

**No. 12 of 2003**

**VIRGIN ISLANDS**

**PROPERTY (MISCELLANEOUS PROVISIONS) ACT, 2003**

**ARRANGEMENT OF SECTIONS**

*Section*

1. Short title and commencement.
2. Deeds and certain other instruments no longer required to be executed under seal.
3. Bodies corporate holding as joint tenants.
4. Application.

**I Assent**

**THOMAS MACAN**  
Governor.  
17<sup>th</sup> October, 2003

**VIRGIN ISLANDS**

**No. 12 of 2003**

An Act to make provision with respect to dispositions of property and related matters.

[Gazetted 6<sup>th</sup> November, 2003]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title and  
commencement.

**1.** This Act may be cited as the Property (Miscellaneous Provisions) Act, 2003 and shall come into force on such date as the Governor may, by Proclamation published in the *Gazette*, appoint.

Deeds and  
certain other  
instruments no  
longer required  
to be executed  
under seal.

**2.** (1) Subject to subsection (5), an instrument is validly executed by an individual as a deed or an instrument under seal if it satisfies the requirements of this section.

(2) A deed or instrument under seal satisfies the requirements of this section if

- (a) it is signed in accordance with the provisions of subsection (3); and

- (b) it is either
  - (i) sealed; or
  - (ii) expressed to be, or is expressed to be executed as, or otherwise makes clear on its face that it is intended to be, a deed.

(3) For the purpose of this section, a deed or instrument is signed if it is signed

- (a) by the individual in the presence of a witness who attests his signature; or
- (b) at the direction of the individual and in his presence and the presence of two witnesses who each sign it and it appears from the face of such deed or instrument that they have done so at his direction.

(4) In subsection (2) and (3)(a), “sign”, in relation to an instrument, includes an individual making his mark on the instrument, and “signature” shall be construed accordingly.

(5) The provisions of this section shall be without prejudice to the validity of any instrument under seal validly executed, before, on or after the date on which this Act comes into force, as such.

**3.** (1) A body corporate shall be capable of acquiring and holding any real or personal property in joint tenancy in the same manner as if it were an individual, and where a body corporate and an individual, or two or more bodies corporate, become entitled to any such property under circumstances or by virtue of any instrument which would, if the body corporate had been an individual, have created a joint tenancy, they shall be entitled to the property as joint tenants:

Bodies corporate holding as joint tenants.

Provided that the acquisition and holding of property by a body corporate in joint tenancy shall be subject to the like conditions and restrictions as attached to the acquisition and holding of property by a body corporate in severalty.

(2) Where a body corporate is joint tenant of any property, the property shall, on the dissolution of the body corporate, devolve on the other joint tenant.

Application.

4. This Act applies to any trust, instrument or joint tenancy created or executed or purportedly created or executed before, on or after the date on which this Act comes into force, and no such trust, instrument or joint tenancy shall be invalid by reason only of the fact that it was created or executed or purportedly created or executed prior to that date.

Passed by the Legislative Council this 30<sup>th</sup> day of September, 2003.

V. INEZ ARCHIBALD,  
Speaker.

DENNISTON FRASER,  
Clerk of the Legislative Council.