

## CHAPTER 213

### DOMICILE REFORM

1979-31

This Act came into operation on 1st January, 1980 by Proclamation (S.I. 1979 No. 186).

#### **Amended by:**

This Act has not been amended

#### **Law Revision Orders**

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

1985



## **CHAPTER 213**

### **DOMICILE REFORM 1979-31**

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**BARBADOS****DOMICILE REFORM  
1979-31**

*An Act to reform the law relating to domicile.*

[Commencement: 1st January, 1980]

**Short title**

1. This Act may be cited as the *Domicile Reform Act*.

**INTERPRETATION****Definition**

2. For the purposes of this Act  
“father” and “mother” have the meanings assigned to them respectively by  
section 2 of the *Status of Children Reform Act*, Cap. 220.

**Domicile before 1st January, 1980**

3. A domicile that a person had at a time before 1st January, 1980 shall  
be determined as if this Act had not been enacted.

**Domicile after 1st January, 1980**

4. A domicile that a person has at a time after 1st January, 1980 shall be determined as if this Act had always been in force.

**Wife's dependent domicile abolished**

5.(1) Every married person is capable of having an independent domicile; and the rule of law whereby upon marriage a woman acquires her husband's domicile and is thereafter during the subsistence of the marriage incapable of having any other domicile is abolished.

(2) This section applies to the parties to every marriage, whenever and pursuant to whatever law solemnised, and whatever the domicile of the parties at the time of the marriage.

**Children**

6.(1) A child whose parents are living together has the domicile for the time being of its father.

(2) If a child whose parents are not living together has its home with its father, it has the domicile for the time being of its father; and after it ceases to have its home with him, it continues to have that domicile (or, if he is dead, the domicile at his death) until it has its home with its mother.

(3) Subject to subsection (2), a child whose parents are not living together has the domicile for the time being of its mother, or, if she is dead, the domicile she had at her death.

(4) Until a foundling child has its home with one of its parents, both its parents shall, for the purposes of this section, be deemed to be alive and domiciled in the country in which the foundling child was found.

(5) This section has effect in place of all rules of law relating to the domicile of children.

**Acquisition of independent domicile**

7. Subject to any rule of law relating to the domicile of insane persons, every person becomes capable of having an independent domicile upon attaining the age of majority, or, being a minor, upon marriage.

**Domicile to continue**

8. The domicile a person has immediately before becoming capable of having an independent domicile continues until he acquires a new domicile in accordance with section 9, whereupon such domicile ceases.

**Acquisition of new domicile**

9. A person acquires a new domicile in a country at a particular time, if immediately before that time,

- (a) he is not domiciled in that particular country;
- (b) he is capable of having an independent domicile;
- (c) he is in that country; and
- (d) he intends to live indefinitely in that country.

**Domicile of origin not to revive**

10. A new domicile acquired in accordance with section 9 continues until a further new domicile is acquired in accordance with that section; and the rule of law known as the revival of domicile of origin whereby a person's domicile of origin revives upon his abandoning a domicile of choice is abolished.

**Standard of proof**

11. The standard of proof which, immediately before 1st January, 1980, was sufficient to show the abandonment of a domicile of choice and the acquisition of another domicile of choice shall be sufficient to show the acquisition of a new domicile in accordance with section 9.