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CHAPTER 135
INFANTS' PROPERTY
ARRANGEMENT OF SECTIONS

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CHAPTER 135

INFANTS' PROPERTY

46 of 1964

15 of 1914

27 of 1976

An Act relating to the sale and lease of infants' estates.

[Commencement 21st March, 1914]

Short title.

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

Court to authorise sale of infants' lands.

2. (1) It shall be lawful for the court on the petition of any infant by his guardian or next friend, if it shall deem it proper and for the benefit of such infant, from time to time to authorise the sale of any lands of such infant, subject, if the court shall so direct, to such petition meeting with the concurrence or consent of any person having any estate, interest, charge or incumbrance 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.

27 of 1976, s. 2.

(2) On every sale to be effected under the provisions of this Act, the court may direct what person or persons shall execute the deed of conveyance and for such estate as the court shall direct or may issue an order vesting such land in the purchaser or purchasers thereof, and the order shall have the same effect as if the infant had been eighteen years of age and had duly executed a conveyance or assignment of the land for the same estate.

Court to authorise leases of infants' lands.

3. It shall be lawful for the court on the petition of any infant by his guardian or next friend, if it shall deem it proper and for the benefit of such infant and consistent with a due regard for the interests of any other persons interested in the lands, to authorise leases of any lands of such infant or of any parts thereof for any purposes whatsoever, subject however to the following conditions -

- (a) every such lease shall be made to take effect in possession and shall be for a term

of years not exceeding twenty-one years;

- (b) on every such lease shall be reserved the best rent, or reservation in the nature of rent, either uniform or not, that can be reasonably obtained to be made payable half yearly or oftener without taking any fine or other benefit in the nature of a fine. Such rent shall be incident to the immediate reversion;
- (c) every such lease shall be by deed and shall contain certain conditions for re-entry
 - (i) on non-payment of the rent for a period not less than twenty-eight days after it becomes due;
 - (ii) on non-observance of any of the covenants and conditions therein contained;
- (d) no such lease shall be made without impeachment of waste.

Subject and in addition to the conditions above mentioned, every such lease shall contain such covenants, conditions and stipulations as the court shall deem expedient, with reference to the special circumstance of the demise.

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

4. Notice of any petition to the court under this Act shall, if the court shall so direct, be inserted in such newspapers as the court shall direct, 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 petition which may be made to the court under this Act, and the court is hereby authorised to permit such 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 shall think fit.

Moneys to be paid into Treasury and applied to certain purposes.

5. (1) All money to be received on any sale effected under the authority of this Act shall be paid to the Treasurer, to the account of the Registrar of the court *ex parte* the petitioner in the matter of this Act; and such money, after payment of any costs attending such petition which may be allowed by the court, shall be applied as the court shall from time to time direct, to some one or more of the following purposes, namely — the discharge or redemption of any encumbrance affecting the hereditaments in respect of which such money was paid, or affecting any other hereditaments in which the infant may be interested, or the payment to any person becoming absolutely entitled.

(2) All money to be received under any lease effected under the authority of this Act shall be paid to the Treasurer to the account of the Registrar of the court *ex parte* the petitioner in the matter of this Act, and such money after payment of any costs attending such petition which may be allowed by the court shall be applied in such manner as the court having due regard to the interests of all persons interested in the lands may from time to time direct.

Moneys to be invested or deposited.

6. Until the money can be applied as aforesaid, the same shall be from time to time invested or deposited as the court shall direct, and the interests or dividends of such securities or deposit 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 or demised if the same had not been sold or demised.

Rules

46 of 1964, Sch.

Ch. 53.

7. The Rules Committee under section 75 of the Supreme Court Act may, if it shall think fit, from time to time make general rules for carrying the purposes of this Act into effect and for regulating the time and form 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 attorneys of the court in respect of such matters.

Interpretation.

8. In this Act —

"court" means the Supreme Court.