ANNO QUARTO

GULIELMI IV. REGIS.

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CAP. XXII.

An Act to amend an Act of the Eleventh Year of King *George* the Second, respecting the Apportionment of Rents, Annuities, and other periodical Payments. [16th *June* 1834.]

WHEREAS by an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants*, it was enacted, that where any Tenant for Life should happen to die before or on the Day on which any Rent was reserved or made payable upon any Demise or Lease of any Lands, Tenements, or Hereditaments which determined on the Death of such Tenant for Life, the Executors or Administrators of such Tenant for Life should and might, in an Action on the Case, recover of and from such Undertenant or Undertenants of such Lands, Tenements, or Hereditaments, if such Tenant for Life die on the Day on which the same was made payable the whole, or if before such Day then a Proportion of such Rent according to the Time such Tenant for Life lived of the last Year or Quarter of a Year or other Time in which the said Rent was growing due as aforesaid, making all just Allowances, or a proportionable Part thereof respectively: And whereas Doubts have been entertained whether the Provisions of the said Act apply to every Case in which the Interests of Tenants determine on the Death of the Person by whom such Interests have been created, 11 G. 2. c. 19.

and on the Death of any Life or Lives for which such Person was entitled to the Lands demised, although every such Case is within the Mischief intended to have been remedied and prevented by the said Act; and it is therefore desirable that such Doubts should be removed by a declaratory Law: And whereas, by Law, Rents, Annuities, and other Payments due at fixed or stated Periods are not apportionable (unless express Provision be made for the Purpose), from which it often happens that Persons (and their Representatives) whose Income is wholly or principally derived from these Sources by the Determination thereof before the Period of Payment arrives are deprived of Means to satisfy just Demands, and other Evils arise from such Rents, Annuities, and other Payments not being apportionable, which Evils require Remedy: Be it therefore enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Rents reserved and made payable on any Demise or Lease of Lands, Tenements, or Hereditaments which have been and shall be made, and which Leases or Demises determined or shall determine on the Death of the Person making the same (although such Person was not strictly Tenant for Life thereof), or on the Death of the Life or Lives for which such Person was entitled to such Hereditaments, shall, so far as respects the Rents reserved by such Leases, and the Recovery of a Proportion thereof by the Person granting the same, his or her Executors or Administrators (as the Case may be), be considered as within the Provisions of the said recited Act.

Rents reserved on Leases determining on the Death of the Person making them (though not strictly Tenant for Life), or on the Death of the Tenant pur autre vie, to be considered as within the Provisions of recited Act.

II. And be it further enacted, That from and after the passing of this Act all Rents Service reserved on any Lease by a Tenant in Fee or for any Life Interest, or by any Lease granted under any Power, (and which Leases shall have been granted after the passing of this Act), and all Rents Charge and other Rents, Annuities, Pensions, Dividends, Moduses, Compositions, and all other Payments of every Description, in the United Kingdom of *Great Britain* and *Ireland*, made payable or coming due at fixed Periods under any Instrument that shall be executed after the passing of this Act, or (being a Will or Testamentary Instrument) that shall come into operation after the passing of this Act, shall be apportioned so and in such Manner that on the Death of any Person interested in any such Rents, Annuities, Pensions, Dividends, Moduses, Compositions, or other Payments as aforesaid, or in the Estate, Fund, Office, or Benefice from or in respect of which the same shall be issuing or derived, or on the Determination by any other Means whatsoever of the Interest of any such Person, he or she, and his or her Executors, Administrators, or Assigns, shall be entitled to a Proportion of such Rents, Annuities, Pensions, Dividends, Moduses, Compositions, and other Payments according to the Time which shall have elapsed from the Commencement or last Period of Payment thereof respectively (as the Case may be), including the Day of the Death of such Person, or of the Determination of his or her Interest, all just Allowances and Deductions in respect of Charges on such Rents, Annuities, Pensions, Dividends, Moduses, Compositions,

All Rents, Annuities, and other Payments coming due at fixed Periods to be apportioned;

subject to all just Deductions.

sitions, and other Payments being made; and that every such Person, his or her Executors, Administrators, and Assigns, shall have such and the same Remedies at Law and in Equity for recovering such apportioned Parts of the said Rents, Annuities, Pensions, Dividends, Moduses, Compositions, and other Payments, when the entire Portion of which such apportioned Parts shall form Part shall become due and payable, and not before, as he, she, or they would have had for recovering and obtaining such entire Rents, Annuities, Pensions, Dividends, Moduses, Compositions, and other Payments if entitled thereto, but so that Persons liable to pay Rents reserved by any Lease or Demise, and the Lands, Tenements, and Hereditaments comprised therein, shall not be resorted to for such apportioned Parts specifically as aforesaid, but the entire Rents of which such Portions shall form a Part shall be received and recovered by the Person or Persons who if this Act had not passed would have been entitled to such entire Rents; and such Portions shall be recoverable from such Person or Persons by the Parties entitled to the same under this Act in any Action or Suit at Law or in Equity.

Remedies for obtaining the apportioned Parts.

III. Provided always, and be it enacted, That the Provisions herein contained shall not apply to any Case in which it shall be expressly stipulated that no Apportionment shall take place, or to annual Sums made payable in Policies of Assurance of any Description.

Act not to apply to certain Cases.

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