



**BERMUDA
1880 : 11**

RENT APPORTIONMENT ACT 1880

ARRANGEMENT OF SECTIONS

- 1 Interpretation
- 2 Rent to accrue from day to day and be apportionable in respect of time
- 3 Apportioned part of rent to be payable when next entire portion becomes due
- 4 Recovery of apportioned parts
- 5 Quit rents; policies of insurance excluded
- 6 Express stipulation against apportionment

[23 August 1880]

[preamble and words of enactment omitted]

Interpretation

1 In this Act—

"rents" includes rent service, rent charge and rent seck and all periodical payments or renderings in lieu of or in the nature of rent;

"annuities" includes salaries and pensions;

"dividends" includes (besides dividends strictly so called) 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 such 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

RENT APPORTIONMENT ACT 1880

revenue is declared or expressed to be made; but "dividend" does not include payments in the nature of a return or reimbursement of capital.

Rent to accrue from day to day and be apportionable in respect of time

2 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 of rent to be payable when next entire portion becomes due

3 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 forms 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.

Recovery of apportioned parts

4 All persons and their respective heirs, executors, administrators, and assigns, and also the executors, administrators and assigns respectively of persons whose interests determined 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.

Quit rents; policies of insurance excluded

5 Nothing in this Act shall render apportionable any annual sums (commonly called quit rents) made payable to the Provost Marshal

General under any grants of lands in fee simple conditional or any annual sums made payable in policies of insurance of any description.

Express stipulation against apportionment

6 This Act shall not extend to any case in which it is or shall be expressly stipulated that no apportionment shall take place.

[Amended by
1952 : 11]