

INHERITANCE LAWS IN BARBADOS

Barbados' inheritance laws are governed primarily by the Succession Act, Cap. 249 of the Laws of Barbados,

There are no restrictions on, advantages or disadvantages for non-nationals owning and/or inheriting real property in Barbados. The Supreme Court of Barbados has Jurisdiction to adjudicate on succession issues placed before it.

INTESTANCY

In the case of intestacy (where there is no Will), the administration and distribution of real property governed by the laws of Barbados is as follows:-

- If an intestate person leaves a spouse, but no children or next of kin, the spouse is entitled to take the whole of the estate.
- If the surviving spouse has no children, but there is a named next-of-kin, the spouse is entitled to take two-thirds of the estate and the remainder is distributed in equal shares among the next-of-kin.
- If a spouse and one child are left, the spouse takes two-thirds and the child one-third.
- If a spouse and more than one child is left, the spouse is entitled to one-third and the remaining two-thirds are distributed equally among the children.

A TESTATOR HAS COMPLETE FREEDOM OF TESTAMENTARY DISPOSITION

- There are no "forced heirship" or "reserved portion" laws in Barbados. A testator is free to dispose of his/her property to anyone, before or after death, subject to the following conditions

- Any clause in a Will of a person dying in Barbados which attempts to disinherit minor children (or children under disability) or a spouse who was judicially separated less than 3 years before the death of the testator, is void.
- If a man and a woman have been cohabiting for a period of 5 years immediately before the death of either, succession rights are the same as for a married couple.
- The court has discretion to provide for the maintenance of children of the deceased, including the award of lump sum payments. If there is no minor child (or child under disability) the Succession Act gives a surviving spouse a legal right to one half of the deceased's estate, or one quarter if there is such a child.
- A will shall be revoked by any subsequent marriage of the testator except a will made in contemplation of that marriage and so expressed in the will.
- The spouse's legal right may be renounced by an antenuptial contract in writing between the intended parties or by the lifetime of the testator.
- If the will contains a gift of property to the surviving spouse, that spouse must, within 6 months of the grant of probate, elect to take the property given in the will, or to take his/her legal right under the Succession Act, unless the will states that he/she shall take both.

- No will or any part thereof shall be revoked except by another will or codicil duly executed or by some writing declaring an intention to revoke it and executed in the manner in which a will is required to be executed, or by burning, tearing, or destruction of it by the testator, or by some person in his presence and by his direction, with the intention of revoking it.

PRIMA FACIE OWNERSHIP OF REAL PROPERTY IS EVIDENCED BY THE TITLE DEEDS

Property owned by one or more parties as joint tenants

MARITAL RIGHTS

If real property is owned by a person as a joint tenant with another party, such as a spouse, the property automatically passes under the law of survivorship to the surviving party upon death of the testator, unless there was a prior severance of the joint tenancy. In both testacy and intestacy, if a husband and wife have been living apart continuously for a period of 5 years immediately preceding the death of either, the survivor is precluded from taking any share in the estate of the deceased as a legal right, or on intestacy. In the case of testacy, this does not preclude the surviving spouse from receiving a specific gift in the will.