



ST. CHRISTOPHER AND NEVIS

CHAPTER 21.14

PARTNERSHIP ACT

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

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CHAPTER 21.14

PARTNERSHIP ACT

AN ACT TO MAKE PROVISION RESPECTING PARTNERSHIPS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS

Short title.

1. This Act may be cited as the Partnership Act.

Interpretation.

2. In this Act—

“person” includes a partnership firm, joint stock company, and a corporation.

Advance of money on contract to receive a share of profits not to constitute the lender a partner.

3. The advance of money by way of loan to a person engaged, or about to engage, in any trade or undertaking, upon a contract in writing with such person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits, arising from carrying on such trade or undertaking, shall not, of itself, constitute the lender a partner with the person or persons carrying on such trade or undertaking, or render him or her responsible as such.

Remuneration of agents, etc., by shares of profits not to make them partners.

4. No contract for the remuneration of a servant or agent of any person engaged in any trade or undertaking by a share of the profits of such trade or undertaking shall, of itself, render such servant or agent responsible as a partner therein, or give him or her the rights of a partner.

Certain annuitants not to be deemed partners.

5. No person, being the widow or widower or child of the deceased partner of a trader, and receiving by way of annuity a portion of the profits made by such trader in his or her business, shall, by reason only of such receipt, be deemed to be a partner of, or to be subject to any liabilities incurred by, such trader.

Receipt of profits in consideration of sale of goodwill not to make the seller a partner.

6. No person receiving, by way of annuity or otherwise, a portion of the profits of any business, in consideration of the sale by him or her of the goodwill of such business, shall, by reason only of such receipt, be deemed to be a partner of, or be subject to the liabilities of, the person carrying on such business.

In case of bankruptcy etc., lender not to rank with other creditors.

7. In the event of any trader referred to in this Act being adjudged a bankrupt, or taking the benefit of any Act for the relief of insolvent debtors, or entering into an arrangement to pay his or her creditors less than one hundred cents in the dollar, or dying in insolvent circumstances, the lender of any such loan as aforesaid shall not be entitled to recover any portion of his or her principal, or of the profits or interest payable in respect of such loan, nor shall any such vendor of a goodwill as aforesaid be entitled to recover any such profits as aforesaid, until the claims of the other

creditors of the trader for valuable consideration in money or money's worth have been satisfied.
