



Number 5 of 1957.

MARRIED WOMEN'S STATUS ACT 1957

REVISED

Updated to 16 November 2015

This Revised Act is an administrative consolidation of the *Married Women's Status Act 1957*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975 (3/1975)* to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Marriage Act 2015 (35/2015)*, enacted 29 October 2015, and all statutory instruments up to and including *Marriage Act 2015 (Commencement) Order 2015 (S.I. No. 504 of 2015)*, made 10 November 2015, were considered in the preparation of this Revised Act.

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Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1999, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.



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ARRANGEMENT OF SECTIONS

Section

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13. Saving for settlements.
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SCHEDULE

ENACTMENTS REPEALED

 ACTS REFERRED TO

Adoption Act, 1952	No. 25 of 1952
Companies Consolidation Act, 1908	8 Edw. 7 c. 69
Conveyancing Act, 1881	44 & 45 Vic. c. 41
Conveyancing Act, 1882	45 & 46 Vic. c. 39
Conveyancing Act, 1911	1 & 2 Geo 5 c. 37
Conveyancing Acts, 1881 to 1911	
County Offices and Courts (Ireland) Act, 1877	40 & 41 Vic. c. 56
Excise Management Act, 1841	4 & 5 Vic. c. 20
Fines and Recoveries Act, 1834	4 & 5 Will. 4 c. 92
Industrial and Commercial Property (Protection) Act, 1927	No. 16 of 1927
Infants' Property Act, 1830 (extended to Ireland by the Infants' Property (Ireland) Act, 1835	11 Geo. 4 and 1 Will. 4 c. 65
Land Law (Ireland) Act, 1881	44 & 45 Vic. c. 49
Landlord and Tenant (Ireland) Act, 1870	33 & 34 Vic. c. 46
Larceny Act, 1916	6 & 7 Geo 5 c. 50
Leases for Schools (Ireland) Act, 1881	44 & 45 Vic. c. 65
Leasing Powers Act for Religious Worship in Ireland Act, 1855	18 & 19 Vic. c. 39
Married Women's Property Act, 1882	45 & 46 Vic. c. 75
Married Women's Property Act, 1884	47 & 48 Vic. c. 14
Married Women's Property Act, 1893	56 & 57 Vic. c. 63
Married Women's Property Act, 1907	7 Edw. 7 c. 18
Married Women's Property (Ireland) Act, 1865	28 & 29 Vic. c. 43
Married Women's Reversionary Interests Act, 1857	20 & 21 Vic. c. 57
Real Property Act, 1845	8 & 9 Vic. c. 106
Registration of Title Act, 1891	54 & 55 Vic. c. 66
Settled Estates Act, 1877	40 & 41 Vic. c. 18
Settled Land Act, 1882	45 & 45 Vic. c. 38
Settled Land Acts, 1882 to 1890	
Summary Jurisdiction (Ireland) Act, 1908	8 Edw. 7 c. 24
Trustee Act, 1893	56 & 57 Vic. c. 53
Wills Act, 1837	1 Vic. c. 26



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AN ACT TO CONSOLIDATE WITH AMENDMENTS THE LAW RELATING TO THE STATUS OF MARRIED WOMEN AND THE LIABILITIES OF HUSBANDS. [30th April, 1957.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

- Application of Act. **1.**—Save where otherwise appears, this Act applies to persons whether married before or after the commencement of this Act.
- Capacity of married women. **2.**—(1) Subject to this Act, a married woman shall—
- (a) be capable of acquiring, holding, and disposing (by will or otherwise) of, any property, and
 - (b) be capable of contracting, and
 - (c) be capable of rendering herself, and being rendered, liable in respect of any tort, contract, debt or obligation, and
 - (d) be capable of suing and being sued, and
 - (e) be subject to the law relating to bankruptcy and to the enforcement of judgments and orders,
- as if she were unmarried.
- (2) Subsection (1) shall apply as between a married woman and her [spouse] in like manner as it applies as between her and any other person.
- (3) A married woman may act as a trustee or personal representative as if she were unmarried.
- (4) [...]
- (5) [...]
- Property of married women. **3.**—All property which—
- (a) immediately before the commencement of this Act was the separate property of a married woman or held for her separate use in equity, or

(b) belongs at the time of her marriage to a woman married after such commencement, or

(c) after such commencement is acquired by or devolves upon a married woman, shall belong to her as if she were unmarried and may be disposed of accordingly.

Joint capacity of [spouses of each other].

4.—[Spouses of each other] shall—

(a) be capable of acquiring, holding and disposing of any property jointly or as tenants in common, and

(b) be capable of rendering themselves, and being rendered, jointly liable in respect of any tort, contract, debt or obligation, and

(c) be capable of suing and being sued, and

(d) be capable of exercising any joint power given to them,

in like manner as if they were not married.

Property rights of husband and wife.

5.—A husband and wife shall, for all purposes of acquisition of any property, under a disposition made or coming into operation after the commencement of this Act, be treated as two persons.

Abolition of restraint upon anticipation.

6.—A restriction upon anticipation or alienation attached (whether before or after the commencement of this Act) to the enjoyment of any property by a woman which could not have been attached to the enjoyment of that property by a man shall be of no effect.

Insurance for benefit of spouse or children.

7.—(1) This section applies to a policy of life assurance or endowment expressed to be for the benefit of, or by its express terms purporting to confer a benefit upon, the wife, husband or child of the insured.

(2) The policy shall create a trust in favour of the objects therein named.

(3) The moneys payable under the policy shall not, so long as any part of the trust remains unperformed, form part of the estate of the insured or be subject to his or her debts.

(4) If it is proved that the policy was effected and the premiums paid with intent to defraud the creditors of the insured, they shall be entitled to receive, on account of their debts, payment out of the moneys payable under the policy, so, however, that the total amount of such payments shall not exceed the amount of the premiums so paid.

(5) The insured may by the policy, or by any memorandum under his or her hand, appoint a trustee or trustees of the moneys payable under the policy, and may from time to time appoint a new trustee or new trustees thereof, and may make provision for the appointment of a new trustee or trustees thereof and for the investment of the moneys payable under the policy.

(6) In default of any such appointment of a trustee, the policy, immediately on its being effected, shall vest in the insured and his or her legal personal representatives in trust for the purposes aforesaid.

(7) The receipt of a trustee or trustees duly appointed or, in default either of any such appointment or of notice thereof to the insurer, the receipt of the legal personal representative of the insured shall be a good discharge to the insurer for any sum paid by him under the policy.

(8) In this section "child" includes stepchild, illegitimate child, [a child adopted under an adoption order within the meaning of section 3(1) of the Adoption Act 2010 or who is the subject of an intercountry adoption effected outside the State and recognised under that Act], and a person to whom the insured is *in loco parentis*.

(9) This section applies whether the policy was effected before or after the commencement of this Act.

Contracts for benefit of spouse, or children.

8.—(1) Where a contract (other than a contract to which section 7 applies) is expressed to be for the benefit of, or by its express terms purports to confer a benefit upon, a third person being the wife, husband or child of one of the contracting parties, it shall be enforceable by the third person in his or her own name as if he or she were a party to it.

(2) The right conferred on a third person by this section shall be subject to any defence that would have been valid between the parties to the contract.

(3) Unless the contract otherwise provides, it may be rescinded by agreement of the contracting parties at any time before the third person has adopted it either expressly or by conduct.

(4) This section applies whether the contract was made before or after the commencement of this Act.

(5) In this section, "child" includes stepchild, illegitimate child, [a child adopted under an adoption order within the meaning of section 3(1) of the Adoption Act 2010 or who is the subject of an intercountry adoption effected outside the State and recognised under that Act], and a person to whom the contracting party is *in loco parentis*.

Criminal proceedings for protection of property of married persons.

9.—(1) Subject to subsection (3), every married woman shall have in her own name against all persons whomsoever, including her [spouse], the same remedies and redress by way of criminal proceedings for the protection and security of her property as if she were unmarried.

(2) Subject to subsection (3), a husband shall have [against his spouse] the same remedies and redress by way of criminal proceedings for the protection and security of his property [as if he were unmarried].

[(3) No criminal proceedings referred to in subsection (1) or (2) shall be taken by a spouse against the other spouse except by or with the consent of the Director of Public Prosecutions.]

(4) [...]

(5) In any indictment or process grounding criminal proceedings in relation to the property of a married woman, it shall be sufficient to allege the property to be her property.

Wife's antenuptial debts and liabilities.

10.—A woman after her marriage shall continue to be liable for all debts contracted and all contracts entered into or torts committed by her before her marriage, including any sums for which she may be liable as contributory, either before or after she has been placed on the list of contributories under and by virtue of the Companies (Consolidation) Act, 1908, and she may be sued for any such debt and for any liability in damages or otherwise under any such contract or in respect of any such tort.

Abolition of husband's liability for wife's torts, contracts, debts and obligations.

11.—(1) The husband of a woman shall not, by reason only of his being her husband,—

- (a) be liable in respect of any tort committed by her, whether before or after the marriage, or
- (b) be sued, or made a party to any legal proceedings brought, in respect of any such tort, or
- (c) be liable in respect of any contract entered into, or debt or obligation incurred by her before the marriage, or
- (d) be liable in respect of any contract entered into, or debt or obligation incurred by her (otherwise than as agent) after the marriage, or
- (e) be sued, or made a party to any legal proceedings brought, in respect of any such contract, debt or obligation.

(2) Notwithstanding subsection (1), where alimony has been ordered by a court to be paid and has not been duly paid by the husband, he shall be liable for necessaries supplied for the use of the wife.

Determination of questions between husband and wife as to property.

12.—[...]

Saving for settlements.

13.—(1) Subject to section 6 and to subsection (2) of this section, nothing in this Act shall interfere with or invalidate any settlement or agreement for a settlement made or to be made, whether before or after marriage, respecting the property of a married woman, but no settlement or agreement for a settlement shall have any greater force or validity against creditors of such woman than a like settlement or agreement for a settlement made by a man would have against his creditors.

- (2) (a) The provisions of this subsection shall have effect in relation to a settlement or agreement for a settlement made on or after the 1st day of January, 1908, whether before or after marriage, by the husband or intended husband, respecting the property of any woman he may marry or have married.
- (b) It shall not be valid unless it was or is executed by her if of full age or, if she was or is not of full age, confirmed by her after she attains full age.
- (c) If she dies an infant, any covenant or disposition by her husband contained in the settlement or agreement for a settlement shall bind or pass any interest in any property of hers to which he may become entitled on her death and which he could have bound or disposed of if the Married Women's Property Act, 1907, and this Act had not been passed.

(d) [...]

Breaches of trust by married women.

14.—The provisions of this Act as to the liabilities of married women shall extend to any liability arising out of a breach of trust or devastavit committed by a married woman, whether before or after her marriage, in her capacity as trustee or personal representative and her husband shall not, by reason only of his being her husband, be liable in respect thereof.

Will of married woman.

15.—Section 24 (which provides for the cases in which a will is to be construed as speaking from the death of the testator) 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 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.

Power of attorney of married woman.

16.—A married woman, whether an infant or not, shall have power, as if she were unmarried and of full age, by deed, to appoint an attorney on her behalf for the purpose of executing any deed or doing any other act which she might herself execute or do; and the provisions of the Conveyancing Acts, 1881 to 1911, relating to instruments creating powers of attorney shall apply thereto.

Savings as to pending proceedings and enforcement of certain judgments.

17.—(1) Nothing in this Act shall affect any legal proceedings in respect of any tort if proceedings in respect thereof had been instituted before the commencement of this Act.

(2) Nothing in this Act shall enable any judgment or order against a married woman in respect of a contract entered into, or debt or obligation incurred before the commencement of this Act, to be enforced in bankruptcy or to be enforced otherwise than against her property.

[Gifts in fraud of creditors.

18. Nothing in this Act shall be construed as validating, as against creditors of a spouse (in this section called the 'first-mentioned spouse'), any gift, by the first-mentioned spouse to his or her spouse, of any property which, after such gift, continues to be in the order or disposition or reputed ownership of the first-mentioned spouse or any deposit or other investment of moneys of that first-mentioned spouse made by or in the name of his or her spouse in fraud of the first-mentioned spouse's creditors, and any such moneys so deposited or invested may be followed as if this Act had not been passed.]

Consequential repeals.

19.—The enactments mentioned in the *Schedule* are hereby repealed to the extent specified in the third column.

Short title and commencement.

20.—(1) This Act may be cited as the Married Women's Status Act, 1957.

(2) This Act shall come into operation on the first day of June, 1957.

Section 19.

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter or Number and Year. (1)	Short Title. (2)	Extent of Repeal. (3)
11 Geo. 4 & 1 Will. 4. c. 65.	The Infants' Property Act, 1830 (extended to Ireland by the Infants' Property (Ireland) Act, 1835).	Section 16, so far as it refers to married women.
4 & 5 Will. 4. c. 92.	The Fines and Recoveries (Ireland) Act, 1834.	Section 21; In section 38, the words from "and if the tenant in tail" to the end of the section; Section 43; Sections 68 to 81.
4 & 5 Vic. c. 20.	The Excise Management Act, 1841.	In section 7, the words "whose husband shall become insane or idiot, or be otherwise incapable of transacting his affairs, or whose husband shall be separated from her and be out of the limits of the United Kingdom"; The proviso to section 7.
8 & 9 Vic. c. 106.	The Real Property Act, 1845.	In section 6, the words from "and every such disposition by a married woman" to the end of the section.
18 & 19 Vic. c. 39.	The Leasing Powers Act for Religious Worship in Ireland, 1855.	In paragraph (5) of section 3, the words "for their separate use"; Paragraphs (6) and (7) of section 3.
20 & 21 Vic. c. 57.	The Married Women's Reversionary Interests Act, 1857.	The whole Act.
28 & 29 Vic. c. 43.	The Married Women's Property (Ireland) Act, 1865.	The whole Act.
33 & 34 Vic. c. 46.	The Landlord and Tenant (Ireland) Act, 1870.	Section 60.
40 & 41 Vic. c. 18.	The Settled Estates Act, 1877.	Sections 50 and 51;

Session and Chapter or Number and Year. (1)	Short Title. (2)	Extent of Repeal. (3)
		In section 52, the words "Subject to such examination as afore-said".
40 & 41 Vic. c. 56.	The County Officers and Courts (Ireland) Act, 1877.	Section 65.
44 & 45 Vic. c. 41.	The Conveyancing Act, 1881.	Section 40; In subsection (1) of section 50, the words from "and may, in like manner" to the end of the subsection; In paragraph (i) of subsection (2) of section 65, the words from "but, in the case of a married woman" to the end of the paragraph.
44 & 45 Vic. c. 49.	The Land Law (Ireland) Act, 1881.	Paragraph (4) of section 38.
44 & 45 Vic. c. 65.	The Leases for Schools (Ireland) Act, 1881.	In paragraph (d) of section 2, the words "for their separate use, and whether restrained or not from anticipation"; Paragraphs (e) and (f) of section 2.
45 & 46 Vic. c. 38.	The Settled Land Act, 1882.	Section 61.
45 & 46 Vic. c. 39.	The Conveyancing Act, 1882.	Section 7.
45 & 46 Vic. c. 75.	The Married Women's Property Act, 1882.	The whole Act.
47 & 48 Vic. c. 14.	The Married Women's Property Act, 1884.	The whole Act.
54 & 55 Vic. c. 66.	The Registration of Title Act, 1891.	In subsection (1) of section 73, the words "Subject to the provisions of this section"; Subsection (2) of section 73.
56 & 57 Vic. c. 53.	The Trustee Act, 1893.	Section 16;
		In subsection (1) of section 45, the words from "and notwithstanding" to "anticipation".

Session and Chapter or Number and Year. (1)	Short Title. (2)	Extent of Repeal. (3)
56 & 57 Vic. c. 63.	The Married Women's Property Act, 1893.	The whole Act.
7 Edw. 7. c. 18.	The Married Women's Property Act, 1907.	The whole Act.
8 Edw. 7. c. 24.	The Summary Jurisdic- tion (Ireland) Act, 1908.	In paragraph (a) of subsection (1) of section 1 the word "sepa- rate".
8 Edw. 7. c. 69.	The Companies (Consoli- dation) Act, 1908.	Section 128.
1 & 2 Geo. 5. c. 37.	The Conveyancing Act, 1911.	Section 7.
6 & 7 Geo. 5. c. 50.	The Larceny Act, 1916.	Section 36.
No. 16 of 1927.	The Industrial and Commercial Property (Protection) Act, 1927.	In subsection (4) of section 166, the word "separate".