

THE LAW REFORM (AGE OF MAJORITY) ACT

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THE LAW REFORM (AGE OF MAJORITY) ACT

Act
1 of 1979.

[30th April, 1979.]

1. This Act may be cited as the Law Reform (Age of Majority) Act. Short title.

2. In this Act—

“appointed day” means the 30th of April, 1979;

“enactment” includes regulations.

Interpreta-
tion.

3.—(1) As from the appointed day a person shall attain the age of majority and be of full age and capacity on attaining the age of eighteen years instead of on attaining the age of twenty-one years, and any person who, on the appointed day, is over the age of eighteen years but under the age of twenty-one years, shall be deemed to have attained the age of majority and be of full age and capacity on that day. Reduction
of age of
majority.

(2) In the absence of a definition or of any indication of a contrary intention, the provisions of subsection (1) shall apply for the purposes of construction of the expressions “adult”, “full age”, “infant”, “infancy”, “majority”, “minor”, “minority”, “*sui juris*”, and similar expressions in—

- (a) any enactment, whether passed or made before, on or after the appointed day; and
- (b) any deed, will or other instrument made on or after the appointed day, so, however, that notwithstanding any rule of law, any will or codicil executed before the appointed day shall not be treated for the purposes of this section, as having been made on or after such appointed day by

reason only of the fact that the will or codicil was confirmed, affected or amended by a codicil executed on or after that day.

(3) The provisions of this section shall not affect any deficiency of juristic competence or capacity which is attributable to insanity or any other factor distinct from age.

Time when particular age attained.

4.—(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 has effect—

- (a) where the relevant anniversary aforesaid falls on or after the appointed day; or
- (b) in relation to any enactment, instrument, deed or will, subject to any provision contained in such enactment, instrument, deed or will, as the case may be.

Persons not of full age may be described as minors.

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

Reference to age of twenty-one to be replaced by reference to age of eighteen.

6.—(1) For every reference to the age of twenty-one appearing in any enactment specified in the First Schedule (omitted) there shall be substituted a reference to the age of eighteen years and the enactment shall be amended accordingly.

(2) The Minister may from time to time by order amend, vary, or add to the First Schedule (omitted).

(3) Any order made under this section shall be subject to affirmative resolution.

Maintenance of wards of Court.

7.—(1) Subject to the provisions of this section, the Court may, by order—

- (a) require either parent of a ward of Court to pay to the other parent; or
- (b) require either or both parents of a ward of Court to pay to any other person having the care and control of the ward,

such periodic or other 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.

(2) Any order made pursuant to subsection (1) may provide that—

- (a) any sum payable thereunder shall continue to be paid in respect of any period specified in the order after the date on which the ward of Court to whom the payments relate attains the age of eighteen years but not beyond the date on which he attains the age of twenty-one years; and
- (b) any sum payable thereunder after the ward of Court to whom the payments relate has attained the age of eighteen years, shall be paid to the ward himself.

(3) Subject to the provisions of this section, where a person who has attained the age of eighteen years but has not attained the age of twenty-one years had, while he was a minor, been the subject of an order making him a ward of Court, then on the application of that person or of either of his parents, the Court may by order require either parent to pay to the other parent, to the person to whom the order relates, or to any other person for the benefit of the person to whom the order relates, in respect of any period specified in the order but not extending beyond the date on which the person to whom the order relates shall attain the age of twenty-one years, such periodic or other sums towards his maintenance and education as the Court thinks reasonable having regard to the means of the person on whom the requirement is imposed.

(4) The Court may from time to time vary or discharge any order previously made pursuant to this section.

(5) No order shall be made requiring payment by one parent to the other parent pursuant to paragraph (a) of subsection (1) or to subsection (3) and no liability shall accrue under an order previously so made, at a time when the parents of the ward of Court or former ward of Court, as the case may be, are residing together, and if they so reside for a period of three months continuously after such an order has been made it shall cease to have effect.

(6) In this section "Court" means the Supreme Court of Jamaica in the exercise of its jurisdiction relating to wardship of children.

Power of sixteen year old to consent to surgical, medical or dental treatment.

8.—(1) Where a minor has attained the age of sixteen years his consent in respect of any surgical, medical or dental treatment to himself shall be as effective as it would have been if he were of full age; and where a minor has, by virtue of the provisions of this section given an effective consent in respect of any such treatment, it shall not be necessary for consent to be obtained from the parent or guardian of that minor in respect of that treatment.

(2) In this section "surgical, medical or dental treatment" includes any procedure undertaken for the purposes of diagnosis in respect of any surgical, medical or dental matter and any procedure ancillary to any such surgical, medical or dental treatment.

Directions for accumulation not to be affected.

9. In relation to the construction of any rule or law which lays down permissible periods for the accumulation of income under settlements or other dispositions nothing contained in this Act shall invalidate any direction for accumulation contained in any settlement or other disposition made by deed, will or other instrument, as the case may be.

10. Any order or direction in force immediately before the appointed day in relation to the control of money recovered by or otherwise payable to a minor in any proceedings or as a result of the compromise or settlement of a claim for money or damages shall have effect as if the reference to that minor attaining the age of twenty-one years or full age (however expressed) were a reference to his attaining the age of eighteen years or, if he had attained that age before the appointed day, his age on the appointed day.

How references in orders or directions to age to have effect.

11.—(1) Subject to subsection (2), any order in force immediately before the appointed day—

Transitional.

- (a) making a person a ward of Court; or
- (b) for the custody of or access to any person under the Children (Guardianship and Custody) Act or under the Divorce Act (now repealed),

which is expressed to continue in force until the person who is the subject of the order attains the age of twenty-one years, or any age between the age of eighteen years and twenty-one years, shall have effect as if the reference to his attaining that age were a reference to his attaining the age of eighteen years, or if he had attained the age of eighteen years before the appointed day, his age on that day.

(2) Nothing in subsection (1) shall be construed as affecting the obligation of any person under any order to make payments for the maintenance or education of any person after he has attained the age of eighteen years.

(3) The provisions of sections 3 and 6 and of the First Schedule (omitted) shall not prevent—

- (a) the making of an adoption order under the Children (Adoption of) Act; or
- (b) the granting of a licence under section 24 of the said Act,

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in respect of a person who has attained the age of eighteen years, in any case where the application for the order or the licence, as the case may be, was made before the appointed day; and in relation to any such case, the Children (Adoption of) Act shall have effect as if section 3 of this Act had not been enacted.

(4) Subject to subsection (5), the provisions of sections 3 and 6 and of the First Schedule (omitted) shall not affect the provisions of sections 43 and 44 of the Conveyancing Act (which relate to the management of infants' property)—

- (a) in their application to any interest under any instrument made prior to the appointed day; or
- (b) in their application, by virtue of paragraph (ii) of subsection (1) of section 5 of the Intestates' Estates and Property Charges Act, to the estate of an intestate (within the meaning of that Act) dying before that day.

(5) Where trustees have power to pay the income of an estate or a trust to the parent or guardian of any person who has attained the age of eighteen years, or to apply that income for or towards the maintenance, education or benefit of that person, they shall also have power to pay the said income to that person.

(6) The change effected in the construction of section 17 of the Limitation of Actions Act by virtue of the provisions of section 3, shall not affect the time specified for bringing proceedings in respect of a cause of action which arose prior to the appointed day.

Saving of
statutory
provisions
incorporated
in
instruments.

12. The provisions of this Act shall not affect the construction of any statutory provision which is incorporated in and has effect as part of any deed, will or other instrument.

13.—(1) Subject to subsection (2), the Minister may by order amend, add to or vary the Second Schedule (omitted) and may make such ancillary provisions as he may consider necessary.

Power to
amend
other Acts.

(2) Any order under this section shall be subject to affirmative resolution.