3 Words added by Married Women's Policies of Assurance (Scotland) (Amendment) Act 1980 (c.56, SIF 49:6), **s. 1**(*c*)

3   Application and short title of Act.

This Act shall apply only to Scotland, and may be cited as the Married Women's Policies of Assurance (Scotland) Act, 1880.

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