

CHAPTER 18 APPORTIONMENT ACT

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ACT

Chapter No. 18 of 1958

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CHAPTER 18 APPORTIONMENT ACT

An Act for the better apportionment of rents and other periodical payments.

[Cap. 18 of 1958.]

[15th December, 1897.]

1. Short title

This Act may be cited as the Apportionment Act.

2. Interpretation

(1) In this Act—

“annuities” includes salaries and pensions;

“dividends” includes (besides dividends strictly so called) all payments made by the name of dividends, 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 such payments shall be usually made or declared at any fixed times 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 shall be declared or expressed to be made, but the said word “dividends” does not include payments in the nature of a return or reimbursement of capital;

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

3. Rent to accrue as money lent

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.

4. Date when annuities, etc., become enforceable

The apportioned part of any such rent, annuity, dividend, or other payment shall be payable or recoverable, in the case of a continuing rent, annuity, or other such payment, when the entire portion of which such apportioned part shall form part, shall become 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. Rights of heirs, etc., to apportion rent after their interest in the lands has determined

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 or the same remedies at law and in equity for recovering such apportioned parts as aforesaid when payable (allowing proportionate parts of all just allowances) as they respectively would have had for recovering such entire portions as aforesaid if entitled thereto respectively:

Provided that 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 such 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 such entire or continuing rent, and such apportioned part shall be recoverable from such heir or other person by the executors or other parties entitled under this Act to the same by action at law or suit in equity.

6. Exemption of sums payable under policies

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

7. Where provisions of Act not applicable

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

CHAPTER 18 APPORTIONMENT ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
