

No. 11 of 2021

VIRGIN ISLANDS

PROPERTY (MISCELLANEOUS PROVISIONS) (AMENDMENT) ACT, 2021

ARRANGEMENT OF SECTIONS

Section

- 1...Short title and commencement.
- 2...Section 3A inserted.
- 3...Section 4 repealed and substituted.

No. 11 of 2021

**Property (Miscellaneous Provisions)
(Amendment) Act, 2021**

**Virgin
Islands**

**I Assent
(Sgd.) John J. Rankin, CMG
Governor.
7th May, 2021**

VIRGIN ISLANDS

No. 11 of 2021

An Act to amend the Property (Miscellaneous Provisions) Act, 2003 (No. 12 of 2003) and to provide for other matters connected therewith.

[Gazetted 13th May, 2021]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title and commencement. **1.** (1) This Act may be cited as the Property (Miscellaneous Provisions) (Amendment) Act, 2021.

(2) This Act shall come into force on such date as the Governor may, by Proclamation published in the *Gazette*, appoint.

Section 3A inserted. No. 12 of 2003 **2.** The Property (Miscellaneous Provisions) Act, 2003 (hereinafter referred to as “the principal Act”) is amended by inserting after section 3, the following new section –

“Exclusion of rule of law or policy in relation to unborn illegitimate issue. **3A.** (1) Any rule of law or policy that a disposition in favour of an illegitimate issue not in being when the disposition takes effect is void as contrary to public policy, shall not apply to a disposition of property.

(2) No person who, prior to the date of coming into force of this Act, has made a valid distribution of property, no

person to whom such property has, prior to that date, been paid, transferred or distributed, and no person tracing property through any of them, shall be liable to make restitution of such property, or to pay compensation in respect thereof, as a result of any change in the law made by subsection (1).

(3) In subsection (2), the expression “valid distribution of property” means any payment, transfer or distribution of property which could not have been impugned under the law in force at the time of such payment, transfer or distribution.”.

Section 4
repealed and
substituted.

3. Section 4 of the principal Act is repealed and substituted by the following –

“Application.

4. (1) Sections 2 and 3 apply 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.

(2) Section 3A (1) applies to any disposition created or made or purportedly created or made before, on or after the date on which this Act comes into force, and no such disposition shall be invalid by reason only of the fact that it was created or made or purportedly created or made prior to that date.”.

Passed by the House of Assembly this 22nd day of April, 2021.

(Sgd.) Julian Willock,
Speaker.

(Sgd.) Phyllis Evans,
Clerk of the House of Assembly.