

Chapter:	410	AGE OF MAJORITY (RELATED PROVISIONS) ORDINANCE	Gazette Number	Version Date
----------	-----	---	----------------	--------------

		Long title		30/06/1997
--	--	-------------------	--	------------

An Ordinance to amend the law relating to the age of majority; to amend the law relating to a minor's contracts and related matters; to amend the age requirement for making a valid will; and to amend references to particular ages in certain Ordinances, and for incidental and connected matters.

(Enacted 1990)

[1 October 1990] *L.N. 202 of 1990*

(Originally 32 of 1990)

Part:	I	PRELIMINARY		30/06/1997
-------	---	--------------------	--	------------

Section:	1	Short title		30/06/1997
----------	---	--------------------	--	------------

This Ordinance may be cited as the Age of Majority (Related Provisions) Ordinance.

(Enacted 1990)

Part:	II	AGE OF MAJORITY AND MINORS' CONTRACTS		30/06/1997
-------	----	--	--	------------

Section:	2	Reduction of age of majority from 21 to 18 years		30/06/1997
----------	---	---	--	------------

(1) As from the commencement of this Ordinance a person shall attain full age on attaining the age of 18 years.

(2) A person who, on the date of commencement of this Ordinance, has already attained the age of 18 years but not the age of 21 years, shall attain full age on that date.

(3) The expressions "adult", "full age", "infant", "infancy", "majority", "minor", "minority", "sui juris" and similar expressions in any deed, will or other document of whatever nature (not being an Ordinance or an instrument made or issued under or by virtue of an Ordinance) made on or after the date of commencement of this Ordinance shall, in the absence of a contrary intention expressed in the document, be construed in accordance with subsections (1) and (2).

(4) Nothing in this section shall be construed as affecting the construction of any will or codicil executed before the date of commencement of this Ordinance which by reason only that it is confirmed by a codicil executed on or after that date is treated under any rule of law as made on or after that date.

(5) Nothing in this section shall be construed as affecting the construction of any provision of an enactment where it is incorporated in and has effect as part of any deed, will or other document (within the meaning of subsection (3)) the construction of which is not affected by this section.

(Enacted 1990)

Section:	3	Guarantees of minors' contracts		30/06/1997
----------	---	--	--	------------

Where-

- (a) a guarantee is given in respect of an obligation of a party to a contract; and
- (b) the obligation is unenforceable against the party, or he repudiates the contract, because he was a minor when the contract was made (whether before, on or after the date of commencement of this Ordinance),

the guarantee shall not for that reason alone be unenforceable against the guarantor.

(Enacted 1990)

Section:	4	Restitution of property by minors	30/06/1997
----------	---	--	------------

(1) Where-

- (a) a person ("the applicant") has after the commencement of this Ordinance entered into a contract with another ("the respondent"); and
- (b) the contract is unenforceable against the respondent, or he repudiates it, because he was a minor when the contract was made,

the court may, if it is just and equitable to do so, and on such terms as it may think fit, require the respondent to transfer to the applicant any property acquired by the respondent under the contract, or any property representing it.

(2) This section shall not prejudice any other remedy available to the applicant.

(Enacted 1990)

Section:	5	Time at which a person attains a particular age	30/06/1997
----------	---	--	------------

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

(2) Where a person has been born on 29 February in a leap year, the relevant anniversary in any year other than a leap year shall be taken to be 1 March.

(3) This section shall apply only where the relevant anniversary falls on a date after the date of commencement of this Ordinance.

(Enacted 1990)

Part:	III	AMENDMENTS TO OTHER ORDINANCES	30/06/1997
-------	-----	---------------------------------------	------------

Section:	6	(Omitted as spent)	30/06/1997
----------	---	---------------------------	------------

(Enacted 1990)

Section:	7	(Omitted as spent)	30/06/1997
----------	---	---------------------------	------------

(Enacted 1990)

Section:	8	(Omitted as spent)	30/06/1997
----------	---	---------------------------	------------

(Enacted 1990)

Section:	9	(Omitted as spent)	30/06/1997
----------	---	---------------------------	------------

(Enacted 1990)

Section:	10	(Omitted as spent)	30/06/1997
----------	----	---------------------------	------------

(Enacted 1990)

Section:	11	(Omitted as spent)	30/06/1997
----------	----	---------------------------	------------

(Enacted 1990)

Section:	12	(Omitted as spent)	30/06/1997
----------	----	---------------------------	------------

(Enacted 1990)

Section:	13	(Omitted as spent)		30/06/1997
----------	----	---------------------------	--	------------

(Enacted 1990)

Section:	14	(Omitted as spent)		30/06/1997
----------	----	---------------------------	--	------------

((Enacted 1990)

Section:	15	Statutory trusts in favour of issue and other classes of relatives of intestate		30/06/1997
----------	----	--	--	------------

Intestates' Estates Ordinance

Section 5(1)(a) of the Intestates' Estates Ordinance (Cap 73) is amended by repealing "the age of 21 years or marry under that age" wherever it appears and substituting "full age or marry before attaining full age".

(Enacted 1990)

Section:	16	(Omitted as spent)		30/06/1997
----------	----	---------------------------	--	------------

(Enacted 1990)

Section:	17	(Omitted as spent)		30/06/1997
----------	----	---------------------------	--	------------

(Enacted 1990)

Section:	18	(Omitted as spent)		30/06/1997
----------	----	---------------------------	--	------------

(Enacted 1990)

Part:	IV	TRANSITIONAL		30/06/1997
-------	----	---------------------	--	------------

Section:	19	Interpretation		30/06/1997
----------	----	-----------------------	--	------------

In this Part-

"the commencement date" means the date on which this Ordinance comes into operation.

(Enacted 1990)

Section:	20	Funds in court		30/06/1997
----------	----	-----------------------	--	------------

Any order or direction in force immediately before the commencement date 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 to the infant's attaining the age of 21 years were a reference to his attaining the age of 18 years or, in relation to a person who by virtue of section 2 attains full age on the commencement date, to that date.

(Enacted 1990)

Section:	21	Power of trustees to apply income for maintenance of minor		30/06/1997
----------	----	---	--	------------

(1) Section 2 shall not affect section 33 of the Trustee Ordinance (Cap 29)-

- (a) in its application to any interest in any property under an instrument made before the commencement date; or
- (b) in its application, by virtue of section 5 of the Intestates' Estates Ordinance (Cap 73), to the estate of an

intestate (within the meaning of that Ordinance) dying before that date.

(2) In any case in which by virtue of this section or section 24 trustees have power under section 33(1)(a) of the Trustee Ordinance (Cap 29) to pay income to the parent or guardian of any person who has attained the age of 18 years, 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.

(Enacted 1990)

Section:	22	Personal representatives' powers during minority of beneficiary		30/06/1997
----------	----	--	--	------------

Section 2 shall not affect the meaning of "minority" in section 62(3) of the Probate and Administration Ordinance (Cap 10) in the case of a beneficiary under a will or codicil made before the commencement date or on the death before that date of an intestate (within the meaning of that Ordinance).

(Enacted 1990)

Section:	23	Accumulation periods		30/06/1997
----------	----	-----------------------------	--	------------

The change by virtue of section 2 in the construction of sections 17, 18 and 19 of the Perpetuities and Accumulations Ordinance (Cap 257) (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 the commencement date.

(Enacted 1990)

Section:	24	Statutory trusts in favour of issue of intestate		30/06/1997
----------	----	---	--	------------

Section 15 shall not affect section 5(1)(a) of the Intestates' Estates Ordinance (Cap 73) in its application to the estate of an intestate (within the meaning of that Ordinance) dying before the commencement date.

(Enacted 1990)