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LAW OF MINORS ACT

CHAPTER 232

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CHAPTER 232

LAW OF MINORS ACT

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CHAPTER 232
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CHAPTER 232

LAW OF MINORS ACT

An Act to make new provision for the guardianship of minors and to consolidate the present law relating thereto.

[Act No. 49 of 1989 amended by Act No. 53 of 1992.]

[Date of commencement: 27th December, 1988.] *Preliminary*

1. Short title

This Act may be cited as the Law of Minors Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"maintenance" includes education;

"minor" means a person under the age of eighteen years;

"minor born out of wedlock" means a minor who was so born and who has not been legitimated.

3. Courts having jurisdiction

(1) Subject to the provisions of this section, **"the court"** means—

(a) the High Court,

(b) magistrate's court of the magisterial district in which the respondent (or any of the respondents), or the applicant, or the minor to whom the application relates, resides, or to which the matter has been transferred.

(2) A magistrate's court shall not be competent to entertain

(a) any application (other than an application for the variation or discharge of an existing order) relating to a minor who has attained the age of sixteen years unless the minor is physically or mentally incapable of self-

support; or

- (b) any application involving the administration or application of any property belonging to, held in trust for a minor, or the income thereof.

(3) Notwithstanding the provisions of subsections (1) and (2), as from the commencement of the Family Court Act, 1992, reference in this Act to a "magistrate's court" shall be construed to be a reference to "the Family Court".

[Subsection (3) inserted by Act No. 53 of 1992.]

PART I

General Principles, Guardianship and Custody

4. Equality of parental rights

(1) In relation to the custody or upbringing of a minor, and in relation to the administration of any property belonging to or held in trust for a minor or the application of income of any such property, a mother shall have the same rights and authority as the law allows to a father, and the rights and authority of mother and father shall be equal and be exercisable by either without the other.

(2) An agreement for a man or woman to give up, in whole or in part, in relation to any child of his or hers, the rights and authority referred to in subsection (1) shall be un-enforceable, except that an agreement made between husband and wife which is to operate only during their separation while married may, in relation to a child of theirs, provide for either of them to do so; but no such agreement between husband and wife shall be enforced by any court if the court is of the opinion that it will not be for the benefit of the child to give effect to it.

(3) Where a minor's father and mother disagree on any question affecting his welfare, either of them may apply to the court for its directions, and (subject to subsection (4)) the court may make such order regarding the matters in difference as it may think proper.

(4) Subsection (3) shall not authorise the court to make any order regarding the custody of a minor or the right of access to him of his father or mother.

(5) An order made under subsection (3) may be varied or discharged by a subsequent order made on the application of either parent or, after the death of either parent, on the application of any guardian, or (before or after the death of either parent) on the application of any person having the custody of the minor.

(6) Nothing in the foregoing provisions of this section shall affect the operation of any written law requiring the consent of both parents in a matter affecting the minor, or be taken as applying to a minor born out of wedlock.

5. Principles on which questions relating to custody, upbringing, etc., are to be decided

Where in any proceedings before any court—

- (a) the custody or upbringing of a minor; or
- (b) the administration of any property belonging to or held in trust for a minor or the application of the income thereof,

is in question, the court, in deciding that question, shall regard the welfare of the minor as the first and paramount consideration, and shall not take into consideration whether from any other point of view the claim of the father, in respect of such custody, upbringing, administration or application is superior to that of the mother, or the claim of the mother is superior to that of the father.

6. Rights of surviving parent as to guardianship

(1) On the death of the father of a minor, the mother, if surviving, shall, subject to the provisions of this Act, be guardian of the minor either alone or jointly with any guardian appointed by the father, and—

(a) where no guardian has been appointed by the father; or

(b) in the event of the death or refusal to act of the guardian or guardians appointed by the father, the court may, if it thinks fit, appoint a guardian to act jointly with the mother.

(2) On the death of the mother of a minor, the father, if surviving, shall, subject to the provisions of this Act, be guardian of the minor either alone or jointly with any guardian appointed by the mother, and—

(a) where no guardian has been appointed by the mother; or

(b) in the event of the death or refusal to act of the guardian or guardians appointed by the mother, the court may, if it thinks fit, appoint a guardian to act jointly with the father.

7. Power of father and mother to appoint testamentary guardian

(1) The father of a minor may, by deed or will, appoint any person to be guardian of the minor after his death.

(2) The mother of a minor may, by will or deed, appoint any person to be guardian of the minor after her death.

(3) Any guardian so appointed shall act jointly with the mother or father, as the case may be, of the minor so long as the mother or father remains alive unless the mother or father objects to his so acting.

(4) If the mother or father so objects, or if the guardian so appointed considers that the mother or father is unfit to have the custody of the minor, the guardian may apply to the court, and the court may either

(a) refuse to make any order (in which case the mother or father shall remain sole guardian); or

(b) make an order that the guardian so appointed—

(i) shall act jointly with the mother or father, or

(ii) shall be the sole guardian of the minor.

(5) Where guardians are appointed by both parents, the guardians so appointed shall, after the death of the surviving parent, act jointly.

(6) If under section 6 a guardian has been appointed by the court to act jointly with a surviving parent, he shall continue to act as guardian after the death of the surviving parent; but, if the surviving parent has appointed a guardian, the guardian appointed by the court shall act jointly with the guardian appointed by the surviving parent.

8. Power of court to appoint guardian for minor having no parent, etc.

Where a minor has no parent, no guardian, and no other person having parental rights with respect to him, the court may, if it thinks fit, on the application of any person, appoint the applicant to be the guardian of the minor.

9. Power of High Court to remove or replace guardian

The High Court may, in its discretion, on being satisfied that it is for the welfare of the minor, remove from his office any testamentary guardian or any guardian appointed or acting by virtue of this Act, and may also, if it deems it to be for

the welfare of the minor, appoint another guardian in place of the guardian so removed.

10. Dispute between joint guardians

Where two or more persons act as joint guardians of a minor and they are unable to agree on any question affecting the welfare of the minor, any of them may apply to the court for its direction, and the court may make such order regarding the matter in difference as it may think proper.

11. Powers of guardians

(1) Subject to subsection (2), a guardian besides being guardian of the person of the minor, shall have all the rights, powers and duties of a guardian of the minor's estate, including in particular the right to receive and recover in his own name for the benefit of the minor property of whatever description and wherever situated which the minor is entitled to receive or recover.

(2) Nothing in subsection (1) shall restrict or affect the power of the High Court to appoint a person to be, or to act as, the guardian of a minor's estate either generally or for a particular purpose; and subsection (1) shall not apply to a guardian under this Act so long as there is a guardian of the minor's estate alone.

12. Orders for custody, maintenance, etc.

(1) The court may, on the application of the mother or father of a minor (who *may* apply without next friend) make such order regarding—

- (a) the custody of the minor; and
- (b) the right of access to the minor of his mother or father,

as the court may think fit having regard to the welfare of the minor and to the conduct and wishes of the father and mother.

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(2) Where by an order under subsection (1) the custody of a minor is given to one of the parents, the court may also, subject to section 17, make one or both of the following orders—

- (a) an order requiring the parent not having custody to make to the other parent for the benefit of the minor, or to the minor, such periodical payments and for such term as may be specified in the order;
- (6) an order requiring the parent not having custody to pay to the other parent for the benefit of the minor, or to the minor, such lump sum as may be specified.

(3) An order may be made under subsection (1) or (2) notwithstanding that the parents of the minor are then residing together, but—

- (a) no such order shall be enforceable, and no liability thereunder shall accrue, while they are residing together; and
- (b) any such order shall cease to have effect if, for a period of three months after it has been made, they continue to reside together:

Provided that, unless the court in making the order directs otherwise, paragraphs (a) and (b) shall not apply to any provisions of the order giving custody of the minor to a person other than one of the parents or made with respect to a minor of whom custody is so given.

(4) An order made under subsection (1) and (2), other than an order for the payment of a lump sum, may be varied or discharged by a subsequent order made on the application of either parent or, after the death of either parent, on the application of any guardian under this Act or, before or after the death of either parent, on the application of any other person having custody of the minor by virtue of an order under subsection (1).

(5) On an application under subsection (1), the court may, in any case where it adjourns the hearing of the application for more than seven days, make an interim order, to have effect until such date as may be specified in the order and containing—

- (a) provisions for payment by either parent to the other, or to any person given the custody of the minor, of such periodical sum towards the maintenance of the minor as may be specified in the order; and
- (b) where by reason of special circumstances the court thinks it proper, any provision regarding the custody of the minor or the right of access to the minor of the father or mother,

but an interim order under this subsection shall not be made to have effect after the end of the three months beginning with the date of the order, or of any previous interim order made under this subsection, with respect to the application, and shall cease to have effect on the making of a final order or on the dismissal of the application.

13. Jurisdiction and orders on applications under section 12

(1) Where an application made under section 12 relates to the custody of a minor under the age of sixteen, then, subject to section 14—

(a) if by an order made on that application, any person is given custody of the minor, but it appears to the court that there are exceptional circumstances making it desirable that the minor should be under the supervision of an independent person, the court may order that the minor shall be under the supervision of a specified institution or a probation officer;

(b) if it appears to the court that there are exceptional circumstances making it impracticable or undesirable for the minor to be entrusted to either of the parents or to any other individual, the court may commit the care of the minor to a specified institution.

(2) Where the court makes an order under subsection (1)(b) committing the care of a minor to a specified institution, the court may make a further order requiring the payment by either parent to that institution, while it has the care of the minor, of such periodical sum towards the maintenance of the minor as the court thinks reasonable.

(3) In this section, "**institution**" means any place specified by the Governor-General, by order in the *Gazette*, as an institution for the purposes of this section.

14. Additional provisions as to supervision orders

(1) A supervision order shall cease to have effect when a minor attains the age of sixteen; and where a supervision order is made at a time when the parents of a minor are residing together—

- (a) the order may direct that it is to cease to have effect if, for a period of three months after it is made, they

continue to reside together; and

- (b) the order (whether or not it includes a direction under paragraph (a)) may direct that it is not to operate while they are residing together.

(2) A supervision order may be varied or discharged by a subsequent order made on the application of either parent or, after the death of either parent, on the application of any guardian or (before or after the death of either parent) on the application of any other person having the custody of the minor by virtue of an order under section 12(1), or on that of the specified institution or person having supervision of the minor by virtue of the order.

(3) Before making an order under section 13(1)(a), the court shall inform the specified institution of the court's proposal to make the order, and shall hear any representations from the institution, including any representations as to the making of an order under section 13(2) for payments to the institution.

(4) In relation to an order under section 13(1)(b) committing the care of a minor to a specified institution, or to an order under section 13(2) requiring payments to be made to the institution to whom the care of the minor is so committed, the provisions of sections 2(3) and (4), 17(2) and 23(5) shall apply as if the order under section 13(1)(b) were an order under section 12 giving custody of the minor to a person other than one of the parents (and the specified institution were lawfully given that custody by the order) and any order for payment to the specified institution were an order under section 12(2) requiring payment to be made to it as a person so given that custody.

(5) While an order under section 13(1)(b) remains in force with respect to a minor, the minor shall continue in the care of the specified institution notwithstanding any claim by a parent or other person.

(6) Each parent or guardian of a minor for the time being in the care of a specified institution by virtue of an order under section 13(1)(b) shall give notice to the institution of any change of address of that parent or guardian, and any person who without reasonable excuse fails to do so is guilty of an offence and liable to a fine of one hundred dollars.

15. Orders for custody and maintenance where person is guardian to exclusion of surviving parent

(1) Where the court makes an order under section 7(4) that a person shall be the sole guardian of a minor to the exclusion of his mother or father, the court may—

(a) make such order regarding-

- (i) the custody of the minor, and
- (ii) the right of access to the minor of his mother or father, as the court thinks fit having regard to the welfare of the minor; and

(b) subject to section 17, make one or both of the following orders-

- (i) an order requiring the mother or father to pay to the guardian for the benefit of the minor, such periodical payments, and for such term, as may be specified in the order,
- (ii) an order requiring the mother or father to pay to the guardian for the benefit of the minor, such lump sum as may be so specified.

(2) The powers conferred by subsection (1) may be exercised at any time and include power to vary or discharge any order, other than an order for the payment of a lump sum, previously made under those powers.

16. Orders for custody and maintenance where joint guardians disagree

The powers of the court under section 15 shall, where one of the joint guardians is the mother or father of the minor, include power—

- (a) to make such order regarding—
 - (i) the custody of the minor, and
 - (ii) the right of access of his mother or father,as the court thinks fit having regard to the welfare of the minor;
- (b) to make, subject to section 17, one or both of the following orders—
 - (i) an order requiring the mother or father to pay to the other guardian for the benefit of the minor, or to the minor, such periodical payments, and for such term, as may be specified in the order,
 - (ii) an order requiring the mother or father to pay to the other guardian for the benefit of the minor, or to the minor, such lump sum as may be so specified; and
- (c) to vary or discharge any order, other than an order for the payment of a lump sum, previously made under that section.

17. Duration of orders for maintenance

(1) The term to be specified in an order under section 12, 15 or 16 for the making periodical payments in favour of a minor may begin with the date of the making of the application for the order in question or on any later date but—

- (a) shall not in the first instance extend beyond the date of the minor's sixteenth birthday unless the court thinks it right in the circumstances to specify a later date; and
 - (b) shall not in any event, subject to subsection (2), extend beyond the minor's eighteenth birthday.
 - (c)
- (2) Subsection (1)(b) shall not apply in the case of a minor if it appears to the court that—

- (a) the minor is, or will be, or if an order were made without complying with that paragraph would be, receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not he is also, or will also be, in gainful employment; or
- (b) there are special circumstances which justify the making of an order without complying with that

paragraph.

(3) Any order made under section 12, 15 or 16 requiring the making of periodical payments shall, notwithstanding anything in the order, cease to have effect on the death of the person liable to make payments under the order.

18. Matters to which court is to have regard in making orders for maintenance

In deciding whether to exercise its powers under section 12(2), 13(2), 15(1)(b) or 16(b) and, if so, in what manner, the court shall have regard to all the circumstances of the case including the following matters, that is to say—

- (a) the income, earning capacity, property and other financial resources which each parent of the minor has or is likely to have in the foreseeable future;
- (b) the financial needs, obligations and responsibilities which each parent of the minor has or is likely to have in the foreseeable future;
- (c) the financial needs of the minor;
- (d) the income, earning capacity, if any, property and other financial resources of the minor; and
- (e) any physical or mental disability of the minor.

19. Provisions relating to lump sums

(1) Without prejudice to the generality of sections 12(2), 15(1)(b) and 16(b), an order under any of those provisions for the payment of a lump sum may be made for the purposes of enabling any liabilities or expenses reasonably incurred in maintaining the minor before the making of the order to be met.

(2) The amount of any lump sum required to be paid by an order of a magistrate's court under section 12(2), 15(1)(b) or 16(b) shall not exceed two thousand dollars or such larger amount as the Governor-General may fix, by order, for the purposes of this section.

(3) The power of the court under section 12, 15 or 16 to vary or discharge an order for the making of periodical payments by a parent of a minor shall include the power to make an order under the said section 12, 15 or 16 as the case may be, for the payment of a lump sum by that parent.

(4) The amount of any lump sum which a parent may be required to pay by virtue of subsection (3) shall not exceed, in the case of any order made by a magistrate's court, the maximum amount that may at the time of the making of the order be required to be paid under subsection (2), but a magistrate's court may make an order for the payment of a lump sum not exceeding that amount notwithstanding that the parent was required to pay a lump sum by a previous order under this Act.

(5) An order made under section 12, 15 or 16 for the payment of a lump sum may provide for the payment of that sum by instalments, and where the court provides for the payment of a lump sum by instalments the court, on an application made either by the person liable to pay or the person entitled to receive that sum, shall have power to vary that order by varying the number of instalments payable, the amount of any instalment payable and the date on which any instalment becomes payable.

20. Variation, etc., of orders for periodical payments

(1) In exercising its powers under section 12, 15 or 16 to vary or discharge an order for the making of periodical payments the court shall have regard to all the circumstances of the case, including any change in any of the matters to which the court was required to have regard when making the order.

(2) The power of the court under section 12, 15 or 16 to vary an order for the making of periodical payments shall include power to suspend any provision thereof temporarily and to revive any provision so suspended.

(3) Where, on an application under section 12, 15 or 16 for the variation or discharge of an order for the making of periodical payments, the court varies the payments to be made under that order, the court may provide that the payments as so varied shall be made from such date as the court may specify, not being earlier than the date of the making of the application.

(4) An application for the variation of an order made under section 12, 15 or 16 for the making of periodical payments to or for the benefit of a minor may, if the minor has attained the age of sixteen, be made by the minor himself.

(5) Where an order for the making of periodical payments made under section 12, 15 or 16 ceases to have effect on the date on which the minor attains the age of sixteen or at any time after that date but before or on the date on which he attains the age of eighteen, then, if at any time before he attains the age of twenty-one an application is made by the minor for an order under this subsection, the court shall have power, by order, to revive the first-mentioned order from such date as the court may specify, not being earlier than the date of the making of the application, and to vary or discharge under section 12, 15 or 16, as the case may be, any order so revived.

21. Enforcement of orders for custody and maintenance

(1) Where an order made by a magistrate's court under this Act contains a provision committing to any person the custody of any minor, a copy of the order may be served on any person in whose actual custody the minor may for the time being be, and thereupon the provisions may, without prejudice to any other remedy open to the person given custody, be enforced as if it were an order of the court requiring the person so served to give up the minor to the person given the custody.

(2) Any person for the time being under an obligation to make payments in pursuance of any order for the payment of money under this Act shall give notice of any change of address to such person (if any) as may be specified in the order, and any person failing without reasonable excuse to give such notice is guilty of an offence and liable to a fine of one hundred dollars.

(3) Any order of a magistrate's court for the payment of money under this Act may be enforced in like manner as an affiliation order, and the provisions relating to such orders shall apply accordingly with the necessary modifications.

22. Restriction on removal of minor from Saint Vincent and the Grenadines

(1) Where a court makes an order, including an interim order, under section 12(1), 15(1)(a) or 16(a) regarding the custody of a minor, the court, on making the order or at any time while the order is in force, may, if an application is made under this section, direct that no person shall take the minor out of Saint Vincent and the Grenadines while the order is in force, except with the leave of the court.

(2) An order made under subsection (1) may be varied or discharged by a subsequent order.

(3) An application for an order under subsection (1), or for the variation or discharge of such an order, may be made by any party to the proceedings in which the order was made.

23. Application to minors born out of wedlock

(1) Subject to the provisions of this section, section 12(1) shall apply in relation to a minor who is legitimate, and references in that subsection, and in any other provision of this Act so far as it relates to proceedings under that subsection, to the father or mother or parent of a minor shall be construed accordingly.

(2) No order shall be made by virtue of subsection (1) of this section under section 12(2).

(3) For the purposes of sections 6, 7, 8 and 15, a person being the natural father of a minor born out of wedlock and being entitled to his custody by virtue of an order in force under section 12(1) as applied by this section, shall be treated as if he were the lawful father of the minor; but any appointment of a guardian made by virtue of this subsection under section 7(1) shall be of no effect unless the appointer is entitled to the custody of the minor immediately before his death.

(4) In this section, "**minor born out of wedlock**" does not include such a child who was born out of wedlock but who has been legitimated or adopted.

24. Access to minor by grandparents

(1) **The** court, on making an order under section 12(1) or at any time while such an order is in force, may on the application of a grandparent of the minor make such order requiring access to the minor to be given to the grandparent as the court thinks fit.

(2) Where a court has made an order under subsection (1), the court may, at any time thereafter, vary or discharge that order.

(3) Where, at any time after an order with respect to a minor has been made under subsection (1), no order is in force under section 12(1) with respect to that minor, the order under subsection (1) of this section **shall cease to have effect**.

(4) A court may make an order under this section in favour of a grandparent notwithstanding that the minor was born out of wedlock.

25. Appeals and procedure

(1) Subject to subsection (2), where on an application to a magistrate's court under this Act the court makes or refuses to make an order, an appeal shall lie to the High Court.

(2) Where an application is made to a magistrate's court and the court considers that the matter is one which would be more conveniently dealt with by the High Court, the magistrate's court shall refuse to make an order and in that case no appeal shall lie to the High Court.

(3) A magistrate's court may, notwithstanding that it has refused to make an order by reason of the provisions of subsection (2), make an interim order under section 12; but an interim order under this subsection shall not be made so as to have effect after the end of three months beginning with the date of the order.

(4) No appeal shall lie to the High Court from an interim order made under section 12 or subsection (3) of this section if the appeal only relates to a provision requiring payments to be made towards the maintenance of a minor.

26. Saving of powers of High Court

Nothing in this Act shall restrict or affect the jurisdiction of the High Court to appoint or remove guardians or otherwise in respect of minors.

27. Power of High Court as to production of minor

Where the parent of a minor applies to the High Court for a writ or order for the production of the child, and the Court is of opinion that that parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the Court should refuse to enforce his right to the custody of the child, the Court may, in its discretion, decline to issue the writ or make the order.

28. Power of High Court to order repayment of costs of bringing up minor

If at the time of the application for a writ or order for the production of the minor, the minor is being brought up by another person the High Court may, in its discretion, if it orders the minor to be given up to the parent, further order that the parent shall pay to the person the whole of the costs properly incurred in bringing up the minor, or such proportion thereof as to the Court seems just and reasonable having regard to all the circumstances of the case.

29. High Court, in making order, to have regard to conduct of parent

Where a parent has

- (a) abandoned or deserted his minor child;
- (b) allowed his minor child to be brought up by another person at that person's expense for such a length of time and under such circumstances as to satisfy the High Court that the parent was unmindful of his parental duties,

the Court shall not make an order for the delivery of the child unless the parent satisfies the Court that, having regard to the welfare of the minor, he is a fit person to have custody of the minor.

30. Power of High Court as to minor's religious education

Upon any application by a parent or guardian for the production or custody of a minor, if the High Court is of the opinion that the parent ought not to have the custody of the minor and that the minor is being brought up in a different religion from that which the parent has a legal right to require that the child should be brought up, the Court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the minor should be brought up.

31. Wishes of minor may be consulted

Nothing in sections 27, 28, 29 and 30 shall interfere with or affect the power of the Court to consult the wishes of the minor in considering what order ought to be made or diminish the right which any minor possesses to the exercise of its

own free choice.

32. Interpretation of "parent"

In this part, "**parent**" includes any person at law liable to maintain, or entitled to custody of, a minor.

PART II

Minor's Contracts and Settlements

33. Contracts by minor, except for necessities, to be void

All contracts, whether by speciality or by simple contract, entered into by minors for the repayment of money lent or to be lent, or for goods supplied (other than contracts for necessities), and all accounts stated with minors, shall be absolutely void:

Provided that this section shall not invalidate any contract into which a minor may by law enter, except such as are voidable.

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

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

35. Avoiding contract for payment of loan advanced during minority

(1) If any minor, who has contracted a loan which is void in law, agrees after he comes of age to pay any money which in whole, or in part, represents, or is agreed to be paid in respect of, any such loan, and is not a new advance, such agreement, and any instrument, negotiable or other, given in pursuance of or for carrying into effect such agreement, or otherwise in relation to the payment of money representing or in respect of such loan, shall, so far as it relates to money which represents or is payable in respect of such loan, and is not a new advance, be void absolutely against all persons whomsoever.

(2) For the purposes of this section any interest, commission or other payment in respect of such loan shall be deemed to be a part of such loan.

36. Marriage settlements by minors

(1) A minor may, upon or in contemplation of his marriage, with the sanction of the High Court, make a valid and binding settlement or contract for a settlement of all or any part of his property, or property over which he has any power of appointment, whether real or personal, and whether in possession, reversion, remainder or expectancy.

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

(3) Subsection (1) shall not extend to powers of which it is expressly declared that they shall not be exercised by a

minor.

37. If minor dies under age appointment to *be* void

If any appointment under a power of appointment shall have been made by a minor under this Part and the minor shall afterwards die before attaining the age of eighteen the appointment shall thereupon become absolutely void.

38. Sanction of the High Court

(1) The sanction of the High Court to any such settlement or contract for a settlement may be given upon petition presented by the minor or his guardian in a summary way without the institution of a suit. If there be no guardian the Court may require a guardian to be appointed.

(2) The High Court may, if it thinks fit, require that any person interested or appearing to be interested in the property should be served with notice of such petition, and any person so served may appear at the hearing of the petition.

39. Application of sections 36 and 37

Nothing in section 36 or 37 shall apply to any minor under the age of sixteen.

PART III

Miscellaneous

40. Rules

Rules for regulating the practice and procedure in any proceedings under this Act may be made under the provisions of section 17 of the Court Order, 1967.

41. Transitional

(1) Notwithstanding the repeal of the Law of Infants (Amendment) Act, any application, order or other thing made, done or having effect under, or for the purpose of that Act and pending or in force immediately before the 27th December, 1989, shall be deemed to have been made or done under, or for the purposes of, the corresponding provisions of this Act: and any proceeding or other thing begun under any provision of that Act made be continued under this Act as if begun hereunder.

[Chapter 9 of 1926.]

(2) So much of any document as refers expressly or by implication to any provision of the Law of Infants (Amendment) Act shall, if and so far as the subject matter of the document permits, be construed as referring to the corresponding provision of this Act.