

AGE OF MAJORITY ACT

CHAPTER 46:06

Act
28 of 1973
Amended by
17 of 1981
66 of 2000

Current Authorised Pages

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on section 5

The Attachment of Earnings (Maintenance) Act, (Ch. 45:52) applies to a Maintenance Order made under section 5(2) of this Act. (*See Schedule 1, Item 7, to Act, Ch. 45:52*).

CHAPTER 46:06

AGE OF MAJORITY ACT

ARRANGEMENT OF SECTIONS

SECTION

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CHAPTER 46:06

AGE OF MAJORITY ACT

28 of 1973. **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.**

Commencement.
187/1973. [15TH NOVEMBER 1973]

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

**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 operation, 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) Subsection (1) 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 written law whether passed or made before, on or after the date on which this Act comes into operation; 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 operation 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) The President may by Order substitute for a reference to the age of twenty-one years in any written law a reference to the age of eighteen years.

* An Order (GN 26/1975) has been made under this subsection. The original Act contained a Schedule of enactments in which the substitution provided for in this subsection was made. The enactments concerned have been accordingly amended and the Schedule omitted.

3. (1) An order under section 4(4), 9(2) or 12 of the Infants Act 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 mentioned above 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.

Maintenance for children under Infants Act to continue to age twenty-one. [17 of 1981]. Ch. 46:02.

(2) Subject to subsection (3), 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 Act, 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) *(Deleted by Act No. 17 of 1981).*

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

Ch. 46:02.

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

Construction for Part III of Wills and Probate Act. Ch. 9:03.

*5. (1) In this section “the Court” means the High Court of Justice.

Maintenance for wards of Court. [17 of 1981 66 of 2000].

(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

*See Note on page 2.

- (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 mentioned above 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 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) *(Deleted by Act No. 66 of 2000).*

(6) *(Deleted by Act No. 17 of 1981).*

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

Time at which a person attains a particular age.

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.

(2) This section applies only where the relevant anniversary falls on a date after that on which this Act comes into operation and, in relation to any written law, 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 operation by virtue of any Rules of Court or other written law 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 operation to that date.

Funds in Court.

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

Wardship and custody orders.

- (a) making a person a ward of Court; or
- (b) under the Infants Act or under the Supreme Court of Judicature Act, 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 or, in relation to a person who by virtue of this Act attains full age on the date this Act comes into operation.

Ch. 46:02.

Ch. 4:01.

(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.

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Adoption
orders.
Ch. 46:03.

10. This Act shall not prevent the making of an adoption order or provisional adoption order under the Adoption of Children Act 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 operation and in relation to any such case that Act 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
(1950 Ed.).

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 operation;
- (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
(1950 Ed.).

(2) In any case in which (whether by virtue of this section or section 15) trustees have power under section 32(1)(a) of the Trustee Ordinance 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
representatives'
powers during
minority of
beneficiary.
Ch. 8 No. 1
(1950 Ed.).

12. In the case of a beneficiary whose interest arises under a will or codicil made before this Act comes into operation 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 moneys 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.

Accumulation
periods.

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 operation.

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 operation.

Limitation of
actions.
Ch. 5 No. 6
(1950 Ed.).

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.