

MINORS (PROPERTY AND CONTRACTS) ACT.

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 60, 1970.

An Act relating to the contractual and testamentary capacity and proprietary rights and obligations of persons under the age of twenty-one years; for these and other purposes to amend the Conveyancing and Law of Property Act, 1898, and the Wills, Probate and Administration Act, 1898, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 13th November, 1970.]

BE

Minors (Property and Contracts).

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Minors (Property and Contracts) Act, 1970".

Short title
and com-
mencement.

(2) Subject to subsection three of this section, this Act shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette, being a day not earlier than six months after the day on which Her Majesty's assent to this Act was signified.

(3) If on the anniversary of the day on which Her Majesty's assent to this Act is signified a day has not been appointed under subsection two of this section, this Act shall, notwithstanding that subsection, commence on that anniversary.

2. This Act is divided into Parts as follows:—

Division
into
Parts.

PART I.—PRELIMINARY—*ss.* 1–7.

PART II.—CAPACITY AT EIGHTEEN YEARS—*ss.* 8–15.

PART III.—CAPACITY OF MINORS—*ss.* 16–39.

PART IV.—COURTS—*ss.* 40–45.

PART V.—GENERAL—*ss.* 46–51.

3. (1) Each Act specified in the first column of the First Schedule to this Act is amended as specified opposite that Act in the second column of that Schedule.

Amendments
and saving.
First
Schedule.

(2)

Minors (Property and Contracts).

No. 60, 1970 (2) An amendment made by subsection (1) of this section does not—

Act No. 4,
1897, s. 8.

- (a) affect the previous operation of the Act amended, or anything duly suffered, done, or commenced to be done under the Act amended;
- (b) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under the Act amended; or
- (c) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, or liability as aforesaid.

Act No. 4,
1897, s. 8.

(3) Any investigation, legal proceeding, or remedy mentioned in paragraph (c) of subsection (2) of this section may be instituted, continued or enforced as if this Act had not been passed.

(4) Notwithstanding the amendments made by subsection (1) of this section—

- (a) the law in force immediately before the commencement of this Act and relating to testamentary capacity and to the form of wills continues to apply to a will made before the commencement of this Act;
- (b) the law in force immediately before the commencement of this Act and relating to the revocation of wills continues to apply to a revocation before the commencement of this Act.

(5) The amendments made by subsection (1) of this section to Part IV of the Conveyancing and Law of Property Act, 1898, apply to and in respect of proceedings in the Supreme Court under that Part commenced after the commencement of this Act and to and in respect of a lease made under section 68 of that Act after the commencement of this Act.

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(6) The amendments made by subsection (1) of this section to Part V of the Conveyancing and Law of Property Act, 1898, apply to and in respect of a surrender or renewal made after the commencement of this Act. No. 60, 1970

(7) The amendments made by subsection (1) of this section to the Usury, Bills of Lading, and Written Memoranda Act, 1902, do not apply to a promise or ratification made before the commencement of this Act.

4. (1) This Act (except subsection (1) of section 3) **Savings.** does not affect the operation of the provisions relating to age in the enactments specified in the Second Schedule to this Act.

(2) This Act does not affect any power or authority which any person would have if this Act had not been passed, to give consent or to acquiesce in relation to a person under the age of twenty-one years where, under any law of the Commonwealth, such consent or acquiescence is required or permitted.

5. This Act binds the Crown not only in right of New South Wales but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities. **The Crown.**

6. (1) In this Act, unless the context or subject matter otherwise indicates or requires— Interpre-
tation.

“Civil act” means—

- (a) a contract;
- (b) an election to rescind or determine a contract for fraud, mistake, breach or otherwise;
- (c) a disposition of property;
- (d) a disclaimer;
- (e) an acknowledgment of receipt of property;
- (f) a discharge or acquittance;

(g)

(g)

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- (g) an exercise of a power under a contract or under a settlement, will or other instrument;
- (h) an assent or consent to, acquiescence in, or acknowledgment or waiver of, any matter by a person affecting his rights or obligations under a contract or relating to property;
- (i) a release of any cause of action;
- (j) a grant of any leave or licence;
- (k) an election in relation to rights under a will or other instrument, or in relation to conversion as between realty and personalty; or
- (l) an act done—
 - (i) in relation to the formation;
 - (ii) in relation to becoming or ceasing to be a member or officer; or
 - (iii) as a member or officer—
 of a partnership, or of an association, company or society, whether a corporation or not;
- (m) without limiting the generality of the foregoing, any act relating to contractual or proprietary rights or obligations or to any chose in action—

whether having effect at law or in equity.

“Disposition of property” includes—

- (a) a conveyance, transfer, assignment, appointment, settlement, mortgage, delivery, payment, lease, bailment, reconveyance or discharge of mortgage;
- (b) the creation of a trust;

(c)

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(c) the release or surrender of any property; No. 60, 1970
and

(d) the grant of a power in respect of property—
whether having effect at law or in equity.

“Minor” means a person under the age of eighteen years; and “minority” has a corresponding meaning.

“Minor participant”, in relation to a civil act, means a person who, while he is a minor, participates in the civil act.

“Party”, in relation to a civil act, includes a person who does, makes, accepts, suffers or joins in the civil act; and “participate” and “participant” have corresponding meanings.

“Property” includes real and personal property and any estate or interest in property real or personal, and money, and any debt, and any cause of action for damages (including damages for personal injury), and any other chose in action, and any other right or interest. cf. Act No. 6, 1919, s. 7 (1); Act No. 47, 1920, s. 3 (1).

(2) The making of a will, whether in exercise of a power of appointment or otherwise, or the revocation of a will, is not a civil act and is not a disposition of property for the purposes of this Act.

(3) Where a person participates in a civil act while a minor and by this Act the civil act is or becomes presumptively binding on him—

(a) the civil act is, at and after the time of his participation, as binding on him and on his personal representative and has effect as if he were not under the disability of infancy at the time of his participation; and

(b)

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No. 60, 1970 (b) except where other provision is made by this Act, the civil act is binding and has effect as mentioned in paragraph (a) of this subsection in favour of all persons.

This and other Acts cumulative. 7. (1) Where, under any Act, a civil act in which a person participates while under the age of twenty-one years is given any force or effect, that force or effect is not vitiated or diminished by anything in Part II or Part III of this Act.

(2) Where, under any provision in Part II or Part III of this Act, a civil act in which a person participates while under the age of twenty-one years is given any force or effect, that force or effect is not vitiated or diminished by anything in any other Act.

PART II.

CAPACITY AT EIGHTEEN YEARS.

Civil acts generally. 8. A person is not under the disability of infancy in relation to a civil act in which he participates when aged eighteen years or upwards and after the commencement of this Act.

Full age, etc., generally. 9. (1) After the commencement of this Act—
 (a) for the purposes of any rule of law; and
 (b) except so far as the context otherwise requires, for the purposes of—
 (i) any Act, whether passed before or after the commencement of this Act; and

(ii)

Minors (Property and Contracts).

- (ii) any instrument made under an Act, whether No. 60, 1970 the instrument is made before or after the commencement of this Act—

a person aged eighteen years or upwards on the commencement of this Act or who attains the age of eighteen years after the commencement of this Act—

- (c) is of full age and adult;
- (d) is sui juris, subject however to the law relating to mental illness; and
- (e) is not under any disability or incapacity of infancy.

(2) Subsection (1) of this section does not affect the construction of words which—

- (a) are contained in—
 - (i) any matter (whether in writing or not) constituting or evidencing a civil act in which any person participates before the commencement of this Act; or
 - (ii) the will of a person dying before the commencement of this Act; and
- (b) refer to infancy or adulthood, to full age, to incapacity or capacity, or to disability or ability, or refer to a person being or not being sui juris, or make any similar reference—

except so far as the context otherwise requires.

(3) Subsection (1) of this section does not affect—

- (a) the construction of any reference to “the adult male basic wage”, the “adult female basic wage”, or any similar expression in any Act or in any instrument made under an Act;

(b)

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- (b) the construction of any Act, or of any instrument made under an Act, so far as the Act or instrument gives rise to any liability for fine or imprisonment or other punishment for an offence; or
 - (c) the power to make any order under Part IX of the Child Welfare Act, 1939, or the construction or operation of an order made under that Part.

Fiduciary
office.

10. (1) A person aged eighteen years or upwards may, after the commencement of this Act—

- (a) be granted probate of a will as executor or letters of administration as administrator of the estate of a deceased person;
- (b) become a trustee upon a constructive or other trust by declaration, appointment or otherwise;
- (c) be a guardian of the person or of the estate of a minor;
- (d) be a next friend or guardian ad litem of a minor or of a mentally ill person for the purpose of proceedings in any court;
- (e) be appointed as a receiver;
- (f) be appointed as a committee or manager under the Mental Health Act, 1958; and
- (g) be appointed to any other fiduciary office.

(2) After the commencement of this Act a person aged eighteen years or upwards and holding any of the offices mentioned in paragraphs (a) to (f) of subsection (1) of this section or any other fiduciary office may exercise the powers of that office and shall not be under the disability of infancy in relation to the rights, duties and liabilities incident to that office.

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11. After the commencement of this Act, a person aged **No. 60, 1970** eighteen years or upwards—

- (a) is not under the disability of infancy in relation to ^{Legal pro-} proceedings in any court; and
- (b) may commence, carry on, defend, compromise, settle, abandon, and otherwise engage in, and act in relation to, proceedings in any court without a next friend or guardian ad litem.

12. A person is estopped by his deed made, or by his ^{Estoppel.} words written or spoken, or by his conduct, when aged eighteen years or upwards and after the commencement of this Act, as if he were aged twenty-one years or upwards.

13. A person is bound by his laches or acquiescence when ^{Laches and acquie-} aged eighteen years or upwards and after the commencement of this Act as if he were aged twenty-one years or upwards.

14. (1) In matters of tort, the doctrines of—

- (a) leave and licence;
- (b) consent;
- (c) volenti non fit injuria; and
- (d) voluntary assumption of risk—

Tort:
consent,
etc.

apply in the case of a person aged eighteen years or upwards as they apply in the case of a person aged twenty-one years or upwards.

(2) Subsection (1) of this section applies to—

- (a) a leave and licence granted after the commencement of this Act;

(b)

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- (b) a consent given after the commencement of this Act;
- (c) a person who is volens after the commencement of this Act; and
- (d) a risk voluntarily assumed after the commencement of this Act.

(3) This section does not affect such operation as the doctrines mentioned in subsection (1) of this section may have in the case of a minor.

Domicile.

15. (1) The acts and state of mind after the commencement of this Act of a person aged eighteen years or upwards have, as regards the domicile of himself or of any other person, the same effect as if he were aged twenty-one years or upwards.

(2) The acts and state of mind after the commencement of this Act of any person have, as regards the domicile of a person aged eighteen years or upwards, such effect only as those acts and state of mind would have if the latter person were aged twenty-one years or upwards.

PART III.**CAPACITY OF MINORS.**

Application. **16.** This Part applies in relation to a civil act in which a minor participates after the commencement of this Act.

Pre-liminary. **17.** Where a minor participates in a civil act, the civil act is not binding on him except as provided by this Act.

18.

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18. This Part does not make presumptively binding on a minor a civil act in which he participates, or appears to participate, while lacking, by reason of youth, the understanding necessary for his participation in the civil act.

No. 60, 1970
Age of
under-
standing.

19. Where a minor participates in a civil act and his participation is for his benefit at the time of his participation, the civil act is presumptively binding on him.

Beneficial
civil act.

20. (1) Where—

- (a) a minor makes a disposition of property for a consideration received or to be received by him;
- (b) the consideration is not manifestly inadequate at the time of the disposition; and
- (c) he receives the whole or any part of the consideration—

Disposition
for con-
sideration.

the disposition is presumptively binding on him.

(2) Where—

- (a) a disposition of property is made to a minor for a consideration given or to be given by him; and
- (b) the consideration is not manifestly excessive at the time of the disposition—

he disposition is presumptively binding on him.

(3) Save to the extent to which, under Part III of the Sale of Goods Act, 1923, or otherwise, a promise may operate as a disposition of property, subsection (2) of this section does not make presumptively binding on a minor a promise by him which is the whole or part of the consideration for a disposition of property to him.

(4) Where the burden of, or arising under, a covenant or other promise runs with property so as to impose an obligation or restriction on a person to whom a disposition

of

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No. 60, 1970 of the property is made in any manner or circumstances, subsection (2) of this section does not make presumptively binding on a minor a disposition of that property to him in that manner or those circumstances.

Gift. **21.** Where a minor makes a disposition of property wholly or partly as a gift, and the disposition is reasonable at the time when it is made, the disposition is presumptively binding on him.

Act pursuant to duty. **22.** Where a minor participates in a civil act pursuant to a contractual or other duty binding on him, the civil act is presumptively binding on him.

Investment in government securities.
cf. Act No. 14, 1925, s. 14 (2) (a), (b). **23.** An investment by a minor in—

- (a) any public funds or government stock or government securities of any State of Australia or of the Commonwealth; or
- (b) any debentures or securities guaranteed by the Government or by the Treasurer—

is presumptively binding on the minor.

Protection of strangers. **24.** Where a minor participates in a civil act and a person who is not a party to the civil act—

- (a) acquires property affected by the civil act or any estate or interest in property so affected for valuable consideration; or
- (b) acts, otherwise than as a volunteer and so as to alter his position, on the basis of the validity of the civil act—

in either case without notice that the minor participant is at the time of his participation in the civil act a minor, the civil act is, in favour of that person and in favour of any person claiming under that person, presumptively binding on the minor participant.

25.

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25. A receipt by a married minor for rents, profits or other income or for accumulations of income is presumptively binding on him.

No. 60, 1970
—
Receipt
by married
minor.
Act No. 6,
1919,
s. 151B.

26. (1) The Supreme Court, on application by a minor, may, by order—

Capacity
by order
of Supreme
Court.

(a) grant to the minor capacity to participate in any civil act or in any description of civil acts or in all civil acts; and

(b) rescind or vary an order under paragraph (a) of this subsection.

(2) The Court may make an order under subsection (1) of this section on such terms and conditions as the Court thinks fit.

(3) The Court shall not make an order under this section unless it appears to the Court that the order is for the benefit of the minor.

(4) A civil act in which a minor participates is, if authorised by a grant of capacity under this section, presumptively binding on him.

(5) An order of rescission or variation under paragraph (b) of subsection (1) of this section does not affect the validity of a civil act in which the minor has participated before the making of the order of rescission or variation.

27. (1) A contract made by a minor or a disposition of property made by or to a minor pursuant to an approval under this section is presumptively binding on him.

Approval of
contract
or dis-
position.

(2) A court of petty sessions may, on application by a minor, by order approve a contract proposed to be made by a minor or a disposition of property proposed to be made by or to a minor.

cf. N.Z. Act
No. 86, 1908
s. 12A (1).

(3) The powers of a court of petty sessions under this section may be exercised only by a stipendiary magistrate sitting alone.

(4)

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(4) A court of petty sessions may make an order under this section on such terms and conditions as the court thinks fit.

(5) A court of petty sessions shall not make an order under this section unless it appears to the court that—

(a) the minor would not undertake obligations under the proposed contract or dispose of property under the proposed disposition of property to the value of seven hundred and fifty dollars or upwards; and

(b) the order is for the benefit of the minor.

(6) A refusal to make an order under this section or the making of an order subject to any terms or conditions does not prevent the minor making a further application, whether on evidence of the same or other facts, to the Supreme Court under section 26 of this Act.

(7) Part V of the Justices Act, 1902, does not apply to an order under this section.

Certified
disposition
by a minor.

28. (1) Where a minor makes a disposition of property for consideration and a certificate in respect of the disposition is given in accordance with this section, the disposition is presumptively binding on him.

(2) A certificate for the purposes of this section in respect of a disposition of property made by a minor for consideration must—

(a) be given before, but not more than seven days before, the making of the disposition;

(b) be given—

(i) by a solicitor instructed and employed independently of any other party to the disposition; or

(ii) by the Public Trustee; and

(c)

Minors (Property and Contracts).

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- (c) state that the person giving the certificate has No. 60, 1970 satisfied himself that—
- (i) the minor understands the true purport and effect of the disposition;
 - (ii) the minor makes the disposition freely and voluntarily; and
 - (iii) the consideration is not manifestly inadequate.

29. (1) Where a disposition of property is made to a ^{Certified} minor for consideration and a certificate in respect of the ^{disposition} disposition is given in accordance with this section, the ^{to a minor.} disposition is presumptively binding on him.

(2) A certificate for the purposes of this section in respect of a disposition of property made to a minor for consideration must—

- (a) be given before, but not more than seven days before, the making of the disposition;
- (b) be given—
 - (i) by a solicitor instructed and employed independently of any other party to the disposition; or
 - (ii) by the Public Trustee; and
- (c) state that the person giving the certificate has satisfied himself that—
 - (i) the minor understands the true purport and effect of the disposition;
 - (ii) the minor takes the disposition freely and voluntarily; and
 - (iii) the consideration is not manifestly excessive.

(3)

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No. 60, 1970 — (3) Save to the extent to which, under Part III of the Sale of Goods Act, 1923, or otherwise, a promise may operate as a disposition of property, this section does not make presumptively binding on a minor a promise by him which is the whole or part of the consideration for a disposition of property to him.

(4) Where the burden of, or arising under, a covenant or other promise runs with property so as to impose an obligation or restriction on a person to whom a disposition of the property is made in any manner or circumstances, this section does not make presumptively binding on a minor a disposition of that property made to him in that manner or those circumstances.

Affirmation. **30.** (1) Where a person participates in a civil act while he is a minor, the civil act may be affirmed—

- (a) while he remains a minor, on his behalf by order of a court having jurisdiction under this section;
- (b) after he attains the age of eighteen years, by him;
or
- (c) after his death, by his personal representative.

(2) The court may affirm a civil act on behalf of a minor participant in the civil act under paragraph (a) of subsection (1) of this section on application by the minor participant or by any other person interested in the civil act.

(3) Subject to section 36 of this Act, the court shall not affirm a civil act on behalf of a minor participant in the civil act under paragraph (a) of subsection (1) of this section unless it appears to the court that the affirmation is for the benefit of the minor participant.

(4)

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(4) Where a civil act is affirmed pursuant to this No. 60, 1970 section by or on behalf of a minor participant in the civil act, or by the personal representative of a deceased minor participant in the civil act, the civil act is presumptively binding on the minor participant.

(5) An affirmation of a civil act under this section by a minor participant in the civil act or by the personal representative of a deceased minor participant in the civil act—

- (a) may be by words, written or spoken, or by conduct ;
and
- (b) need not be communicated to any person.

31. (1) Where a minor has participated in a civil act, Repudiation by minor. then, subject to sections 33 and 35 of this Act and subject to subsection (2) of this section, the minor participant may repudiate the civil act at any time during his minority or afterwards but before he attains the age of nineteen years.

(2) A repudiation of a civil act by a minor participant in the civil act does not have effect if it appears that, at the time of the repudiation, the civil act is for the benefit of the minor participant.

32. (1) Where a minor has participated in a civil act and dies before attaining the age of nineteen years, then, subject Repudiation by representative of deceased minor. to sections 33 and 35 of this Act and subject to subsection (2) of this section, his personal representative may repudiate the civil act at any time before the end of nineteen years after the birth of the minor participant or before the end of one year after the death of the minor participant whichever is the earlier.

(2) A repudiation of a civil act by the representative of a deceased minor participant in the civil act does not have effect if it appears that, at the time of the repudiation, the civil act is for the benefit of the estate of the deceased minor participant.

33.

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No. 60, 1970 **33.** (1) Where a civil act is repudiated under section 31 or section 32 of this Act—

Notice of repudiation.

(a) the repudiation does not affect any person unless notice in accordance with subsection (2) of this section is served on that person or on a person under whom that person claims;

(b) the repudiation has effect against a person served with the notice and against a person claiming under the person served as if made on the date of service of the notice.

(2) A notice of repudiation must be in writing and signed by the person making the repudiation or by his agent.

(3) A notice of repudiation may be served as provided in section 170 of the Conveyancing Act, 1919.

Repudiation by court for minor.

34. (1) Where a minor has participated in a civil act, then, subject to section 35 of this Act and subject to subsection (2) of this section, a court having jurisdiction under this section may, by order, repudiate the civil act on behalf of the minor participant at any time during his minority.

(2) The court shall not repudiate a civil act on behalf of a minor participant if it appears to the court that the civil act is for the benefit of the minor participant.

(3) Where the court repudiates a civil act on behalf of a minor participant, the court shall give such directions as it thinks fit for service of notice of the order of repudiation on persons interested in the civil act.

Restriction on effect of repudiation.

35. (1) Where a civil act is presumptively binding on a minor participant in the civil act in favour of another party to the civil act or in favour of any other person, a repudiation of the civil act under any of sections 31, 32 and 34 of this Act by or on behalf of the minor participant, or, if the minor participant has died, by his personal representative, does not have effect as against that other party or person.

(2)

(2) Where a person becomes a member of an association while he is a minor and after he becomes a member any civil act in which he has participated for the purpose of becoming a member of the association, or as a member of the association, or otherwise in relation to the association, is repudiated under any of sections 31, 32 and 34 of this Act by him or on his behalf, or, if he has died, by his personal representative, the repudiation does not affect such right as any other member of the association or a creditor of the association may have for the application of the interest of the firstmentioned person, or if he has died the interest of his estate, in the property of the association in or towards satisfaction of any liability of the association which accrues before the repudiation or which accrues by reason of anything done or omitted before the repudiation.

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(3) For the purposes of subsection (2) of this section, "association" includes a partnership but does not include a corporation.

36. Where, on application to a court having jurisdiction under this section by a person interested in a civil act, it appears to the court that the civil act is not presumptively binding on a minor participant in the civil act in favour of the applicant, the court shall either affirm the civil act under section 30 of this Act or repudiate the civil act under section 34 of this Act on behalf of the minor participant.

Election
by court.

37. (1) Where a civil act is repudiated under any of sections 31, 32 and 34 of this Act, a court having jurisdiction under this section may, on the application of any person interested in the civil act, make orders—

Adjust-
ment on
repudiation.

- (a) for the confirmation, wholly or in part, of the civil act or of anything done under the civil act; or
- (b) for the adjustment of rights arising out of the civil act or out of the repudiation or out of anything done under the civil act.

(2)

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(2) Without limiting the generality of paragraph (a) of subsection (1) of this section, where, on an application under this section, it appears to the court that any party to the civil act was induced to participate in the civil act by a misrepresentation made by a minor participant in the civil act, being a fraudulent misrepresentation as to the age of the minor participant or as to any other matter affecting the capacity of the minor participant to participate in the civil act, the court may confirm the civil act and anything done under the civil act.

(3) Where a civil act is presumptively binding in favour of any person, the court shall not make any order under this section adversely affecting his rights except with his consent.

(4) Subject to subsection (3) of this section, and except so far as the court confirms the civil act or anything done under the civil act, the court shall make such orders as are authorised by this section and as the court thinks fit for the purpose of securing so far as practicable that—

- (a) each minor participant in the civil act makes just compensation for all property, services and other things derived by him by or under the civil act to the extent that the derivation of that property or of those services or things is for his benefit;
- (b) each other participant in the civil act makes just compensation for all property, services and other things derived by him by or under the civil act; and
- (c) subject to paragraphs (a) and (b) of this subsection, the parties to the civil act and those claiming under them are restored to their positions before the time of the civil act.

(5) Any court having jurisdiction under this section may, for the purposes of this section, make orders—

- (a) for the delivery of goods; and
- (b) for the payment of money.

(6)

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(6) In addition to its jurisdiction under subsection No. 60, 1970 (5) of this section, the Supreme Court may, for the purposes of this section, make orders for—

- (a) the making of any disposition of property;
- (b) the sale or other realisation of property;
- (c) the disposal of the proceeds of sale or other realisation of property;
- (d) the creation of a charge on property in favour of any person;
- (e) the enforcement of a charge so created;
- (f) the appointment and regulation of the proceedings of a receiver of property;
- (g) the vesting of property in any person; and
- (h) the rescission or variation of any order of the Supreme Court under this section.

(7) A court may make an order under this section on such terms and conditions as the court thinks fit.

(8) A civil act to which a person is a party while a minor and anything done thereunder is, to the extent to which it is confirmed under this section, presumptively binding on him.

(9) Sections 78 and 79 of the Trustee Act, 1925, apply to a vesting order, and to the power to make a vesting order, under this section.

(10) Subsection (2) of section 78 of the Trustee Act, 1925, applies to a vesting order under this section as if this section were included in the provisions of Part III of that Act.

38. Where a person participates in a civil act while he is a minor and the civil act is not repudiated under any of sections 31, 32 and 34 of this Act by himself or by his ^{Civil act not re-}
personal <sup>pu-
diated.</sup>

Minors (Property and Contracts).

No. 60, 1970 personal representative or by a court on his behalf within the times respectively fixed by those sections, the civil act is presumptively binding on the minor participant.

Enforce-
ability by
minor par-
ticipant.

39. Subject to section 37 of this Act, a court shall not give any judgment or make any order in favour of a minor participant in a civil act, or in favour of the personal representative of a deceased minor participant in a civil act, for the enforcement of the civil act, unless the civil act is presumptively binding on the minor participant in favour of the person against whom the judgment is given or order is made.

PART IV.

COURTS.

Jurisdic-
tion.

40. (1) The courts having jurisdiction under sections 30, 34, 36 and 37 of this Act are as specified in this section.

(2) The Supreme Court has jurisdiction without limitation as to value.

(3) A district court has jurisdiction where it appears to the district court that the matter in question, so far as concerns any minor participant in the civil act to which the proceedings relate, does not amount to a value exceeding six thousand dollars.

(4) A court of petty sessions held before a stipendiary magistrate sitting alone has jurisdiction where it appears to the court of petty sessions that the matter in question, so far as concerns any minor participant in the civil act to which the proceedings relate, does not amount to a value exceeding seven hundred and fifty dollars.

(5)

Minors (Property and Contracts).

(5) A district court or court of petty sessions has jurisdiction as provided in this section whether or not any party to the proceedings is present or resident in the district of the court and whether or not the subject matter of the proceedings has any connection with the district of the court. No. 60, 1970

41. (1) This section applies to proceedings under any of sections 30, 34, 36 and 37 of this Act. Removal
into
Supreme
Court.

(2) A district court or a court of petty sessions before which proceedings are pending may, at any time before final order in the proceedings, order that the proceedings be removed into the Supreme Court.

(3) The Supreme Court, on application by a party to proceedings in a district court or a court of petty sessions made before final order in the proceedings, or made pursuant to a summons or other document filed in the Supreme Court before final order in the proceedings, may, on such terms as the Supreme Court thinks fit, order that the proceedings be removed into the Supreme Court.

(4) On the making of an order for removal under this section the registrar or clerk of the court from which the proceedings are removed shall send the record of the proceedings to the Supreme Court.

(5) In proceedings removed into the Supreme Court under this section the Supreme Court—

- (a) has the jurisdiction which it would have if the application commencing the proceedings had been made in the Supreme Court; and
- (b) may vary or rescind any order made in the proceedings by any court from which the proceedings have been removed under this section or transferred under section 42 of this Act.

42.

Minors (Property and Contracts).

No. 60, 1970 **42.** (1) A district court or court of petty sessions before which proceedings under this Act are pending may, by order and subject to such terms as it thinks fit, direct that the proceedings be transferred to another district court or court of petty sessions as the case may be.

Transfer.

(2) On the making of an order under subsection (1) of this section the registrar or clerk of the court in which the order is made shall send the record of the proceedings to the registrar or clerk of the court to which the proceedings are transferred.

(3) In proceedings transferred to a court under this section the court to which the proceedings are transferred—

- (a) has the jurisdiction which it would have if the application commencing the proceedings had been made in that court; and
- (b) may vary or rescind any order made in the proceedings by any court from which the proceedings have been transferred under this section to the same extent as it might vary or rescind the order if the order were its own order in the proceedings.

Reference of questions of benefit, etc.
cf. N.Z. Act No. 86, 1908, s. 12A (3).

43. (1) Where, in proceedings under any of sections 19, 26, 27, 30, 31, 32, 34, 37 and 50 of this Act, a question arises whether a civil act or some other matter is or was for the benefit of a person who at any material time is a minor, the court may—

- (a) refer the question to a parent of the minor or to a guardian of his person or of his estate or to any other person; and
- (b) order any party to the proceedings to pay the reasonable costs and expenses of the referee.

(2)

Minors (Property and Contracts).

(2) A referee under this section may—

No. 60, 1970

- (a) subject to any order of the court, make inquiries and otherwise conduct himself in the matter of the reference in such manner as he thinks fit, whether or not in accordance with the principles of natural justice;
- (b) file in the court a report of his consideration and examination of the question and making such recommendations as he thinks fit in respect of the question; and
- (c) appear and be heard in the proceedings.

(3) A referee is under no obligation to do anything under the reference unless he consents to the appointment and until his reasonable costs and expenses have been secured to his satisfaction.

(4) Where a referee has filed a report under this section—

- (a) any party to the proceedings who is interested in the question referred may inspect and make a copy of the report; and
- (b) the court may, in determining the question referred, have such regard to the report as the court thinks fit.

(5) Subject to paragraph (a) of subsection (4) of this section, the court may make such orders as it thinks fit for the purpose of preventing or limiting publication of a report filed under this section.

44. A court may, in proceedings under any of sections 30, 34, 36 and 37 of this Act, make such order as it thinks fit as to the costs of the proceedings including, in the case of proceedings removed under section 41 of this Act or proceedings transferred under section 42 of this Act, the costs of the proceedings before removal or transfer and may assess the whole or any part of any costs.

Minors (Property and Contracts).

No. 60, 1970 **45.** (1) A court making an order or giving judgment (whether under this Act or otherwise) against a minor participant in a civil act in civil proceedings in respect of the civil act (in this section called "the substantive order or judgment") may, on such terms and conditions as the court thinks fit, by order—

Allowance
of time.

- (a) give to him an extension of time to obey or satisfy the substantive order or judgment;
- (b) stay execution or enforcement of the substantive order or judgment against him; or
- (c) alter or rescind an order made under this section.

(2) The court may make an order under this section at the time when the substantive order or judgment is made or given or at any later time or times, but not after the minor participant attains the age of eighteen years.

(3) This section does not authorise an extension or stay enduring beyond the time when the minor participant reaches the age of eighteen years.

(4) This section applies in relation to a civil act in which a minor participates after the commencement of this Act.

PART V.

GENERAL.

Agency. **46.** (1) After the commencement of this Act, a person under the age of twenty-one years—

- (a) may appoint an agent by power of attorney or otherwise; and
- (b) may, by an agent, participate in any civil act and otherwise do or suffer anything which a person aged twenty-one years or upwards may participate in or do or suffer by an agent.

(2)

Minors (Property and Contracts).

(2) A civil act in which a minor participates by an agent after the commencement of this Act and anything which a minor otherwise does or suffers by an agent after the commencement of this Act has no greater validity or effect as against the minor than it would if participated in or done or suffered by the minor without an agent. No. 60, 1970

(3) After the commencement of this Act, a person may, by an agent under the age of twenty-one years, participate in any civil act and otherwise do or suffer anything which a person may participate in or do or suffer by an agent aged twenty-one years or upwards.

47. (1) A guarantor of an obligation of a minor is bound by the guarantee to the extent to which he would be bound if the minor were not a minor. Guarantee.
cf. *Coutts & Co. v. Brown-Lecky* (1947) K.B. 104.

(2) For the purposes of subsection (1) of this section a minor has, under a civil act in which he participates, the obligation which he would have if he were not a minor at the time of his participation.

(3) This section applies to a guarantee given after the commencement of this Act.

48. Where a person under the age of twenty-one years is guilty of a tort, he is answerable for the tort whether or not— Liability for tort.
cf. *R. Leslie Ltd. v. Sheill* (1914) 3 K.B. 607.

- (a) the tort is connected with a contract; or
- (b) the cause of action for the tort is in substance a cause of action in contract.

49. (1) Where medical treatment or dental treatment of a minor aged less than sixteen years is carried out with the prior consent of a parent or guardian of the person of the minor, the consent has effect in relation to a claim by the Medical and dental treatment.

minor

Minors (Property and Contracts).

No. 60, 1970 minor for assault or battery in respect of anything done in the course of that treatment as if, at the time when the consent is given, the minor were aged twenty-one years or upwards and had authorised the giving of the consent.

(2) Where medical treatment or dental treatment of a minor aged fourteen years or upwards is carried out with the prior consent of the minor, his consent has effect in relation to a claim by him for assault or battery in respect of anything done in the course of that treatment as if, at the time when the consent is given, he were aged twenty-one years or upwards.

(3) This section does not affect—

- (a) such operation as a consent may have otherwise than as provided by this section; or
- (b) the circumstances in which medical treatment or dental treatment may be justified in the absence of consent.

(4) In this section—

“dental treatment” means—

- (i) treatment by a dentist registered under the Dentists Act, 1934, in the course of the practice of dentistry; or
- (ii) treatment by any person pursuant to directions given in the course of the practice of dentistry by a dentist so registered; and

“medical treatment” means—

- (i) treatment by a medical practitioner in the course of the practice of medicine or surgery; or
- (ii) treatment by any person pursuant to directions given in the course of the practice of medicine or surgery by a medical practitioner.

Minors (Property and Contracts).

50. (1) Where a minor is beneficially entitled at law or No. 60, 1970 in equity to property, the Supreme Court may, on such terms as the Court thinks fit, make orders authorising a person, ^{Property of minor.} either generally or in any particular instance—

- (a) to make any disposition of the property;
- (b) to receive the proceeds of disposition of the property;
- (c) to call for a disposition of the property to the person so authorised or as he directs;
- (d) to receive the income of the property;
- (e) to sue for and recover any chose in action comprised in the property;
- (f) to invest the property; or
- (g) to apply the capital or income of the property for the benefit of the minor.

(2) The Court shall not make an order under this section unless it appears to the Court that the order is for the benefit of the minor.

51. (1) Rules of court not inconsistent with this Act may be made for the regulation of the practice and procedure in ^{Rules of court.} proceedings under this Act.

(2) Rules of court so made shall—

- (a) be published in the Gazette;
- (b) take effect on and from the date of publication or a later date to be specified in the rules; and
- (c) be laid before each House of Parliament within fourteen sitting days of that House after the date of publication.

(3)

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(3) If either House of Parliament passes a resolution, of which notice has been given within fifteen sitting days of that House after the rules have been laid before it, disallowing any rule or part of a rule, that rule or part thereupon ceases to have effect.

(4) For the purposes of subsections two and three of this section, sitting days shall be counted, whether or not they occur during the same session.

(5) The power to make rules given by this section may be exercised—

- (a) in relation to proceedings in the Supreme Court, by the judges of the Supreme Court or any five of them;
 - (b) in relation to proceedings in the District Courts, by a majority of the District Court judges; and
 - (c) in relation to proceedings in courts of petty sessions, by the Governor.
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Minors (Property and Contracts).

FIRST SCHEDULE.

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AMENDMENT OF ACTS.

Sec. 3.

| First Column. | | | Second Column. |
|-------------------|------------------------------------|-------------------------------|--|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| 45 Vic. No. 12 | Trade Union | Section 19 .. | Omit "twenty-one"; insert "eighteen". Omit "but shall not"; insert "but a person shall not". |
| No. 4, 1897 | Interpretation | | After section 21A, insert the following new section:— 21B. Except in so far as a ^{Age.} contrary intention appears, for the purposes of any Act, whether passed before or after the commencement of the Minors (Property and Contracts) Act, 1970, or of an instrument made, whether before or after that commencement, under any such Act, a person attains an age in years at the beginning of his birthday for that age. |
| No. 4, 1898 | Trustee .. | Section 18 .. | After subsection (2), insert the following new subsections:— (3) The power conferred by subsection one of this section extends to the payment, after the commencement of the Minors (Property and Contracts) Act, 1970, of income to an infant who has reached the age of eighteen years, but this section does not limit the generality of subsection one of this section. (4) This section does not affect such right as an infant may have in consequence of the Minors (Property and Contracts) Act, 1970, upon reaching the age of eighteen years or otherwise, to call for payment or transfer of property to which he is absolutely entitled. |
| No. 13, 1898 | Wills, Probate and Administration. | Section 3 .. | Insert next after the definition of "Judge" the following new definition:— "Minor" means a person under the age of eighteen years. |

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Minors (Property and Contracts).

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FIRST SCHEDULE—*continued.*

| First Column. | | | Second Column. |
|--------------------------------|--|-------------------------------|---|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 13, 1898 — <i>cont.</i> | Wills, Probate and Administration— <i>cont.</i> | Section 3— <i>cont.</i> | Insert next after the definition of "Personal estate" the following new definition:— "Privileged testator" means— (a) a soldier of any country or a member of an air force of any country, being in either case in actual military service; (b) a member of a naval or marine force of any country, being so circumstanced that, if he were a soldier, he would be in actual military service; or (c) a mariner or seaman, being at sea. |
| | | Section 6 .. | Omit the section; insert the following section:— 6. (1) Subject to subsection two of this section, a will made by a minor shall not be valid. (2) A valid will may be made by— (a) a married person; (b) a soldier of any country; (c) a member of a naval, marine or air force of any country; or (d) a mariner or seaman, notwithstanding that he is a minor. (3) This section applies to a will made after the commencement of the Minors (Property and Contracts) Act, 1970. |
| | | Section 10 .. | Omit the section; insert the following section:— 10. (1) Sections seven, eight and nine of this Act do not apply to a will made by a person while he is a privileged testator. (2) A will made by a person while he is a privileged testator in exercise of a power of appointment by will shall not be invalid by reason of any requirement that a will made in exercise of the power should be made or executed with some form or solemnity. |

Will of minor.

Will of privileged testator.

FIRST

*Minors (Property and Contracts).*FIRST SCHEDULE—*continued.*

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| First Column. | | | Second Column. |
|--------------------------------|--|-------------------------------|--|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 13, 1898 — <i>cont.</i> | Wills, Probate and Administration— <i>cont.</i> | Section 10— <i>cont.</i> | (3) It shall not be necessary to have the evidence of two witnesses for the proof of a will of a privileged testator which is not in writing. |
| | | Section 11 .. | (4) This section applies to a will made after the commencement of the Minors (Property and Contracts) Act, 1970. Omit the section; insert the following section:— 11. A will made in accordance with this Act shall be valid without any other publication. <small>Publication not to be requisite.</small> |
| | | Section 13 .. | Omit the section; insert the following section:— 13. (1) Where any beneficial gift is given or made by will to a person who attests the execution of the will or to his spouse the gift shall be void so far only as concerns him or his spouse or any person claiming under either of them; but the person so attesting shall be admitted as a witness to prove the execution of the will or to prove the validity or invalidity of the will, notwithstanding the gift. <small>Gift to an attesting witness void.</small> (2) Subsection one of this section does not apply to a gift in a will made by a person while he is a privileged testator. |
| | | Section 17 .. | (3) In this section “gift” includes a devise, legacy, estate, interest or appointment of or affecting any real or personal estate, but does not include a charge or direction for the payment of any debt. Omit the section; insert the following section:— 17. (1) A will shall not be revoked wholly or in part except as mentioned in section fifteen of this Act or in this section. <small>Manner of revocation.</small> (2) A will may be revoked by another will. |

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Minors (Property and Contracts).

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FIRST SCHEDULE—*continued.*

| First Column. | | | Second Column. |
|--------------------------------|--|-------------------------------|--|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 13, 1898 — <i>cont.</i> | Wills, Probate and Administration— <i>cont.</i> | Section 17— <i>cont.</i> | (3) A will may be revoked— (a) by some writing declaring an intention to revoke the will and executed in the manner in which a will is required to be executed by sections seven and eight of this Act; (b) if the will is in writing, by the burning, tearing or destruction otherwise of the will by the testator or by some person in his presence and by his direction, with the intention of revoking the will; or (c) if at the time of the revocation the testator is a privileged testator, by his declaration of an intention to revoke the will. (4) A testator may revoke his will as mentioned in subsection three of this section notwithstanding that he is a minor. (5) This section applies to a revocation made after the commencement of the Minors (Property and Contracts) Act, 1970. |
| | | Section 18 .. | After "part of the will." insert the following new subsection:— (2) Subsection one of this section does not apply to an obliteration, interlineation or other alteration made while the testator is a privileged testator. |
| | | Section 19 .. | Omit the section; insert the following section:— 19. (1) No will or any part thereof which is in any manner revoked shall be revived otherwise than by— (a) the re-execution thereof; or (b) a codicil executed in the manner required by sections seven and eight of this Act and showing an intention to revive the same. |

Revival.

FIRST

Minors (Property and Contracts).

FIRST SCHEDULE—continued.

No. 60, 1970

| First Column. | | | Second Column. |
|------------------------|---|-------------------------------|--|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 13, 1898 —cont. | Wills, Probate and Administration— cont. | Section 19— cont. | (2) Subsection one of this section does not apply to a revival made while the testator is a privileged testator but the revocation of a will shall not of itself revive an earlier will. (3) Where a will which is partly revoked and afterwards wholly revoked is revived, the revival shall not extend to so much of the will as was revoked before the revocation of the whole of the will, unless an intention to the contrary is shown. |
| | | Section 21 .. | Omit “executed”; insert “made”. |
| | | Section 63 .. | Omit “being of the full age of twenty-one years”; insert “not being minors”. |
| | | Section 70 .. | Omit the section; insert the following section:— 70. Where a minor is sole executor, administration with the will annexed may be granted to— (a) a guardian of the person or of the estate of the minor; or (b) such other person as the Court thinks fit, until the minor attains the age of eighteen years, with full or limited powers to act in the premises until probate is granted to the executor or administration is granted to some other person. |
| | | Section 75 .. | In paragraph (a) of subsection (1), omit “twenty-one”; insert “eighteen”. |
| | | Section 75A .. | In paragraph (b) of subsection (4), omit “full age of twenty-one”; insert “age of eighteen”. |
| No. 17, 1898 | Conveyancing and Law of Property. | Section 1 .. | In matter relating to Part (IV) subsection (1), omit “Infants”; insert “MINORS”. In subsection (1), omit “of persons under disability and persons out of the jurisdiction”. |

FIRST

Minors (Property and Contracts).

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FIRST SCHEDULE—*continued.*

| First Column. | | | Second Column. |
|--|---|--|--|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 17, 1898 — <i>cont.</i> | Conveyancing and Law of Property— <i>cont.</i> | | Next after section 2, insert the following new section:— 2A. In this Act, unless the context or subject matter otherwise indicates or requires— “minor” means a person under the age of eighteen years. Omit “ <i>infants</i> ”; insert “ <i>minors</i> ”. |
| | | Heading to Part IV. Section 37 .. Section 56 .. Section 70 .. | In subsection (7), omit “an infant”; insert “a minor”. Omit the section. Omit the section; insert the following section:— 70. All powers given by this Part of this Act and all applications to the Court under this Part of this Act, and consents to and notifications respecting such applications, may be executed, made, or given by, and all notices under this Part of this Act may be given to guardians on behalf of minors, and by or to committees or other persons entrusted with the care, control, and management of their estates on behalf of persons of the following descriptions within the meaning of the Mental Health Act, 1958, namely, mentally ill persons, incapable persons and protected persons. |
| Application by or consent of married woman. | | Section 71 .. Section 72 .. Section 73 .. | Omit subsections (1) and (2). Omit the section. Omit the section; insert the following section:— 73. A married woman may make or consent to an application whether or not she is a minor. |
| | | Heading to Part V. Section 82 .. | Omit “ <i>of persons under disability</i> ”. Omit the section; insert the following section:— 82. Where a minor is entitled to a lease made or granted for a life or for any term of years, either absolute or determinable on a death or otherwise, the |
| Surrender and renewal of leasehold of minor. | | | |

FIRST

*Minors (Property and Contracts).*FIRST SCHEDULE—*continued.*

No. 60, 1970

| First Column. | | | Second Column. |
|--------------------------------|---|-------------------------------|---|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 17, 1898 — <i>cont.</i> | Conveyancing and Law of Property— <i>cont.</i> | Section 82— <i>cont.</i> | minor or his guardian, or some other person on behalf of the minor, may apply to the Supreme Court, and by the order and direction of the Court the minor or his guardian, or any person appointed in the place of the minor by the Court, may be enabled from time to time to surrender the lease, and accept and take in the place and for the benefit of the minor a new lease of the premises in the surrendered lease for and during such number of lives, or for such term of years either absolute or determinable as aforesaid as was mentioned in the surrendered lease, or otherwise as the Court directs. |
| | | Section 83 .. | In subsection (1), omit "infant"; insert "minor". |
| | | Section 85 .. | Omit subsection (2). Omit the section; insert the following section:— 85. Where any minor might, in pursuance of any covenant or agreement, if not under disability, be compelled to renew any lease made or to be made for the life of any person or for any term of years absolute or determinable on a death, the minor, or his guardian in the name of the minor, may, by the direction of the Supreme Court on the application of the minor, or his guardian, or of any person entitled to the renewal, from time to time accept a surrender of the lease, and make and execute a new lease of the premises comprised in the surrendered lease for and during such number of lives, or for such term of years determinable upon such number of lives, or for such term of years absolute, as was mentioned |

Renewal of
lease for
minor.

FIRST

Minors (Property and Contracts).

No. 60, 1970

FIRST SCHEDULE—*continued.*

| First Column. | | | Second Column. |
|--------------------------------|---|-------------------------------|--|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 17, 1898 — <i>cont.</i> | Conveyancing and Law of Property— <i>cont.</i> | Section 85— <i>cont.</i> | in the surrendered lease or otherwise as the Court by order directs. |
| | | Section 88 .. | Omit “an infant”; insert “a minor”. Omit “the infant”; insert “the minor”. |
| No. 39, 1899 | Infants’ Custody and Settlements. | Section 89 .. | Omit paragraph (b). Omit “and unmarried”. |
| | | Section 1 .. | Omit the section; insert the following section:— 1. (1) This Act may be cited as the “Infants’ Custody and Settlements Act, 1899”. (2) This Act is divided into Parts, as follows— PART I. — CUSTODY OF MINORS— <i>ss.</i> 4A–11. PART III. — SETTLEMENT OF DAMAGES— <i>s.</i> 16. PART IV. — GENERAL — <i>ss.</i> 17, 18. |
| | | Section 3 .. | After the definition of “Maintenance”, insert— “Minor” means a person under the age of eighteen years. |
| | | | After the heading “PART I.”, omit “ <i>infants</i> ”; insert “ <i>minors</i> ”. Next before section 5, insert the following new section:— 4A. (1) A person shall, upon reaching the age of eighteen years, cease to be under the custody in infancy of any other person, whether under the common law, under any Act, or under the order of any court. (2) An order of any court for access to a minor shall cease to have effect when he reaches the age of eighteen years. (3) A court shall not make any order for the custody in infancy of, or access to, a person who has reached the age of eighteen years. (4) This section does not affect the power of any court under any Act to make an order relating to the maintenance of an infant. |

Short title and division into Parts.

Custody to end at 18 years.

FIRST

*Minors (Property and Contracts).*FIRST SCHEDULE—*continued.*

No. 60, 1970

| First Column. | | | Second Column. |
|--------------------------------|--|-------------------------------|--|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 39, 1899 — <i>cont.</i> | Infants' Custody and Settlements — <i>cont.</i> | Section 5 .. | Omit "any infant"; insert "any minor". Omit "the infant" wherever occurring; insert "the minor". Omit "an infant" wherever occurring; insert "a minor". Omit "child" wherever occurring; insert "minor". |
| | | Section 6 .. | Omit "child" wherever occurring; insert "minor". |
| | | Section 7 .. | Omit "child" wherever occurring; insert "minor". |
| | | Section 8 .. | After "a parent", insert "of a minor". Omit "his child" wherever occurring; insert "the minor". Omit "the child" wherever occurring; insert "the minor". |
| | | Section 9 .. | After "by the parent", insert "of a minor". Omit "a child"; insert "the minor". Omit "the child" wherever occurring; insert "the minor". Omit "any child"; insert "a minor". Omit "its"; insert "his". |
| | | Section 10 .. | In subsection (1), omit "a child"; insert "a minor". Omit "the child"; insert "the minor". Omit "such child"; insert "the minor". Omit "the child's maintenance"; insert "the maintenance of the minor". |
| | | Section 10A .. | Omit "an infant" wherever occurring; insert "a minor". Omit "the infant" wherever occurring; insert "the minor". Omit "any infant" wherever occurring; insert "a minor". |
| | | Section 10D .. | Omit "an infant"; insert "a minor". |
| | | Section 11 .. | Omit "any infants"; insert "a minor". Omit "such infants"; insert "the minor". Omit "the infants"; insert "the minor". |
| | | | Omit Part II. |

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Minors (Property and Contracts).

No. 60, 1970

FIRST SCHEDULE—*continued.*

| First Column. | | | Second Column. |
|--------------------------------|--|-------------------------------|--|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 39, 1899 — <i>cont.</i> | Infants' Custody and Settlements — <i>cont.</i> | | After the heading "PART III.", omit " <i>Settlement of damages recovered on behalf of children.</i> "; insert " <i>Settlement of damages.</i> ". |
| | | Section 16 .. | Omit "by any child by its next friend"; insert "a minor". Omit "such child"; insert "the minor". |
| | | | After the heading "PART IV.", omit " <i>Provisions applicable in all courts.</i> "; insert " <i>General.</i> ". |
| | | Section 17 .. | Omit "an infant" wherever occurring; insert "a minor". Omit "the infant"; insert "the minor". |
| | | Section 18 .. | Omit "an infant"; insert "a minor". Omit "the infant"; insert "the minor". |
| No. 24, 1901 | Equity .. | Section 19 .. | Omit the section. |
| | | Section 28 .. | Omit "infant, married woman,"; insert "minor". |
| No. 45, 1901 | Married Women's Property. | Section 25 .. | Omit the section. |
| No. 70, 1901 | Western Lands. | Section 18j .. | In subsection (2), omit "full age of twenty-one years"; insert "eighteen years". |
| | | Section 18k .. | Omit "and twenty-one years" (twice occurring); insert "and eighteen years". Omit "full age of twenty-one years" (twice occurring); insert "eighteen years". At the end of the section, insert the following new paragraph:— The amendments to this section made by the Minors (Property and Contracts) Act, 1970, apply |

FIRST

*Minors (Property and Contracts).*FIRST SCHEDULE—*continued.*

No. 60, 1970

| First Column. | | | Second Column. |
|--------------------------------|--|-------------------------------|---|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 70, 1901 — <i>cont.</i> | Western Lands — <i>cont.</i> | Section 18κ— <i>cont.</i> | to and in respect of an agreement entered into, a mortgage or transfer by way of mortgage executed, or a transfer accepted after the commencement of that Act. |
| No. 17, 1902 | Building and Co-operative Societies. | Section 21 .. | In subsection (1), omit “twenty-one”; insert “eighteen years”. Omit subsection (2); insert the following subsections:— (2) A member under the age of eighteen years may execute all necessary instruments and give all necessary acquittances. (3) A member under the age of twenty-one years shall not be competent to hold office as director, trustee, treasurer, or manager of such society. |
| No. 43, 1902 | Usury, Bills of Lading, and Written Memoranda. | Section 9 .. Section 12 .. | Omit the section. Omit “sections nine or ten”; insert “section ten”. |
| No. 48, 1906 | Government Savings Bank. | Section 48P .. | Omit the section; insert the following section:— 48P. (1) If any person being ^{Minors.} under the age of eighteen years signs a contract for the renting of a safe deposit box, the bank shall not incur any liability by reason of the fact that the renter is under the age of eighteen years, and the bank shall have all remedies against the renter as if he were not under the age of eighteen years. (2) This section applies to a contract signed after the commencement of the Minors (Property and Contracts) Act, 1970. |

FIRST

Minors (Property and Contracts).

No. 60, 1970

FIRST SCHEDULE—*continued.*

| First Column. | | | Second Column. |
|-------------------|-----------------------|--------------------------------|---|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 7, 1912 | Housing .. | Section 25 .. | In paragraph (a), omit "twenty-one"; insert "eighteen". |
| No. 23, 1912 | District Courts. | Section 57 .. Section 75 .. | Omit "twenty-one"; insert "eighteen". Omit "full age"; insert "the age of eighteen years or upwards". In paragraph (c) of subsection (1), omit subparagraph (i); insert the following subparagraph:— "(i) infancy, or the Minors (Property and Contracts) Act, 1970; or". |
| No. 25, 1912 | Gaming and Betting. | Section 12 .. Section 13 .. | Omit "full age"; insert "the age of twenty-one years or upwards". Omit "full age"; insert "the age of twenty-one years or upwards". |
| No. 33, 1912 | Small Debts Recovery. | Section 21 .. | Omit "twenty-one"; insert "eighteen". Omit "full age"; insert "the age of eighteen years or upwards". |
| No. 45, 1912 | Public Works | | After section 50, insert the following new section:— 50A. For the purposes of this Part of this Act, a person aged eighteen years or upwards shall, after the commencement of the Minors (Property and Contracts) Act, 1970, not be under the disability or incapacity of infancy and shall be in all respects in the same position as if of full age. |
| No. 46, 1912 | Friendly Societies. | Section 103 .. | In subsection (1), omit "twenty-one"; insert "eighteen". Omit subsection (2); insert the following subsections:— (2) Any such member may, if he is over sixteen years of age by himself and, if he is under that |

Infancy.

FIRST

*Minors (Property and Contracts).*FIRST SCHEDULE—*continued.*

No. 60, 1970

| First Column. | | | Second Column. |
|--------------------------------|----------------------------------|----------------------------------|---|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 46, 1912 — <i>cont.</i> | Friendly Societies— <i>cont.</i> | Section 103— <i>cont.</i> | age, by his parent or guardian, execute all instruments and give all acquittances necessary to be executed or given under the rules. (3) A person under the age of twenty-one years shall not be a member of the committee, or a trustee, secretary, or treasurer of a registered society or branch. |
| No. 7, 1913 | Crown Lands Consolidation. | Section 239 .. Section 240 .. | In subsection (2), omit “full age of twenty-one years”; insert “age of eighteen years”. Omit “twenty-one years who before or after the passing of this Act”; insert “eighteen years who before or after the commencement of the Minors (Property and Contracts) Act, 1970.”. Omit “full age of twenty-one years”; insert “age of eighteen years”. In each of the third and fourth paragraphs, omit “twenty-one”; insert “eighteen”. At the end of the section, insert the following new paragraph:— The amendments to this section made by the Minors (Property and Contracts) Act, 1970, apply to and in respect of an agreement entered into, a mortgage or transfer by way of mortgage executed, or a transfer accepted after the commencement of that Act. |
| No. 19, 1913 | Public Trustee | Section 2 | Omit “1-4”; insert “1-4A”. After section 4, insert the following new section:— 4A. In this Act, unless the Interpretation. context or subject matter otherwise indicates or requires— “adult” means a person who has attained the age of eighteen years; “minor” means a person under the age of eighteen years. |

FIRST

Minors (Property and Contracts).

No. 60, 1970

FIRST SCHEDULE—*continued.*

| First Column. | | | Second Column. |
|------------------------------|--|-------------------------------|---|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 19, 1913 <i>cont.</i> | Public Trustee <i>—cont.</i> | Section 12 .. | In paragraph (vi) of subsection (1), omit "an infant"; insert "a minor". |
| | | Section 17 .. | Omit "an infant"; insert "a minor". |
| | | Section 34 .. | Omit "an infant"; insert "a minor". Omit "such infant" (wherever occurring); insert "such minor". |
| No. 7, 1914 | Closer Settlement (Amendment). | Section 9 .. | Omit "twenty-one years who, before or after the commencement of this Act,"; insert "eighteen years who, before or after the commencement of the Minors (Property and Contracts) Act, 1970,". Omit "full age of twenty-one years"; insert "age of eighteen years". In the second paragraph, omit "twenty-one"; insert "eighteen". At the end of the section, insert the following new paragraph:— The amendments made to this section by the Minors (Property and Contracts) Act, 1970, apply to an agreement entered into, a mortgage or transfer by way of mortgage executed, or a transfer accepted, after the commencement of the Minors (Property and Contracts) Act, 1970. |
| No. 41, 1916 | Testator's Family Maintenance and Guardianship of Infants. | Section 2 .. | After the definition of "Executor", insert— "Minor" means a person under the age of eighteen years. |
| | | Section 5 .. | In subsection (2A), omit "infants" wherever occurring; insert "minors". |
| | | | In the heading next before section 13, omit "infants"; insert "minors". |

FIRST

*Minors (Property and Contracts).*FIRST SCHEDULE—*continued.*

No. 60, 1970

| First Column. | | | Second Column. |
|--------------------------------|---|-------------------------------|---|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 41, 1916 — <i>cont.</i> | Testator's Family Maintenance and Guardianship of Infants— <i>cont.</i> | Section 13 .. | Omit "an infant" wherever occurring; insert "a minor". Omit "the infant" wherever occurring; insert "the minor". |
| | | Section 14 .. | Omit "an infant" wherever occurring; insert "a minor". Omit "the infant" wherever occurring; insert "the minor". |
| | | Section 17 .. | In subsection (1), omit "an infant"; insert "a minor". In subsection (2), omit "the infant" wherever occurring; insert "a minor". |
| | | Section 18 .. | Omit "infant" wherever occurring; insert "minor". Omit "they"; insert "the court". |
| | | Section 19 .. | Omit "an infant"; insert "a minor". |
| | | Section 20 .. | Omit the section; insert the following sections:— 20. Subject to section 20A of <i>Savings.</i> this Act, this Act does not restrict or affect the jurisdiction of the court to appoint or remove guardians in respect of infants. 20A. (1) Guardianship of the person or of the estate of a minor, whether under an appointment by the court or otherwise, shall cease upon the minor reaching the age of eighteen years. <small>Guardianship to end at 18 years.</small> (2) Where a minor has been made a ward of court, the wardship shall not continue after he reaches the age of eighteen years. (3) A guardian shall not be appointed, by the court or otherwise, of the person or of the estate of a person who has reached the age of eighteen years. |

FIRST

Minors (Property and Contracts).

No. 60, 1970

FIRST SCHEDULE—*continued.*

| First Column. | | | Second Column. |
|--------------------------------|---|-------------------------------|--|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 41, 1916 — <i>cont.</i> | Testator's Family Maintenance and Guardianship of Infants— <i>cont.</i> | Section 20— <i>cont.</i> | (4) The court shall not make a person aged eighteen years or upwards a ward of court. |
| | | Section 21 .. | Omit "an infant"; insert "a minor". Omit "such infant" wherever occurring; insert "the minor". |
| No. 6, 1919 | Conveyancing | Section 2 .. | Omit "INFANTS AND INFANTS' PROPERTY"; insert "MINORS AND MINORS' PROPERTY". |
| | | Section 7 .. | In subsection (1), after the definition of "Land under the provisions of the Real Property Act, 1900," insert the following new definition:— "Minor" means a person under the age of eighteen years; and "minority" has a corresponding meaning. In subsection (2), omit "an infant" wherever occurring; insert "a minor". In subsection (2), omit "the infant" wherever occurring; insert "the minor". |
| | | Section 29A .. | In subsection (2), omit "of the age of not less than twenty-three years". In subsection (4), omit the quotation marks. After subsection (4), insert the following new subsection:— (5) This section as amended by the Minors (Property and Contracts) Act, 1970, applies only to dealings effected after the commencement of that Act, but applies to powers created or arising either before or after such commencement. |
| | | Section 29B .. | In subsection (1), omit "twenty-one"; insert "eighteen". After subsection (2), insert the following new subsection:— (3) This section as amended by the Minors (Property and Contracts) Act, 1970, applies |

FIRST

*Minors (Property and Contracts).*FIRST SCHEDULE—*continued.*

No. 60, 1970

| First Column. | | | Second Column. |
|--------------------------------|--------------------------------|-------------------------------|---|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 6, 1919— — <i>cont.</i> | Conveyancing — <i>cont.</i> | Section 29B— <i>cont.</i> | where the executory limitation is contained in an instrument coming into operation after the commencement of that Act. |
| | | Section 31 .. | In subsection (1), omit "minority" wherever occurring; insert "infancy". In subsection (1), omit "full age"; insert "the age of twenty-one years". |
| | | Section 31A .. | Omit "a minority"; insert "an infancy". Omit "such minority"; insert "an infancy". |
| | | Section 66A .. | In subsection (2), omit "an infant"; insert "a minor". |
| | | Section 66D .. | In subsection (3), omit "full age"; insert "the age of eighteen years or upwards". In subsection (5), omit "an infant"; insert "a minor". In subsection (5), omit "the infant"; insert "the minor". |
| | | Section 66G .. | In subsection (5), omit "full age"; insert "the age of eighteen years or upwards". Omit "an infant"; insert "a minor". Omit "the infant"; insert "the minor". |
| | | Section 66H .. | Omit "full age"; insert "the age of eighteen years or upwards". |
| | | Section 89 .. | In paragraph (b) of subsection (1), omit "full age and capacity"; insert "the age of eighteen years or upwards and of full capacity". |
| | | Section 137 .. | Omit "twenty-one years"; insert "eighteen years, unless the lease is presumptively binding on him in accordance with the Minors (Property and Contracts) Act, 1970." At the end of the section, insert the following new subsection:— (2) The amendments made to this section by the Minors (Property and Contracts) Act, |

FIRST

Minors (Property and Contracts).

No. 60, 1970

FIRST SCHEDULE—*continued.*

| First Column. | | | Second Column. |
|--------------------------------|--------------------------------|---|---|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 6, 1919— — <i>cont.</i> | Conveyancing — <i>cont.</i> | Section 137— <i>cont.</i> | 1970, apply to a lease granted after the commencement of that Act. |
| | | Section 151 . . | In subsection (1), omit “of full age”; insert “aged eighteen years or upwards”. |
| | | | In subsection (1), omit “attains full age”; insert “attains the age of eighteen years”. |
| | | | In subsection (2), omit “an infant”; insert “a minor”. |
| | | | After subsection (3), insert the following new subsection:— (4) The amendments made to this section by the Minors (Property and Contracts) Act, 1970, apply to a settlement or agreement for a settlement made after the commencement of that Act. |
| | | | After the heading “PART XIVA.”, omit “INFANTS AND INFANTS’ PROPERTY”; insert “MINORS AND MINORS’ PROPERTY”. |
| | | Section 151A | In subsection (1), omit “an infant”; insert “a minor”. |
| | | | After subsection (2), insert the following new subsection:— (3) The amendments made to this section by the Minors (Property and Contracts) Act, 1970, apply only to appointments made after the commencement of that Act. |
| | Section 151B . . | Omit the section. | |
| | Section 151C | Omit “an infant”; insert “a minor.” Omit “the infant” wherever occurring; insert “the minor”. | |
| | | Omit “full age”; insert “the age of eighteen years or upwards”. | |
| | Section 151D | In subsection (1), omit “an infant”; insert “a minor”. | |
| | | In subsection (1), omit “the infant” wherever occurring; insert “the minor”. | |
| | Section 157A | In paragraph (a) of subsection (5), omit “full age”; insert “the age of eighteen years or upwards”. | |
| | | In paragraph (c) of subsection (5), omit “an infant”; insert “a minor”. | |

FIRST

*Minors (Property and Contracts).*FIRST SCHEDULE—*continued.*

No. 60, 1970

| First Column. | | | Second Column. |
|-------------------------------|--------------------------------|-------------------------------|---|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 6, 1919 — <i>cont.</i> | Conveyancing — <i>cont.</i> | Section 181 .. | After subsection (1) insert the following new subsection:— (1A) For the purposes of any deed, contract, will, order or other instrument (whether relating to property or not and whether made before or after the commencement of the Minors (Property and Contracts) Act, 1970) a person attains an age in years at the beginning of his birthday for that age, unless the contrary intention appears. |
| No. 41, 1919 | Local Government. | Section 50 .. | Omit “full”. |
| No. 1, 1923 | Sale of Goods | Section 7 .. | Omit “to an infant or”. |
| No. 1, 1924 | Co-operation | Section 38 .. | Omit “infant or other”. |
| | | | Omit subsection (4); insert the following subsections:— (4) A person under the age of eighteen years shall not be competent to be one of the persons by whom a society may be formed. (4A) Unless otherwise provided by the rules, a person under the age of eighteen years may be a member of a society. (4B) A person under the age of eighteen years who is a member of a society may execute all instruments and give all necessary acquittances. (4C) A person under the age of twenty-one years shall not be competent to hold any office in a society. (4D) Notwithstanding the provisions of section eighty-six of this Act, a member of a society who is under the age of eighteen years shall not be entitled to vote. |
| No. 31, 1924 | Prickly-pear .. | Subsection (5) of section 20. | Omit “and twenty-one” wherever occurring; insert “and eighteen”. Omit “the full age of twenty-one years” wherever occurring; insert “the age of eighteen years or upwards”. |

FIRST

Minors (Property and Contracts).

No. 60, 1970

FIRST SCHEDULE—*continued.*

| First Column. | | | Second Column. |
|-------------------|------------|-------------------------------|---|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 14, 1925 | Trustee .. | Section 5 .. | In the definition of "Incapable person", omit "an infant"; insert "a minor". After the definition of "Legal representative", insert the following definition:— "Minor" means a person under the age of eighteen years. |
| | | Section 6 .. | In paragraph (e) of subsection (2), omit "an infant"; insert "a minor". |
| | | Section 43 .. | After subsection (1), insert the following new subsection:— (1A) The power conferred by subsection one of this section extends to the payment, after the commencement of the Minors (Property and Contracts) Act, 1970, of income to an infant who has reached the age of eighteen years, but this subsection does not limit the generality of subsection one of this section. After subsection (9), insert the following new subsection:— (9A) This section does not affect such right as an infant may have in consequence of the Minors (Property and Contracts) Act, 1970, upon reaching the age of eighteen years or otherwise, to call for payment or transfer of property to which he is absolutely entitled. |
| | | Section 44 .. | In subsection (5), omit "of full age"; insert "of the age of eighteen years or upwards". |
| | | Section 46 .. | In subsection (5), omit "of full age and capacity"; insert "of the age of eighteen years or upwards and of full capacity". In paragraph (a) of subsection (7), omit "an infant"; insert "a minor". In paragraph (a) of subsection (8), omit "an infant"; insert "a minor". |
| | | Section 47 .. | Omit "an infant" wherever occurring; insert "a minor". In subsection (2), omit "the infant"; insert "the minor". |
| | | | |

FIRST

*Minors (Property and Contracts).*FIRST SCHEDULE—*continued.*

No. 60, 1970

| First Column. | | | Second Column. |
|--------------------------------|---------------------------|-------------------------------|--|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 14, 1925 — <i>cont.</i> | Trustee— <i>cont.</i> | Section 71 .. | In paragraph (d) of subsection (2), omit “an infant”; insert “a minor”. |
| | | Section 73 .. | Omit the section. |
| | | Section 74 .. | Omit “an infant” wherever occurring; insert “a minor”. |
| | | Section 82 .. | In subsection (1), omit “infant”; insert “minor”. |
| | | Section 82A .. | In subsection (1), omit “infant”; insert “minor”. |
| | | Section 83 .. | Omit “an infant” wherever occurring; insert “a minor”. Omit “the infant” wherever occurring; insert “the minor”. |
| | | Section 84 .. | In subsection (1), omit “an infant” insert “a minor”. In subsection (4), omit “the infant” wherever occurring; insert “the minor”. |
| | | Section 96 .. | Omit “an infant”; insert “a minor”. |
| No. 15, 1926 | Workers’ Compensation. | Section 8 .. | In subsection (3), omit “a minor”; insert “under the age of twenty-one years”. |
| | | Section 53D .. | Omit “twenty-one”; insert “eighteen”. |
| | | Section 57 .. | In subsection (2), after “those dependants”, insert the following new paragraph:— For the purposes of this subsection a widow is under no disability if she is aged eighteen years or upwards and is not mentally ill. |
| | | Section 58 .. | In subsection (1), omit “under any legal disability”; insert “who is under the age of eighteen years or is mentally ill”. In subsection (1), omit “during the disability”; insert “until he attains the age of eighteen years or ceases to be mentally ill, as the case may be.”. In subsection (2), omit “a minor”; insert “a person under the age of eighteen years”. In subsection (2), omit “the benefit of the minor”; insert “his benefit”. |

FIRST

Minors (Property and Contracts).

No. 60, 1970

FIRST SCHEDULE—*continued.*

| First Column. | | | Second Column. |
|-------------------|--|-------------------------------|---|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 8, 1929 | Public Hos- pitals. | Section 24 .. | In paragraph (a) of subsection (2), omit "a minor"; insert "under the age of twenty-one years". |
| No. 25, 1929 | Damages (In- fants and Persons of Unsound Mind). | Section 3 .. | After the definition of "Action", insert the following new definition:— "Minor" means a person under the age of eighteen years. |
| | | Section 4 .. | Omit "an infant"; insert "a minor". |
| | | Section 5 .. | Omit "the infant" wherever occurring; insert "the minor". |
| | | Section 7 .. | Omit "the infant" wherever occurring; insert "the minor". |
| No. 17, 1939 | Child Welfare | Section 9 .. | In subsection (4), omit "an infant"; insert "a minor". Omit subsection (2); insert the following subsections:— (2) Where any ward of whom the Minister is guardian attains the age of eighteen years, the guardianship shall terminate. (3) Where an ex-ward aged eighteen years or upwards is under the guardianship of the Minister under this Act on the commencement of the Minors (Property and Contracts) Act, 1970, the guardianship shall terminate on the commencement. |
| No. 2, 1940 | Industrial Ar- bitration. | Section 92 .. | In subsection (4), omit "of full age"; insert "of the age of eighteen years". |
| No. 67, 1941 | Money-lenders and Infants Loans. | Section 3 .. | In subsection (1), after the definition of "Loan", insert the following new definition:— "Minor" means a person under the age of eighteen years. |
| | | Section 35 .. | Omit "an infant" wherever occurring; insert "a minor". In subsection (3), omit "the infant"; insert "the minor". |
| | | Section 36 .. | In subsection (3), omit "full age"; insert "the age of eighteen years or upwards". |
| | | Section 37 .. | Omit "an infant"; insert "a minor". Omit the section. |

FIRST

*Minors (Property and Contracts).*FIRST SCHEDULE—*continued.*

No. 60, 1970

| First Column. | | | Second Column. |
|-------------------|-------------------------------|-------------------------------|--|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 17, 1943 | Legal Assistance. | Section 2 .. | In the definition of "Assisted person", omit "an infant"; insert "a minor". |
| | | Section 6 .. | After the definition of "Assisted person", insert the following new definition:— "Minor" means a person under the age of eighteen years. In subsection (2), omit "an infant"; insert "a minor". In subsection (2), omit "the infant" wherever occurring; insert "the minor". In paragraph (d) of subsection (4A), omit "an infant"; insert "a minor". In paragraph (d) of subsection (4A), omit "the infant"; insert "the minor". |
| No. 45, 1958 | Mental Health | Section 74 .. | Omit subsection (3); insert the following subsection:— (3) The owner of the said moneys or of the proceeds of the said sale shall, upon proving his ownership, be entitled to recover the same from the Treasurer. |
| No. 17, 1961 | Conveyancing (Strata Titles). | Section 24 .. | In paragraph (a) of subsection (1), omit "an infant"; insert "under the age of eighteen years". |
| No. 11, 1962 | Business Names. | Section 4 .. | In subsection (1), after the definition of "Machine copy", insert the following new definition:— "Minor" means a person under the age of eighteen years. |
| | | Section 7 .. | In subsection (2), omit "an infant"; insert "a minor". |
| | | Section 12 .. | In paragraph (a) of subsection (4), omit "an infant"; insert "a minor". |
| No. 6, 1964 | Trustee Companies. | Section 3 .. | In subsection (1), after the definition of "Manager", insert the following new definition:— "Minor" means a person under the age of eighteen years. |

FIRST

Minors (Property and Contracts).

No. 60, 1970

FIRST SCHEDULE—*continued.*

| First Column. | | | Second Column. |
|-------------------------------|------------------------------------|-------------------------------|--|
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 6, 1964 — <i>cont.</i> | Trustee Companies— <i>cont.</i> | Section 11 .. | In paragraph (d) of subsection (1), omit “an infant”; insert “a minor”. |
| | | Section 18 .. | In subsection (1), omit “an infant”; insert “a minor”. |
| | | Section 21 .. | In subsection (1), omit “infant”; insert “minor”. |
| No. 23, 1965 | Adoption of Children. | Section 18 .. | In paragraph (a) of subsection (1), omit “twenty-one”; insert “eighteen”. |
| | | Section 26 .. | In subsection (6), omit “twenty-one”; insert “eighteen”. |
| | | Section 33 .. | Omit “twenty-one”; insert “eighteen”. |
| No. 18, 1967 | Permanent Building Societies. | Section 22 .. | Omit “twenty-one”; insert “eighteen”. |
| | | Section 27 .. | In subsection (1), omit “adult persons”; insert “persons aged eighteen years or upwards”. |
| | | Section 50 .. | Omit the section; insert the following section:— 50. (1) Unless provided otherwise by the rules, a person under the age of eighteen years may be a member of a society. (2) A person under the age of eighteen years who is a member of a society may, to the extent required by reason of his membership, execute all instruments and give all necessary acquittances. (3) A person under the age of twenty-one years shall not be competent to hold any office in a society. (4) Notwithstanding the provisions of section seventy-five of this Act, a member of a society who is under the age of eighteen years shall not be entitled to vote. |
| No. 30, 1969 | Imperial Acts Application. | Section 21 .. | Omit “an infant”; insert “a minor”. Omit “the infant” wherever occurring; insert “the minor”. |

Minor members.

FIRST

Minors (Property and Contracts).

| FIRST SCHEDULE— <i>continued.</i> | | | No. 60, 1970 |
|-----------------------------------|---|-------------------------------|--|
| First Column. | | | Second Column. |
| Reference to Act. | Subject. | Section, etc., to be amended. | Amendment. |
| No. 30, 1969 — <i>cont.</i> | Imperial Acts Application — <i>cont.</i> | Section 21— <i>cont.</i> | Omit “twenty-one”; insert “eighteen”. At the end of the section, insert the following new subsection:— (2) In this section “minor” means a person under the age of eighteen years. |
| No. 31, 1969 | Limitation .. | Section 11 .. | In paragraph (a) of subsection (3), omit “an infant”; insert “under the age of eighteen years”. |

Minors (Property and Contracts).

No. 60, 1970

SECOND SCHEDULE.

Sec. 4.

SAVING OF SPECIFIC ENACTMENTS.

| Reference to Act. | Subject. | Provision. |
|-------------------|---|---|
| No. 13, 1898 .. | Wills, Probate and Administration. | Section 54. Section 57 (c). |
| No. 22, 1900 .. | University and University Colleges. | Section 9c. |
| No. 70, 1901 .. | Western Lands | Section 18J. |
| No. 37, 1904 .. | Closer Settlement | Section 26. |
| No. 49, 1906 .. | Mining | Section 13A. |
| No. 41, 1912 .. | Parliamentary Electorates and Elections. | Section 20 (1). |
| No. 42, 1912 .. | Liquor | Section 24 (1). |
| No. 7, 1913 .. | Crown Lands Consolidation | Section 239. |
| No. 6, 1919 .. | Conveyancing | Section 36. |
| No. 41, 1919 .. | Local Government | Section 50. |
| No. 8, 1921 .. | Architects | Section 12. |
| No. 25, 1923 .. | Veterinary Surgeons | Section 12. |
| No. 31, 1924 .. | Prickly-pear | Section 20 (5) first paragraph. |
| No. 7, 1926 .. | Farm Produce Agents | Section 8 (a). |
| No. 3, 1927 .. | Land Agents | Section 4 (5) (a). |
| No. 3, 1929 .. | Surveyors | Section 10 (1). |
| No. 20, 1930 .. | Optometrists | Section 19. |
| No. 67, 1941 .. | Money-lenders and Infants Loans. | Section 5 (6) (c). |
| No. 9, 1945 .. | Physiotherapists Registration | Section 21 (1). |
| No. 18, 1945 .. | Public Accountants Registration. | Section 18 (1) (a). |
| No. 10, 1953 .. | Nurses Registration | Section 16. Section 22 (2). Section 34 (2). |
| No. 34, 1953 .. | University of New England .. | Section 11 (a). Section 15 (1). |
| No. 60, 1961 .. | Motor Vehicle Driving Instructors. | Section 5 (4) (a). |
| No. 17, 1962 .. | Chiropodists Registration .. | Section 22 (1). |
| No. 4, 1963 .. | Commercial Agents and Private Inquiry Agents. | Section 10 (10) (a) (iii). |
| No. 35, 1963 .. | Optical Dispensers | Section 22 (1). |
| No. 29, 1964 .. | Macquarie University | Section 11 (a). |
| No. 48, 1964 .. | Pharmacy | Section 17 (1) (a). |
| No. 72, 1964 .. | University of Newcastle .. | Section 11 (a). Section 14 (1). |

APPROPRIATION