

LAWS OF TRINIDAD AND TOBAGO

INFANTS ACT

CHAPTER 46:02

Act
28 of 1925
Amended by
33 of 1945
28 of 1973
50 of 1976
45 of 1979
15 of 1981
*20 of 1981

*See Note on Amendment on page 2

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-3	1/1990
4	—
5-10	1/1990

Index
of
Subsidiary Legislation

	Page
Infants (Petition) Rules (R.G. 22.5.1867)	9

Note
on
Amendment

This Act has been amended by Act 20 of 1981 but Act 20 of 1981 had not up to the date of the last revision of this Act been brought into operation.

CHAPTER 46:02

INFANTS ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.

PART I

GUARDIANSHIP AND CUSTODY OF INFANTS

(Sections 3 to 18 repealed by Act 15 of 1981).

PART II

CONTRACTS OF INFANTS

19. Contracts by infants, except for necessities, to be void.
20. No action to be brought on ratification of infant's contract.

PART III

INFANTS' SETTLEMENTS

21. Infant may make settlement of marriage.
22. In case infant dies under age, appointment to be void.
23. Sanction of Court to be given on petition.

PART IV

SALE OF INFANTS' ESTATES

24. Court to authorise sale of infant's lands.
25. Notice of petitions to be published and persons may be heard.
26. Moneys to be paid to Comptroller of Accounts and applied to certain purposes.
27. Money to be invested pending application.

PART V

MISCELLANEOUS

28. Rules.
-

CHAPTER 46:02

INFANTS ACT

An Act relating to the guardianship, custody, and property of infants.

1950 Ed.
Ch. 5. No. 12.
28 of 1925.

[18TH JUNE 1925]

Commencement.

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

Short title.

2. In this Act—

Interpretation.

“Court” means the High Court or a Judge thereof;

“lands” includes all lands of any tenure, and all estates or interest in any lands, not being settled estates within the meaning of the Leases and Sales of Settled Estates Ordinance;

Ch. 27. No. 15.
[1950 Ed.].

“parent” includes any person at law liable to maintain a child, or entitled to his custody;

“person” includes any school or institution.

PART I

GUARDIANSHIP AND CUSTODY OF INFANTS

3. (*Sections 3 to 18 repealed by Act 15 of 1981*)

PART II

CONTRACTS OF INFANTS

19. All contracts, whether by specialty or by simple contract, henceforth entered into by infants for the repayment of money lent or to be lent, or for goods supplied or to be supplied (other than contracts for necessaries), and all accounts stated with infants, shall be absolutely void; but this Act shall not invalidate any contract into which an infant may, by any existing or future written law, or by the rules of Common Law or equity, enter, except such as now by law are voidable.

Contracts by infants, except for necessaries, to be void.

20. No action shall be brought whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification made after full age of any promise or contract made during infancy, whether there shall or shall not be any new consideration for the promise or ratification after full age.

No action to be brought on ratification of infant's contract.

PART III

INFANTS' SETTLEMENTS

Infant may
make
settlement on
marriage.
[28 of 1973].

21. (1) Every female infant may upon or in contemplation of her marriage, with the sanction of the Court, make a valid and binding settlement or contract for a settlement of all or any part of her property, or any property over which she has any power of appointment, whether real or personal, and whether in possession, reversion, remainder or expectancy.

(2) Every conveyance, transfer, appointment, and assignment of such real or personal estate, or contract to make a conveyance, transfer, appointment, or assignment thereof, executed by the infant with the approbation of the Court for the purpose of giving effect to the settlement, shall be as valid and effectual as if the person executing the same were of the full age of eighteen years.

(3) This section shall not extend to powers of which it is expressly declared that they shall not be exercised by an infant.

In case infant
dies under age,
appointment
to be void.

22. Where any appointment under a power of appointment or any disentailing assurance, is executed by any infant tenant in tail under this Part and the infant afterwards dies under age, the appointment or disentailing assurance shall thereupon become absolutely void.

Sanction of
Court to be
given on
petition.

23. (1) The sanction of the Court to any such settlement or contract for a settlement may be given upon petition presented by the infant or her guardian in a summary way, without the institution of a suit.

(2) Where there is no guardian the Court may require a guardian to be appointed or not as the Court thinks fit.

(3) The Court also may, if it thinks fit, require that any persons interested or appearing to be interested in the property should be served with notice of the petition.

PART IV

SALE OF INFANTS' ESTATES

Court to
authorise sale
of infant's
lands.

24. The Court may, on the petition of any infant by his guardian or next friend, if it thinks it proper and for the benefit of the infant, from time to time authorise the sale of

any lands of the infant, subject, if the Court so directs, to any charge or encumbrance affecting the same; and every such sale shall be conducted and confirmed in the same manner as, by the rules and practice of the Court for the time being, is or shall be required in the sale of lands sold under a decree of the Court.

25. Notice of any petition to the Court under section 24 shall be inserted in such newspapers as the Court directs, and any person, whether interested in the lands or not, may apply to the Court, by motion, for leave to be heard in opposition to or in support of any such petition, and the Court is hereby authorised to permit the person to appear and be heard in opposition to or in support of any such petition on such terms as to costs or otherwise, and in such manner, as it thinks fit.

Notice of petitions to be published and persons may be heard.

26. All money to be received on any sale effected under the authority of this Part shall be paid to the Comptroller of Accounts, to the account of the Registrar of the Court *ex parte* the petitioner in the matter of this Act; and the money, after payment of any costs attending the petition which may be allowed by the Court, shall be applied as the Court from time to time directs to some one or more of the following purposes, namely, the discharge or redemption of any encumbrance affecting the lands in respect of which money was paid, or the payment to any person becoming absolutely entitled.

Moneys to be paid to Comptroller of Accounts and applied to certain purposes.

27. Until the money can be applied as under section 26, the same shall be from time to time invested in such securities authorised by the Court Funds Investment Act as the Court thinks fit, and the interest or dividends of the securities, or such parts thereof as the Court may from time to time direct, shall be paid to the guardian for the time being of the infant, or such other person as would have been entitled to the rents and profits of the lands so sold if the same had not been sold.

Money to be invested pending application. Ch. 7:06.

PART V

MISCELLANEOUS

28. The Rules Committee established by the Supreme Court of Judicature Act may make Rules for carrying the purposes of this Act into effect, and for regulating the form

Rules. Ch. 4:01.

and mode of procedure and, generally, the practice of the Court in respect of the matters to which this Act relates, and for regulating the fees and allowances to all officers and solicitors of the Court in respect of such matters.

 SUBSIDIARY LEGISLATION

INFANTS (PETITION) RULES

R.G. 22.5.1867.

made under section 28

1. These Rules may be cited as the Infants (Petition) Rules. Citation.

2. The Petition shall state— Particulars of petition.
 - (a) the name, age and residence of the infant;
 - (b) the description, particular local situation, and present condition of the property intended to be sold;
 - (c) the nature and extent of the estate or interest of the infant, and value of the property or of the estate or interest, as the case may be;
 - (d) all the charges and encumbrances affecting the property or the estate or interest, as the case may be; and
 - (e) the circumstances which make it proper or expedient that the property or the estate or interest should be sold.

3. The particulars stated in the Petition must be verified by affidavit. Verification.

4. On the application of the Solicitor for the Petitioner an order will be made by one of the Judges in Chambers appointing a day for the hearing of the Petition, and directing (with reference to the circumstances of the case) in what newspapers, and how often, the notice required by section 25 of the Act is to be published. Day appointed.

5. The notice will be prepared by the Registrar and submitted to the Judge for his approval before it is published. Notice.

6. All Affidavits and Exhibits intended to be used in support of, or in opposition to the Petition must be filed or deposited in the office of the Registrar three clear days before the hearing of the Petition. Filing, etc.

[Subsidiary]*Infants (Petition) Rules***Order of
Court.**

7. On the hearing of the Petition, and of any party opposing the same, the Court may make an order for the sale of the property, or of the Estate or interest of the infant, with such restrictions as to price, or reserve bidding, or such other conditions as to the Court seems proper, or may refer the matter to one of the Judges in Chambers for such enquiries, and with such powers and directions as to the Court may seem proper.

Guardian.

8. Where it appears to the Court expedient that a Guardian should be appointed to the infant for the protection of his interests in the matter of the Petition, the Court will refer it to one of the Judges in Chambers to appoint the Guardian and to take the proper security.

**Fees and
allowances.**

9. The fees and allowances to the Officers and Solicitors of the Court, in respect of the matters under the Act, shall be the same as are allowed under the Rules of the Supreme Court.
