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AGE OF MAJORITY ACT

CHAPTER 226

Act No. 13 of 1987

Age of Majority Act

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CHAPTER 226

AGE OF MAJORITY ACT

An Act to amend the law relating to the age of majority, to persons who have not attained that age and to the time when a particular age is attained, and for connected purposes.

[Act No. 13 of 1987.]

[Date of commencement: *15th September, 1987.*]

1. Short title

This Act may be cited as the Age of Majority Act.

2. Reduction of age of majority

(1) As from the 15th September, 1987, a person shall attain full age on attaining the age of eighteen instead of attaining the age of twenty-one: and a person shall attain full age on that date if he has then attained the age of eighteen but not the age of twenty-one.

(2) Subsection (1) applies for the purposes of any rule of law, and, in the absence of a definition or of any indication of a contrary intention, for the construction of "full age", "infant", "infancy", "minor", "minority" and other similar expressions in—

- (a) any statutory provision, whether passed or made before, on or after the 15th

- (b) September, 1987; and
- (c) any deed, will or other instrument (not being a statutory provision) whether
- (d) made before, on or after that date.

(3) For the avoidance of doubt, nothing in this section affects any reference in any statutory provision to the age of twenty-one and in particular, but without prejudice to the generality of the foregoing, nothing in this section affects--

- (a) section 25 of the Constitution; or
- (b) section 16 of the Local Government Act.

[Chapter 2, Chapter 340.]

(4) Notwithstanding any rule of law, a will or codicil executed before the 15th September, 1987, shall not be treated for **the** purposes of this section as made on or after that date by reason only that the will or codicil is confirmed by codicil executed after that date.

(5) In this section, "**statutory provision**" means any written law (including any written law applied to Saint Vincent and the Grenadines) and any **order, rule**, regulation, by-law or other instrument made in exercise of a power conferred by written law.

(6) The transitional provisions and savings contained in the Schedule shall have effect in relation to this section.

3. Time at which a *person* attains a particular age

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

(2) This section only applies where the relevant anniversary falls on a date after the 15th September, 1987, and, in relation to any written law, deed, will or other instrument, has effect subject to any provisions therein.

4. Consent by persons over sixteen to certain treatment

(1) The consent of a minor who has attained the age of sixteen years to any surgical, medical or dental treatment which, in the absence of consent, would constitute a trespass to his person, shall be as effective as it would be if he were of full age; and where a minor has by virtue of this section given an effective consent to any treatment it shall not be necessary to obtain any consent for it from his parent or guardian.

(2) In this section "surgical, medical and dental treatment" includes any procedure undertaken for the purpose of diagnosis, and this section applies to any procedure (including,

in particular, the administration of an anaesthetic) which is ancillary to any treatment as it applies to that treatment.

(3) Nothing in this section shall be construed as making ineffective any consent which would have been effective if this section had not been enacted.

5. Persons under full *age* may be described as minors instead of infants

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

SCHEDULE

[Section 2.]

1. Interpretation

(1) In this Schedule, "**the principal section**" means section 2 of the Act.

(2) Subsection (3) of the principal section shall apply for the purposes of this Schedule as it applies for the purposes of that section.

2. Funds in Court

Any order or directions in force immediately before the 15th September, 1987 by virtue of—

- (a) any rules of court or other statutory provision relating to the control of money recovered by, or otherwise payable to, an infant in any proceedings; or
- (b) *any* enactment providing control of money recovered by a widow in fatal accident proceedings which are also brought for the benefit of an infant,

shall have effect as if any reference therein to the infant's attaining the age of twenty-one were a reference to his attaining the age of eighteen or, in relation to a person who by virtue of the principal section attains full age on the 15th September, 1987, to that date.

3. Wardship and custody orders

(1) Any order in force immediately before the 15th September, 1987-

- (a) making a person a ward of court; or
- (b) under the Law of Infants (Amendment) Act or any law relating to matrimonial causes for the custody of, or access to, any persons,

[Chapter 9 of 1926.]

which is expressed to continue in force until the person who is the subject of the order attains the age of twenty-one, or any age between eighteen and twenty-one, shall have effect as if the reference to his attaining that age were a reference to his attaining the age of eighteen or, in relation to a person who by virtue of the principal section attains full age on the 15th September, 1987, to that date.

(2) This paragraph is without prejudice to so much of any order as makes provision for the maintenance of education of a person after he has attained the age of eighteen.

4. Adoption orders

The principal section shall not prevent the making of an adoption order, or an interim adoption order, under the Adoption of Children Act in respect of a person who has attained the age of eighteen if the application for the order was made before the 15th September, 1987, and in relation to any such case that Act shall have effect as if the principal section had not been enacted.

[Chapter 225.]

5. Powers of trustees to apply income for maintenance of minor (1) The principal section shall not affect the Trustees Act—

- (a) *in* its application to any interest under an instrument made before the 15th September 1987; or
- (b) in its application to the estate of an intestate dying before that date.

[Chapter 494.]

(2) In any case in which (whether by virtue of this paragraph or paragraph 8) trustees have power to pay income to the parent or guardian of any person who has attained the age of eighteen, 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 the person himself.

6. Personal representative powers minority beneficiary

The principal section shall not affect the meaning of "minority" in sections 33(3) and 39(1) of the Administration of Estates Act 1925 of the United Kingdom Parliament in the case of a beneficiary whose interest arises under a will or codicil made before the 15th September, 1987, or on the death before that date of an intestate (within the meaning of that Act).

7. Limitation of actions

The change, by virtue of the principal section, in the construction of any provision relating to the limitation of actions in the case of persons under disability *shall* not affect the time for bringing proceedings in respect of a cause of action which arose before the 15th September, 1987.

8. Statutory provisions incorporated in deeds, wills, etc.

The principal section shall not affect the construction of any statutory provision where it is incorporated in and has effect as part of *any deed*, will or other instrument the construction of which is not affected by that section.