

Code:	VG 1994 ACT 21
Title:	AGE OF MAJORITY ACT
Country:	VIRGIN ISLANDS
Reference:	21/1994
Date of entry into force:	January 3, 1995 (By SI 42/1994)
Amendment:	
Subject:	Age of majority
Key words:	Children – maintenance; Ward of court; Minor, meaning of

No. 21 of 1994

VIRGIN ISLANDS
THE AGE OF MAJORITY ACT, 1994
ARRANGEMENT OF SECTIONS

Section

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SCHEDULE

I Assent
P. A. Penfold
Governor
6th December, 1994

VIRGIN ISLANDS

No. 21 of 1994

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.

[Gazetted 15th December, 1994]

ENACTED by the Legislature of the Virgin Islands as follows -

Short title and commencement.

1. This Act may be cited as the Age of Majority Act, 1994 and comes into operation on such day as the Governor may appoint by proclamation published in the Gazette.

Reduction of age of majority from twenty-one to eighteen. Schedule.

2. (1) As from the date on which this Act comes into operation, a person attains full age on attaining the age of eighteen instead of on attaining the age of twenty-one, and a person attains full age on that date if he has then already 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 similar expressions -

- (a) in this Act and any other statutory provisions whether passed or made before, on or after the date on which this Act comes into operation; and
- (b) in any deed, will or other instrument (not being a statutory provision) made on or after that date.

(3) Notwithstanding any rule of law, a will or codicil executed before the date on which this Act comes into operation 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 a codicil executed on or after that date.

(4) In the statutory provisions specified in the Schedule, for any reference to the age of twenty-one years there is substituted a reference to the age of eighteen years.

Times at which a person attains a particular age.

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

(2) This section applies only where the relevant anniversary falls on a date after that on which this Act comes into operation and, in relation to any written law, deed, will or other instrument, has effect subject to any provisions therein.

Persons under full age maybe be described minors instead of infants.

4. 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.

Maintenance for children under Guardianship of Infants Act may continue to age of 21.

5. (1) An order under section 5 (2), 7 (4) or 8 of the Guardianship of Infants Act [Cap. 270] for payment of sums towards the maintenance or education of a minor may require such sums to continue to be paid in respect of any period after the date on which he ceases to be a minor but not extending beyond the date on which he attains the age of twenty-one; and any order which is made as mentioned above may provide that any sum which is payable thereunder for the benefit of a person who has ceased to be a minor shall be paid to that person himself.

(2) Subject to subsection (3), where a person who has ceased to be a minor but has not attained the age of twenty-one has, while a minor, been the subject of an order under any of the provisions of the Guardianship of Infants Act [Cap. 270], the court may, on the application of either parent of that person or of that person himself, make an order requiring either parent to pay to the other parent, to anyone else for the benefit of that person or to that person himself, in respect of any period not extending beyond the date when he attains that age, such weekly or periodical sums towards his maintenance or education as the court thinks reasonable having regard to the means of the person on whom the requirement is imposed.

(3) No order shall be made under subsection (2) and no liability under such an order shall accrue at a time when the parents of the person in question are residing together, and if they so reside for a period of three months after such an order has been made, it ceases to have effect.

(4) Subsection (2) shall be construed as one with the Guardianship of Infants Act [Cap. 270].

Funds in court.

6. Any order or directions in force immediately before this Act comes into operation by virtue of any rules of court or other written law relating to the control of money recovered or otherwise payable to an infant in any proceedings shall have effect as if any reference therein to the infant 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 this Act attains full age on the date this Act comes into operation, to that date.

Wardship and custody orders.

7. (1) Any order in force immediately before this Act comes into operation -

- (a) making a person a ward of Court; or
- (b) giving custody of, or access to any person, 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, has 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 this Act attains full age on the date this Act comes into operation, to that date.

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

Adoption orders.

8. This Act shall not prevent the making of an adoption order or provisional adoption order under the Adoption of Children Act [Cap. 269] in respect of a person who has attained the age of eighteen if the application for the order was made before this Act comes into operation; and in relation to any such case that Act has full effect as if this Act had not been enacted.

Revocation of wills under Cap. 81.

9. (1) Any will which -

- (a) has been made, whether before or after the coming into force of this Act, by a person under the age of eighteen; and
- (b) is valid by virtue of the provisions of section 11 of the Wills Act [Cap. 81] and the Wills (Soldiers and Sailors) Act [Cap. 82]

may be revoked by that person notwithstanding that he is still under that age whether or not the circumstances are then such that he would be entitled to make a valid will under those provisions.

(2) In this section "will" has the same meaning as in the Wills Act [Cap. 81].

Powers of personal representatives.

10. In the case of a beneficiary whose interest arises under a will or codicil made before this Act comes into operation or on the death before that date of an intestate (within the meaning of the Intestates Estate Act) [Cap. 34], nothing in this Act affects the powers of the personal representatives regarding -

- (a) investments of the residue of any moneys arising on a trust for sale; or
- (b) other powers of management in the administration of estates, at any time before the beneficiary attains the age of twenty-one.

Accumulation periods.

11. The change, by virtue of this Act, in the construction of any rule of law which lays down permissible periods of 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 this Act comes into operation.

Power of trustees to apply income for maintenance of minor.

12. (1) This Act does not affect section 32 of the Trustee Ordinance [Cap. 303] -

- (a) in its application to any interest under an instrument made before this Act comes into operation;
- (b) in its application, by virtue of any rule of law, to the estate of an intestate (within the meaning of the Intestates Estates Act [Cap. 34]) dying before the date on which this Act comes into operation.

(2) In any case in which (whether by virtue of this section or section 2) trustees have power under section 32 of the Trustee Ordinance 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 or education of any such person, they shall also have power to pay it to that person himself.

Consent by persons over 16 to surgical, medical and dental treatment.

13. (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 or dental treatment" includes any procedure undertaken for the purposes of diagnosis, and this section applies to any procedure (including, 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.

Statutory provisions incorporated in deeds, wills etc.

14. This Act does 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 made before the date on which this Act comes into operation.

Limitation of actions in person under a disability.

15. The change, by virtue of this Act, in the construction of section 21 of the Limitation Ordinance [Cap. 43], does not affect the case of time for bringing proceedings in respect of a cause of action which arose before the date on which this Act comes into operation.

SCHEDULE

Section 2 (4)

Statutory Provisions Amended by Substituting 18 for 21 years

Chapter	Short title	Section	Subject Matter
Cap. 34	Intestates Estates Act	section 5	Statutory trusts in favour of children of intestate who attain the age of 21 years.
Cap. 36	Jury Act	sections 4 and 5	Disqualification of persons under 21 years.
Cap. 53	Offences against the Person Act	section 48	Abduction of woman under the age of 21 years.
Cap. 81	Wills Act	section 5	Father may dispose of custody of children during minority.
		section 6	Validity of will made by person under 21 years.
Cap. 82	Wills (Soldiers and Sailors) Act	sections 3 and 5	
Cap. 106	Liquor Licences Ordinance	section 20	Refusal of application of persons under twenty-one.
Cap. 111	Registered Land Ordinance	section 111	Dealings by persons under twenty-one.
Cap. 268	Friendly Societies Act	section 34(1)	membership of minors.
Cap. 269	Adoption of Children Act	section 2(2)	Definition of "infant" by references to age of 21 years
Cap. 272	Marriage Ordinance	sections 25, 34, 40, 55(3) and 62 and Form C in the First Schedule	Restriction in cases of minority.
Cap. 303	Trustee Ordinance	section 32	Power to apply income for maintenance and to accumulate surplus income during a minority.

Passed by the Legislative Council this 2nd day of December, 1994.

K. L. FLAX,
Speaker.

HUGH A. HODGE,
Clerk of the Legislative Council.

VIRGIN ISLANDS

STATUTORY INSTRUMENT 1994 NO. 42

**By His Excellency Peter Alfred Penfold, Officer of the Most Excellent Order of the British Empire,
Governor of the Virgin Islands.**

**P.A. Penfold,
Governor**

A PROCLAMATION

[Gazetted 15th December, 1994]

WHEREAS it is provided by section 1 of the Age of Majority Act, 1994 [Act No. 21 of 1994], that the said Act shall come into operation on such date as the Governor may appoint by proclamation published in the Gazette;

NOW THEREFORE by virtue and in exercise of the powers vested in me I do hereby proclaim that the said Age of Majority Act, 1994 shall come into force on the 3rd day of January, 1995.

AND all Her Majesty's loving subjects are hereby required to take note hereof and govern themselves accordingly.

GIVEN under my hand and the
Public Seal of the Virgin Islands this
12th day of December, 1994 and in the
forty-third year of Her Majesty's Reign.

GOD SAVE THE QUEEN!