



TRINIDAD AND TOBAGO

Act No. 28 of 1973

[L.S.]

AN ACT to amend the law relating to the age of majority,
to persons who have not attained that age and to the
time when a particular age is attained.

[Assented to 30th August, 1973]

BE IT ENACTED by the Queen's Most Excellent Majesty, by **Enactment**
and with the advice and consent of the Senate and House
of Representatives of Trinidad and Tobago, and by the
authority of the same, as follows:—

1. This Act may be cited as the Age of Majority Act, **Short title**
1973.

REDUCTION OF AGE OF MAJORITY
AND RELATED PROVISIONS

Reduction of
age of
majority from
twenty-one to
eighteen

2. (1) Subject to this Act as from the date on which this Act comes into force a person shall attain full age on attaining the age of eighteen instead of on attaining the age of twenty-one; and a person shall attain full age on that date if he has then already attained the age of eighteen but not the age of twenty-one.

(2) The foregoing subsection applies for the purposes of any rule of law, and in the absence of a definition or of any indication of a contrary intention, for the construction of "full age", "infant", "infancy", "minor", "minority" and similar expressions in—

(a) this Act and any other enactment whether passed or made before, on or after the date on which this Act comes into force; and

(b) any deed, will or other instrument of whatever nature (not being a statutory instrument) made on or after that date.

(3) Notwithstanding any rule of law, a will or codicil executed before the date on which this Act comes into force shall not be treated for the purposes of this section as made on or after that date by reason only that the will or codicil is confirmed by a codicil executed on or after that date.

(4) In the enactments specified in the Schedule for any reference to the age of twenty-one years there shall be substituted a reference to the age of eighteen years.

(5) The Governor-General may by order published in the *Gazette* substitute for a reference to the age of twenty-one years in any enactment a reference to the age of eighteen years by adding that enactment to the Schedule.

Maintenance for
children under
Infants Ordinance
to continue to
age twenty-one
Ch. 5. No. 12

3. (1) An order under section 5(4), 10(2) or 13 of the Infants Ordinance for the payment of sums towards the maintenance or education of a minor may require such sums to continue to be paid in respect of any period after the date on which he ceases to be a minor but not extending beyond the date on which he attains the age of twenty-one; and any order which is made as aforesaid may provide that any sum which is payable thereunder for the benefit of a person who has ceased to be a minor shall be paid to that person himself.

(2) Subject to subsections (3) and (4), where a person who has ceased to be a minor but has not attained the age of twenty-one has, while a minor, been the subject of an order under any of the provisions of the Infants Ordinance, the court may, on the application of either parent of that person or of that person himself, make an order requiring either parent to pay to the other parent, to anyone else for the benefit of that person or to that person himself, in respect of any period not extending beyond the date when he attains the said age, such weekly or other periodical sums towards his maintenance or education as the court thinks reasonable having regard to the means of the person on whom the requirement is imposed.

(3) No order shall be made under subsection (2) and no liability under such an order shall accrue, at a time when the parents of the person in question are residing together, and if they so reside for a period of three months after such an order has been made it shall cease to have effect.

(4) No order shall be made under subsection (2) requiring any person to pay any sum towards the maintenance or education of any child of that person born out of wedlock.

(5) Subsection (2) shall be construed as one with the Infants Ordinance.

4. For the purposes of Part III of the Wills and Probate Ordinance, the dependents of a deceased person shall continue to include any son who has not attained the age of twenty-one; and accordingly—

(a) in section 90(1)(c) of that Ordinance for the words "infant son" there shall be substituted the words "a son who has not attained the age of twenty-one years";

(b) in section 90(2)(c) of that Ordinance for the words "in the case of an infant son, his attaining the age of twenty-one years" there shall be substituted the words "in the case of a son who has not attained the age of twenty-one years, his attaining that age".

5. (1) In this section "the Court" means the High Court of Justice.

Modification of other enactments relating to maintenance of children so as to preserve benefits up to age of twenty-one
Ch. 8. No. 2

Maintenance for wards of court

(2) Subject to the provisions of this section, the Court may make an order—

- (a) requiring either parent of a ward of court to pay to the other parent; or
- (b) requiring either parent or both parents of a ward of court to pay to any other person having the care and control of the ward, such weekly or other periodical sums towards the maintenance and education of the ward as the Court thinks reasonable having regard to the means of the person or persons on whom the requirement is imposed.

(3) An order under subsection (2) may require such sums as are mentioned in that subsection to continue to be paid in respect of any period after the date on which the person for whose benefit the payments are to be made ceases to be a minor but not beyond the date on which he attains the age of twenty-one, and any order made as aforesaid may provide that any sum which is payable thereunder for the benefit of that person after he has ceased to be a minor shall be paid to that person himself.

(4) Subject to the provisions of this section, where a person who has ceased to be a minor but has not attained the age of twenty-one has at any time been the subject of an order making him a ward of court, the court may, on the application of either parent of that person or of that person himself, make an order requiring either parent to pay to the other parent, to anyone else for the benefit of that person or to that person himself, in respect of any period not extending beyond the date when he attains the said age, such weekly or other periodical sums towards his maintenance or education as the Court thinks reasonable having regard to the means of the person on whom the requirement in question is imposed.

(5) No order shall be made under this section, and no liability under such an order shall accrue, at a time when the parents of the ward or former ward, as the case may be, are residing together, and if they so reside for a period of three months after such an order has been made it shall cease to have effect; but the foregoing provisions of this subsection shall not apply to any order made by virtue of subsection (2)(b).

(6) No order shall be made under this section requiring any person to pay any sum towards the maintenance or education of any child of that person born out of wedlock.

(7) The Court shall have power from time to time by an order under this section to vary or discharge any previous order thereunder.

6. (1) The time at which a person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.

Time at which a person attains a particular age

(2) This section applies only where the relevant anniversary falls on a date after that on which this Act comes into force, and, in relation to any enactment, deed, will or other instrument, has effect subject to any provision therein.

7. A person who is not of full age may be described as a minor instead of as an infant, and accordingly in this Act "minor" means such a person as aforesaid.

Persons under full age may be described as minors instead of infants

8. Any order or directions in force immediately before this Act comes into force by virtue of any rules of court or other enactment relating to the control of money recovered by or otherwise payable to an infant in any proceedings, shall have effect as if any reference therein to the infant's attaining the age of twenty-one were a reference to his attaining the age of eighteen or, in relation to a person who by virtue of this Act attains full age on the date this Act comes into force to that date.

Funds in Court

9. (1) Any order in force immediately before this Act comes into force—

Wardship and custody orders

(a) making a person a ward of court; or

(b) under the Infants Ordinance or under the Supreme Court of Judicature Act, 1962, for the custody of, access to, any person, which is expressed to continue in force until the person who is the subject of the order attains the age of twenty-one, or any age between eighteen and twenty-one, shall have effect as if the reference to his attaining that age were a reference to his attaining the age of eighteen

Act No. 12 of 1962

or, in relation to a person who by virtue of this Act attains full age on the date this Act comes into force to that date.

(2) This section is without prejudice to so much of any order as makes provision for the maintenance or education of a person after he has attained the age of eighteen.

Adoption orders
Ch. 29. No. 7

10. This Act shall not prevent the making of an adoption order or provisional adoption order under the Adoption Ordinance in respect of a person who has attained the age of eighteen if the application for the order was made before this Act comes into force, and in relation to any such case that Ordinance shall have effect as if this Act had not been enacted.

Powers of trustees
to apply income
for maintenance
of minor
Ch. 8. No. 3

11. (1) This Act shall not affect section 32 of the Trustee Ordinance—

(a) in its application to any interest under an instrument made before this Act comes into force; or

(b) in its application, by virtue of any rules of law, to the estate of an intestate (within the meaning of the Administration of Estates Ordinance) dying before that date.

Ch. 8. No. 1

(2) In any case in which (whether by virtue of this section or section 15) trustees have power under subsection (1)(a) of the said section 32 to pay income to the parent or guardian of any person who has attained the age of eighteen or to apply it for or towards the maintenance, education or benefit of any such person, they shall also have power to pay it to that person himself.

Personal repre-
sentatives'
powers during
minority of
beneficiary
Ch. 8. No. 1

12. In the case of a beneficiary whose interest arises under a will or codicil made before this Act comes into force or on the death before that date of an intestate (within the meaning of the Administration of Estates Ordinance), nothing in this Act shall affect the powers of the personal representatives regarding—

(a) investment of the residue of any monies arising on a trust for sale; or

(b) other powers of management in the administration of estates,

at any time before the beneficiary attains the age of twenty-one.

13. The change, by virtue of this Act, in the construction of any rule of law which lays down permissible periods for the accumulation of income under settlements and other dispositions shall not invalidate any direction for accumulation in a settlement or other disposition made by a deed, will or other instrument which was made before this Act comes into force. Accumulation
periods

14. The change, by virtue of this Act, in the construction of section 10 of the Limitation of Personal Actions Ordinance (limitation in case of person under disability) shall not affect the time for bringing proceedings in respect of a cause of action which arose before this Act comes into force. Limitation
of actions
Ch. 5. No. 6

15. This Act shall not affect the construction of any statutory provision where it is incorporated in and has effect as part of any deed, will or other instrument the construction of which is not affected thereby. Statutory
provisions
incorporated
in deeds, wills,
etc.

16. This Act shall come into force on a date to be fixed by Proclamation of the Governor-General published in the *Gazette*. Commence-
ment

SCHEDULE

ENACTMENTS AMENDED BY SUBSTITUTING A REFERENCE TO EIGHTEEN YEARS OF AGE FOR A REFERENCE TO TWENTY-ONE YEARS OF AGE

	<i>Short Title</i>	<i>Section</i>	<i>Subject Matter</i>
Ch. 4. No. 2	Jury Ordinance	4	Qualification for jury service.
Ch. 4. No. 9	Offences against the Person	39	Procuration of woman under 21.
		45	Guardian to be appointed for girl under 13 until she becomes 21.
		47	Fraudulent abduction of girl under 21.
Ch. 4. No. 22	Probation of Offenders	5	Power of Court to order probationer to attend Probation Training Centre.
		19	Governor may establish places which shall be called Probation Training Centre.

SCHEDULE—Continued

	<i>Short Title</i>	<i>Section</i>	<i>Subject Matter</i>
Ch. 5. No. 6	Limitation of Personal Actions	10	Remedy for infants.
Ch. 5. No. 12	Infants Ordinance	3	Age of Majority
		21	Infant on Marriage.
Ch. 8. No. 2	Wills and Probate Ordinance	19	Administration of Estates during minority of executor.
Ch. 8. No. 3	Trustee Ordinance	32	Power to apply income for maintenance and to accumulate surplus income during minority.
Ch. 29. No. 2	The Marriage Ordinance	22	Consent to marriage of minors.
Ch. 29. No. 7	Adoption of Children Ordinance	2	Interpretation.
Ch. 38. No. 2	Friendly Societies Ordinance	34	Membership of Minor.
		52	Member over sixteen may in writing dispose of sums payable on death and the witness to the signature of the nominator to be not less than twenty-one.
No. 11 of 1962	Trinidad and Tobago Citizenship Act, 1962	2	Registration of Minors as citizens of Trinidad and Tobago, etc.
Ch. 27. No. 12	Conveyancing and Law of Property	77	Management of land pending contingency
Ch. 9. No. 8	Widows' and Orphans' Ordinance	2	Definition of "pensionable age"
		9(4)	Pension to children of deceased—cessation
		24	Notification as to marriage of
		(3)	female child under twenty-one
		(b)	years
		and	
		(4)	
		(c)	
No. 27. of 1955	Liquor Licences Ordinance	30	Grant or transfer of licences to
		(b)	persons under twenty-one years

Passed in the House of Representatives this 27th day of July, 1973.

J. E. CARTER

Acting Clerk of the House

Passed in the Senate this 30th day of July, 1973.

J. E. CARTER

Clerk of the Senate