



**BERMUDA
1914 : 5**

PARTITION ACT 1914

ARRANGEMENT OF SECTIONS

- 1 Supreme Court may order sale instead of partition
- 2 Party interested may request sale
- 3 Supreme Court may order valuation
- 4 Supreme Court may allow parties interested to bid at sale
- 5 Not necessary to claim partition if sale and distribution of proceeds is claimed

[31 January 1914]

[preamble and words of enactment omitted]

Supreme Court may order sale instead of partition

1 If in any action for the partition of any land in Bermuda or on any petition for the partition of any such land, where if this Act had not been passed the Supreme Court might have decreed or ordered a partition, it appears to the Supreme Court that by reason of the nature of the property to which such action or petition relates or of the number of the parties interested therein, or of the absence or disability of some of the parties, or of any other circumstances, a sale of the property and a distribution of the proceeds would be more beneficial to the parties interested than a division of the property between or among them, the Supreme Court may, if it thinks fit, on the request of any of the parties interested, and notwithstanding the dissent or disability of any other or others of them, direct a sale of the property accordingly, and may give all necessary or proper consequential directions.

PARTITION ACT 1914

Party interested may request sale

2 If in any such action for partition or on the hearing of any such petition as aforesaid where if this Act had not been passed, the Supreme Court might have decreed or ordered a partition, any party interested in the property requests the Supreme Court to direct a sale of the property, and a distribution of the proceeds instead of a division of the property between or among the parties interested, the Supreme Court may if it thinks fit, unless the other parties interested in the land or some of them undertake to purchase the share of the party requesting a sale, direct a sale of the property and give all necessary or proper consequential directions.

Supreme Court may order valuation

3 In case of such undertaking as is mentioned in section 2 being given the Supreme Court may order a valuation of the share of the party requesting a sale, in such manner as the Supreme Court may think fit, and may give all necessary and proper consequential directions.

Supreme Court may allow parties interested to bid at sale

4 On any sale under this Act the Supreme Court may, if it thinks fit, allow any of the parties interested in the land to bid at the sale on such terms as to the time and mode of payment of the purchase money, or as to setting off or accounting for the purchase money or any part thereof instead of paying the same, or as to any other matters relating to such sale, as to the Supreme Court may seem reasonable.

Not necessary to claim partition if sale and distribution of proceeds is claimed

5 For the purposes of this Act, in any action for partition it shall be sufficient to claim a sale and distribution of the proceeds, and it shall not be necessary to claim a partition.

[Amended by
1952 11]