



C. Dennis Morrison, Q.C.

The Property (Rights of Spouses) Act, 2004 Seminar

C. Dennis Morrison, Q.C. head of Litigation at DunnCox providing an overview of the Property (Rights of Spouses) Act, 2004 at a Seminar held recently at the Knutsford Court Hotel. The seminar was designed to provide guidance and to ventilate important legal and business issues affecting, banks, financial institutions, regulatory authorities and statutory bodies, in response to numerous enquiries received by the firm on various aspects of the legislation. Mr. Morrison's paper, entitled, "A New Solution to an Old Problem: The Background to the Act", highlighted the limitations of the previous Married Women's Property Act, 1887, the possibilities for reform and Jamaica's subsequent decision to adopt the Property (Rights of Spouses) Act, 2004. He was hopeful that the Act will 'promote in practice the reduction of conflicts, through the use of pre-nuptial agreements and wherever possible, amicable settlements'.

In explaining the impact of the Act on creditors, another presenter, Mrs. Enid Chin, Partner at DunnCox highlighted section 8 of the Act which provides that the consent of both spouses are required to all transactions, including a mortgage or other charge, affecting the family home, even where the title is registered in the name of one spouse only. She suggested that creditors undertake due diligence by making appropriate investigations and queries prior to granting loans to be secured on the family home.

Attorney-at-Law, Candice Stewart in her presentation described the far reaching effects of the Act, under which each spouse (including "a common-law husband" or "common-law wife") is entitled to one-half share in the family home, on a divorce, nullity of marriage, separation, or termination of cohabitation, except in certain specified cases. The seminar was well attended by realtors, representatives from government agencies, creditors and members of leading financial and business institutions, and who raised a wide range of questions on the Act regarding its implications for their organizations/businesses.