
No. 20 of 1996

ACT TO AMEND THE TRUSTS (CHOICE OF GOVERNING LAW) ACT.

[Date of Assent: 14th August, 1996]
Enacted by the Parliament of The Bahamas.

Short title.

1. This Act which amends the Trusts (Choice of Governing Law) Act, 1989 may be cited as the Trusts (Choice of Governing Law) (Amendment) Act, 1996.

Amendment of section 2 of the principal Act.

2. Section 2 of the principal Act is amended by the deletion of the definition "heirship right" and by the substitution therefor the following -

"**heirship right**" means any right, claim or interest in, against or to property of a person arising, accruing or existing in consequence of, or in anticipation of, that person's death, other than any such right, claim or interest created by will or other voluntary disposition by such person or resulting from an express limitation in the disposition of the property of such person; "

Amendment of section 8 of the principal Act.

3. Section 8 of the principal Act is amended by the insertion Amend immediately after the word "questioned" of the words "nor is the trustee or any beneficiary or any other person to be subjected to any liability or deprived of any right,".

4. The principal Act is amended by the addition after section 8 of the following -

"Heirship" rights.

9. An heirship right conferred by foreign law in relation to the property of a living person shall not be recognized as -

(a) affecting the ownership of immovable property in The Bahamas or movable property wherever situate for the purposes of paragraphs (a) and (b) of subsection (2) of section 7 or for any other purpose; or

1 of 1991.

(b) constituting an obligation or liability for the purposes of the Fraudulent Dispositions Act, 1991 or for any other purpose.

Foreign Judgements.

10. A foreign judgment shall not be recognized or enforced or give rise to any estoppel insofar as with section 8 or section 9 "

Application.

5. This Act shall apply to every trust and every disposition of property in trust made before or after the commencement of this Act, whether such property is situate in The Bahamas or elsewhere.