



Married Women's Property Act 1882

1882 CHAPTER 75 45 and 46 Vict

An Act to consolidate and amend the Acts relating to the Property of Married Women. [18th August 1882]

Modifications etc. (not altering text)

- C1 Act amended by [Married Women's Property Act 1907 \(c. 18\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision Act 1898 \(c. 22\)](#)
- C3 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C4 This Act is not necessarily in the form in which it has effect in Northern Ireland

1—5^{F1}

Textual Amendments

- F1 Ss. 1—5 repealed by [Law Reform \(Married Women and Tortfeasors\) Act 1935 \(c. 30\), Sch. 2](#)

[^{F2}6 As to stock, &c. to which a married woman is entitled.

All deposits in any post office or other savings bank, or in any other bank, all annuities granted by the Commissioners for the Reduction of the National Debt or by any other person, and all sums forming part of the public stocks or funds, or of any other stocks or funds transferable in the books of the Governor and Company of the Bank of England, or of any other bank, which at the commencement of this Act are standing in the sole name of a married woman, and all shares, stock, 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 be shown, to be the . . .^{F3} property of such married woman; and the fact that any such deposit, annuity, sum forming part of the public stocks or funds, or of any other stocks or funds transferable in the books of the Bank of England or of any other bank, share, stock, debenture, debenture stock,

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or other interest as aforesaid, is standing in the sole name of a married woman shall be sufficient prima facie evidence that she is beneficially entitled thereto . . . ^{F3} 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 Postmaster-General, the Commissioners for the Reduction of the National Debt, the Bank of England, the Bank of Ireland, and all directors, managers, and trustees of every such bank, corporation, company, public body, or society as aforesaid, in respect thereof.]

Textual Amendments
F2 S. 6 repealed by Statute Law (Repeals) Act 1969 (c. 52), Sch. Pt. III but reproduced for the purpose of construing the remaining provisions of this Act
F3 Words repealed by Law Reform (Married Women and Tortfeasors) Act 1935 (c. 30), Sch. 2

7—9 ^{F4}

Textual Amendments
F4 Ss. 7–9 repealed by Statute Law (Repeals) Act 1969 (c. 52), Sch. Pt. III

10 Fraudulent investments with money of husband.

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 public body, municipal, commercial, or otherwise, or in any share, debenture, benefit, right, or claim whatsoever in, to, or upon the funds of any industrial, provident, friendly, benefit, building, or loan society, shall have been made by a married woman by means of moneys of her husband, without his consent, the Court may, upon an application under section seventeen of this Act, order such investment, and the dividends thereof, or any part thereof, to be transferred and paid respectively to the husband; and nothing in this Act contained 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, shall continue 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; but any moneys so deposited or invested may be followed as if this Act had not passed.

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

A married woman may . . . ^{F5} effect a policy upon her own life or the life of her husband for for her [^{F6}own benefit]; and the same and all benefit thereof shall enure accordingly.

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

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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: Provided, that if it shall be 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 moneys payable under the policy, a sum equal to the premiums so paid. 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 may 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. 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 . . . ^{F7} 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 office for the sum secured by the policy, or for the value thereof, in whole or in part.

Textual Amendments

- F5** Words repealed by [Law Reform \(Married Women and Tortfeasors\) Act 1935 \(c. 30\), Sch. 2](#)
- F6** Words substituted by [Law Reform \(Married Women and Tortfeasors\) Act 1935 \(c. 30\), Sch. 1](#)
- F7** Words repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\), Sch. Pt. III](#)

Modifications etc. (not altering text)

- C5** [S. 11](#) amended by [Family Law Reform Act 1969 \(c. 46\), s. 19\(1\)](#)

12 ^{F8}

Textual Amendments

- F8** [S. 12](#) repealed by [Law Reform \(Married Women and Tortfeasors\) Act 1935 \(c. 30\), Sch. 2](#), [Law Reform \(Husband and Wife\) Act 1962 \(c. 48\), Sch.](#) and [Theft Act 1968 \(c. 60\), Sch. 3 Pt. III](#)

13 ^{F9}

Textual Amendments

- F9** [S. 13](#) repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\), Sch. Pt. III](#)

14, 15. ^{F10}

Textual Amendments

- F10** [Ss. 14, 15](#) repealed by [Law Reform \(Married Women and Tortfeasors\) Act 1935 \(c. 30\), Sch. 2](#)

16 ^{F11}

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Textual Amendments

F11 S. 16 repealed by [Theft Act 1968 \(c. 60\)](#), [Sch. 3 Pt. III](#)

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

In any question between husband and wife as to the title to or possession of property, either party, . . . ^{F12}, may apply by summons or otherwise [^{F13}in a summary way]^{F13} to the High Court or such county court as may be prescribed and the court may, on such an application (which may be heard in private), make such order with respect to the property as it thinks fit.

In this section “prescribed” means prescribed by rules of court and rules made for the purposes of this section may confer jurisdiction on county courts whatever the situation or value of the property in dispute.]to any judge of the High Court of Justice in England or in Ireland, according as such property is in England or Ireland, or (at the option of the applicant irrespectively of the value of the property in dispute) in England to the judge of the county court of the district, or in Ireland to the chairman of the civil bill court of the division in which either party resides, and the judge of the High Court of Justice or of the county court, or the chairman of the civil bill court (as the case may be) may make such order with respect to the property in dispute, and as to the costs of and consequent on 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 shall think fit: Provided always, that any such order of a judge of the High Court of Justice to be made under the provisions of this section shall be subject to appeal in the same way as an order made by the same judge in a suit pending or on an equitable plaint in the said court would be; and any order of a county or civil bill court under the provisions of this section shall be subject to appeal in the same way as any other order made by the same court would be, and all proceedings in a county court or civil bill court under this section in which, by reason of the value of the property in dispute, such court would not have had jurisdiction if this Act or the ^{M1}Married Women’s Property Act, 1870, had not passed, may, at the option of the defendant or respondent to such proceedings, be removed as of right into the High Court of Justice in England or Ireland (as the case may be), by writ of certiorari or otherwise as may be prescribed by any rule of such High Court; but any order made or act done in the course of such proceedings prior to such removal shall be valid, unless order shall be made to the contrary by such High Court: Provided also, that the judge of the High Court of Justice or of the county court, or the chairman of the civil bill court, if either party so require, may hear any such application in his private room: . . . ^{F14}

Textual Amendments

F12 Words repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. III](#)

F13 Words in s. 17 substituted (E.W.) by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), [ss. 43, 48\(2\)](#)

F14 Proviso repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. III](#)

Modifications etc. (not altering text)

C6 S. 17 extended with modifications by [S.I. 1977/344](#), [rule 106](#) (as substituted by [S.I. 1986/634](#), [rule 21](#))

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C7 S. 17 extended by [Matrimonial Causes \(Property and Maintenance\) Act 1958 \(c. 35\), s. 7](#); applied by [Law Reform \(Miscellaneous Provisions\) Act 1970 \(c. 33\), s. 2\(2\)](#); amended by [Matrimonial Proceedings and Property Act 1970 \(c. 45\), s. 39](#)

Marginal Citations

M1 [1870 c. 93](#).

18, 19. **F15**

Textual Amendments

F15 [Ss. 18, 19](#) repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\), Sch. Pt. III](#)

20, 21. **F16**

Textual Amendments

F16 [Ss. 20, 21](#) repealed by [Poor Law Act 1927 \(c. 14\), Sch. 11](#)

22 **F17**

Textual Amendments

F17 [S. 22](#) repealed by [Statute Law Revision Act 1898 \(c. 22\)](#)

23 **F18**

Textual Amendments

F18 [S. 23](#) repealed by [Law Reform \(Husband and Wife\) Act 1962 \(c. 48\), Sch.](#)

24 **Interpretation of terms.**

..... **F19** The word “property” in this Act includes a thing in action.

Textual Amendments

F19 Words repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\), Sch. Pt. III](#)

25 **F20**

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Textual Amendments

F20 S. 25 repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. III](#)

26 **Extent of Act.**

This Act shall not extend to Scotland.

27 **Short title.**

This Act may be cited as the Married Women's Property Act, 1882.

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