



# Married Women's Property Act 1893

## 1893 CHAPTER 63

An Act to amend the Married Women's Property Act, 1882. [5th December 1893]

BE it enacted by the Queen'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, as follows:

### **1 Effect of contracts by married women.**

- Every contract hereafter entered into by a married woman, otherwise than as agent,
- (a) shall be deemed to be a contract entered into by her with respect to and to bind her separate property whether she is or is not in fact possessed of or entitled to any separate property at the time when she enters into such contract;
  - (b) shall bind all separate property which she may at that time or thereafter be possessed of or entitled to ; and
  - (c) shall also be enforceable by process of law against all property which she may thereafter while discoverd be possessed of or entitled to;

Provided that nothing in this section contained shall render available to satisfy any liability or obligation arising out of such contract any separate property which at that time or thereafter she is restrained from anticipating.

### **2 Costs may be ordered to be paid out of property subject to restraint on anticipation.**

In any action or proceeding now or hereafter instituted by a woman or by a next friend on her behalf, the court before which such action or proceeding is pending shall have jurisdiction by judgment or order from time to time to order payment of the costs of the opposite party out of property which is subject to a restraint on anticipation, and may enforce such payment by the appointment of a receiver and the sale of the property or otherwise as may be just.

**3 Will of married woman.**

Section twenty-four of the Wills Act, 1837, shall apply to the will of a married woman made during coverture whether she is or is not possessed of or entitled to any separate property at the time of making it, and such will shall not require to be re-executed or republished after the death of her husband.

**4 Repeal.**

Sub-sections (3) and (4) of section one of the Married Women's Property Act, 1882, are hereby repealed.

**5 Short title.**

This Act may be cited as the Married Women's Property Act, 1893.

**6 Extent.**

This Act shall not apply to Scotland.