

CHAPTER 14:06

DOMICILE REFORM ACT

ARRANGEMENT OF SECTIONS

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AN Act to reform the law relating to domicile.

A.D. 1988

[14TH JULY, 1988]

1. This Act may be cited as the Domicile Reform Act. Short title.
2. For the purposes of this Act — Interpretation.
 - (a) "child" means a person who has not attained the age of eighteen years;
 - (b) "father" includes an adoptive father and, in the case of a child born out of wedlock, the natural father;
 - (c) "mother" includes an adoptive mother;
 - (d) "parent" means either the father or mother.
3. (1) Save as otherwise provided in this Act— Domicile before and after commencement of this Act.
 - (a) a domicile that a person has at any time before the commencement of this Act shall be determined as if this Act had not been enacted; and

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(b) a domicile that a person has at any time after the commencement of this Act shall be determined as if this Act had always been in force.

(2) Where immediately before this section came into operation a woman's domicile was that of her husband by dependence, she shall retain that domicile (as a domicile of choice, if it is not also her domicile of origin) unless and until it is changed by acquisition by her of another domicile either on or after the coming into operation of this Act.

Abolition of
wife's
dependent
domicile.

4.(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, wherever, whenever and pursuant to whatever law the marriage was solemnised, and whatever the domicile of the parties at the time of the marriage.

Domicile of
children.

5. (1) A child, whose parents are living together, has the domicile for the time being of his father.

(2) Where a child, whose parents are not living together, has his residence with his father, the child has the domicile for the time being, of his father; and after he ceases to have his residence with his father, he shall continue to have that domicile (or, if his father is dead, the domicile of the father at his death) until he has his residence with his mother.

(3) Save as otherwise provided in subsections (1) and (2) a child has the domicile for the time being, of his mother or, if she is dead, the domicile she had at her death.

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

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

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

7. The domicile a person has immediately before becoming capable of having an independent domicile shall continue until he acquires a new domicile in accordance with section 8, whereupon the domicile first mentioned shall cease. Domicile to continue.

8. A person acquires a new domicile in a country at a particular time if immediately before that time— Acquisition of new domicile.

- (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.

9. A new domicile acquired in accordance with section 8 shall continue 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. Domicile of origin not to revive.

10. The standard of proof which, immediately before the commencement of this Act, 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 8. Standard of proof.