

THE MATRIMONIAL REGIME IN CAMEROON.

PREPARED BY THE
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THE MATRIMONIAL REGIME IN CAMEROON.

The matrimonial regime is a combination of legal rules that govern the relationship and pecuniary interests involved between spouses vis-à-vis third (3rd) parties during and after their marriage. The matrimonial regime comes into existence only after the spouses conveniently choose the type of matrimonial regime they desire. This is certified by a Notary Public.

In Cameroon there exist two types of matrimonial regimes; Co-ownership and Separation of Property.

In the Co-ownership regime, upon dissolution of the marriage by divorce or through death of either of the spouse, the property is shared equally among the spouses or with the deceased family. On the contrary in the separation of property regime, there is no division of property because there is no joint property. Each spouse owns property in a personal capacity.

In Cameroon the law does not make it obligatory for this choice to be made upon marriage by the spouses. This is the reason why many couples do not bother to make a choice of regime during marriage. When this happens the law presumes that they are in for co-ownership of property. So that in the event of divorce or death, property shall be shared amongst them. However, the situation may be different depending on the type of jurisdiction seized.

Under Statutory Law, the position is that of co-ownership. There is equal division of property amongst spouses upon the occurrence of an event. If the other courts are seized, division of property will be done taking into consideration the effective contribution of each spouse to the growth of the matrimonial home.

Furthermore, a married woman is free to exercise a trade or any other profession different from that of her husband. There is no strict rule obliging a married woman to exercise the same trade as that of her husband. The only restriction is that stipulated in the OHADA Uniform Act on Commercial Companies and Economic Interest Groups which prohibits two spouses to be the main shareholders in a Private Limited Liability Company.

Also, a foreigner who is resident or working in Cameroon is free to take as wife a Cameroonian. There is no restriction to marriage on the bases of nationality, provided such an alien goes through the laid down procedures involved in marriage. Then he will be free to legalise his marriage in Cameroon.

In addition, where there is a marriage involving an alien and upon the occurrence of an event either divorce or death, the alien or his family should rest assured that his property will be secured depending on the type of matrimonial regime chosen upon marriage. There will be no question of his property being confiscated by the wife or the wife's family. If it was a co-ownership regime then property shall be shared equally amongst them. If, however, it was separation of property, then property will belong to each individual. The law is clear on this issue and he will be protected.

However, in case of any matrimonial problems in the course of your stay or work in Cameroon, do not hesitate to consult the **NICO HALLE & Co. LAW FIRM** for legal advice or redress.