

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ

No. 8

An Act for the better Apportionment of Rents and other  
Periodical Payments.

*[Assented to 26th February, 1891.]*

WHEREAS it is expedient to amend the law with respect to the Preamble  
Apportionment of Rents and other periodical Payments: Be  
it therefore enacted by the Queen's Most Excellent Majesty, by and

*The Apportionment Act, 1891*

with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, as follows:—

- Short title            1. The short title of this Act shall be 'The Apportionment Act, 1891.'
- Rents, &c., to accrue from day to day and be apportionable in respect of time            2. From and after the passing of this Act, all rents, annuities, dividends, and other periodical payments in the nature of income (whether reserved or made payable under an instrument in writing or otherwise), shall, like interest on money lent, be considered as accruing from day to day, and shall be apportionable in respect of time accordingly.
- Apportioned part of Rent, &c., to be payable when the next entire portion shall have become due            3. The apportioned part of any such rent, annuity, dividend, or other payment, shall be payable or recoverable in the case of a continuing rent, annuity, or other such payment when the entire portion of which such apportioned part shall form part shall become due and payable, and not before; and in the case of a rent, annuity, or other such payment determined by re-entry, death, or otherwise, when the next entire portion of the same would have been payable if the same had not so determined, and not before.
- Persons shall have the same remedies for recovering apportioned parts as for entire parts            4. All persons and their respective heirs, executors, administrators and assigns, and also the executors, administrators, and assigns respectively of persons whose interests determine with their own deaths, shall have such or the same remedies at law and equity for recovering such appointed parts as aforesaid, when payable (allowing proportionate parts of all just allowances), as they respectively would have had for recovering such entire portions as aforesaid if entitled thereto respectively; provided that persons liable to pay rents reserved out of or charged on lands or other hereditaments of any tenure, and the same lands or other hereditaments shall not be resorted to for any such apportioned parts forming part of an entire or continuing rent as aforesaid specifically, but the entire or continuing rent, including such apportioned part, shall be recovered and received by the heir or other person who, if the rent had not been apportionable under this Act or otherwise, would have been entitled to such entire or continuing rent, and such apportioned part shall be recoverable from such heir or other person by the executors or other parties entitled under this Act to the same by action at law.
- Proviso as to rents reserved in certain cases
- Interpretation of terms            5. In the construction of this Act:—  
                           The word 'Rents' includes rent service, rent charge, and rent seek; and all periodical payments or renderings in lieu of or in the nature of rent.  
                           The word 'Annuities' includes Salaries and Pensions.  
                           The word 'Dividends' includes (besides Dividends strictly so called) all made by the name of dividend, bonus, or otherwise, out of the revenue of trading or other public companies, divisible between all or any of the members of such respective companies, whether such payments shall be usually made or declared at any fixed times or otherwise; and all such divisible revenue shall, for the purposes of this Act, be deemed to have accrued by equal daily increment during and within the period for or in respect of which the

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*The Apportionment Act, 1891*

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payment of the same revenue shall be declared or expressed to be made: but the said word 'Dividend' does not include payments in the nature of a return or reimbursement of capital.

6. Nothing in this Act contained shall render apportionable any annual sums made payable in policies of assurance of any description. Act not to apply to Policies of Assurance

7. The provisions of this Act shall not extend to any case in which it is or shall be expressly stipulated that no apportionment shall take place. Nor where stipulations made to the contrary

W. C. F. ROBINSON,  
GOVERNOR.

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