

Law Reform (Married Women and Tortfeasors) Act 1935

Chapter 30

Part I

Capacity, Property, and Liabilities of Married Women; and Liabilities of Husbands

1 Capacity of married women

Subject to the provisions of this Part of this Act, a married woman shall—

- (a) be capable of acquiring, holding, and disposing of, any property; and
- (b) be capable of rendering herself, and being rendered, liable in respect of any tort, contract, debt, or obligation; and
- (c) be capable of suing and being sued, either in tort or in contract or otherwise; and
- (d) be subject to the law relating to bankruptcy and to the enforcement of judgments and orders,

in all respects as if she were a feme sole.

2 Property of married women

(1) Subject to the provisions of this Part of this Act all property which—

- (b) belongs at the time of her marriage to a woman; or
- (c) is acquired by or devolves upon a married woman,

shall belong to her in all respects as if she were a feme sole and may be disposed of accordingly.

3 Abolition of husband's liability for wife's torts and ante-nuptial contracts, debts, and obligations

Subject to the provisions of this Part of this Act, the husband of a married woman shall not, by reason only of his being her husband, be liable—

- (a) in respect of any tort committed by her whether before or after the marriage, or in respect of any contract entered into, or debt or obligation incurred, by her before the marriage; or
- (b) to be sued, or made a party to any legal proceeding brought, in respect of any such tort, contract, debt, or obligation.

4 Savings

(2) For the avoidance of doubt it is hereby declared that nothing in this Part of this Act—

- (a) renders the husband of a married woman liable in respect of any contract entered into, or debt or obligation incurred, by her after the marriage in respect of which he would not have been liable if this Act had not been passed;
- (b) exempts the husband of a married woman from liability in respect of any contract entered into, or debt or obligation (not being a debt or obligation arising out of the commission of a tort) incurred, by her after the marriage in respect of which he would have been liable if this Act had not been passed;
- (c) prevents a husband and wife from acquiring, holding, and disposing of, any property jointly or as tenants in common, or from rendering themselves, or being rendered, jointly liable in respect of any tort, contract, debt or obligation, and of suing and being sued either in tort or in contract or otherwise, in like manner as if they were not married;
- (d) prevents the exercise of any joint power given to a husband and wife.

Part III

Supplementary

8 Short title, extent and construction of references

- (1) This Act may be cited as the Law Reform (Married Women and Tortfeasors) Act 1935.