



**BERMUDA
1977 : 3**

LAW REFORM (MISCELLANEOUS PROVISIONS) ACT 1977

ARRANGEMENT OF SECTIONS

1	Engagements to marry not enforceable at law	5	Abolition of actions for enticement, seduction and harbouring of spouse or child
2	Property of engaged couples	6	Amendment of other enactments [<i>omitted</i>]
3	Gifts between engaged couples	7	Commencement [<i>omitted</i>]
4	Abolition of right to claim damages for adultery, and of action for criminal conversation		SCHEDULE [<i>omitted</i>]

[3 February 1977]

[*preamble and words of enactment omitted*]

Engagements to marry not enforceable at law

1 (1) Subject to this section, an agreement between two persons to marry one another (hereafter in this section and in sections 2 and 3 referred to as an "engagement") shall not under the law of Bermuda have effect as a contract giving rise to legal rights, and no action shall lie in Bermuda for breach of an engagement, whatever the law applicable to the engagement.

(2) Nothing in subsection (1) shall prevent the recovery of any special damage by a person who was a party to an engagement that has been terminated by the other party thereto and by that party alone.

LAW REFORM (MISCELLANEOUS PROVISIONS) ACT 1977

(3) This section shall not affect any engagement entered into before 1 August 1977.

Property of engaged couples

2 (1) Where an engagement is terminated, any rule of law relating to the rights of husbands and wives in relation to property in which either or both has or have a beneficial interest, including any such rule as explained by section 9 of the Law Reform (Husband and Wife) Act 1977 [*title 26 item 26*], shall apply, in relation to any property in which either or both of the parties to the engagement had a beneficial interest while the engagement was in force, as it applies in relation to property in which a husband or wife has a beneficial interest.

(2) Where an engagement is terminated, sections 5 and 6 of the Law Reform (Husband and Wife) Act 1977 [*title 26 item 26*], shall apply, as if the parties were married, to any dispute between, or claim by one of, them in relation to property in which either or both had a beneficial interest while the engagement was in force; but an application made by virtue of this section to a court pursuant to section 5 of the Law Reform (Husband and Wife) Act 1977 (or that section as extended by section 6 of the Law Reform (Husband and Wife) Act 1977) shall be made within three years of the termination of the engagement.

(3) This section shall not affect any engagement entered into before 1 August 1977.

Gifts between engaged couples

3 (1) A party to an engagement who makes a conditional gift of property to the other party to the engagement shall not be prevented from recovering the property by reason only of his having terminated the engagement.

(2) It shall be presumed that the gift of an engagement ring by one party to the engagement to the other is a conditional gift unless it is proved that it is an absolute gift.

(3) In this section a conditional gift means a gift given on the condition (express or implied) that the thing given shall be returned if the marriage does not take place.

(4) This section shall not affect any engagement entered into before 1 August 1977.

Abolition of right to claim damages for adultery, and of action for criminal conversation

4 (1) After 31 July 1977 no person shall be entitled to petition

any court for, or include in a petition a claim for, damages from any other person on the ground of adultery with the wife of the first-mentioned person.

(2) With effect from 1 August 1977 the action for criminal conversation is hereby abolished.

Abolition of actions for enticement, seduction and harbouring of spouse or child

5 No person shall be liable in tort under the law of Bermuda —

- (a) to any other person on the ground only of his having induced the wife or husband of that other person to leave or remain apart from the other spouse; or
- (b) to a parent (or person standing in the place of parent) on the ground only of his having deprived the parent (or other person) of the services of his or her child by seducing or enticing that child; or
- (c) to any other person for harbouring the wife or child of that other person,

except in the case of a cause of action accruing before 1 August 1977 if an action in respect thereof has been begun before that date.

Amendment of other enactments

6 [omitted]

Commencement

7 [omitted]

[this Act was brought into operation on 1 August 1977 by GN 287/1977]

SCHEDULE

(Section 6)

[omitted]

LAW REFORM (MISCELLANEOUS PROVISIONS) ACT 1977

[This page intentionally left blank]