
STATUTORY INSTRUMENTS

1988 No. 930 (N.I. 9)

The Minors' Contracts (Northern Ireland) Order 1988

- - - - - 25th May 1988

Title and commencement

1. This Order may be cited as the Minors' Contracts (Northern Ireland) Order 1988 and shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

Disapplication of Infants Relief Act 1874, etc.

3. The following enactments shall not apply to any contract made by a minor after the coming into operation of this Order—

- (a) the Infants Relief Act 1874 (which invalidates certain contracts made by minors and prohibits actions to enforce contracts ratified after majority); and
- (b) section 5 of the Betting and Loans (Infants) Act 1892 (which invalidates contracts to repay loans advanced during minority).

Guarantees

4. Where—

- (a) a guarantee is given in respect of an obligation of a party to a contract made after the coming into operation of this Order, and
- (b) the obligation is unenforceable against him (or he repudiates the contract) because he was a minor when the contract was made,

the guarantee shall not for that reason alone be unenforceable against the guarantor.

Restitution

5.—(1) Where—

- (a) a person (“the plaintiff”) has after the coming into operation of this Order entered into a contract with another (“the defendant”), and
- (b) the contract is unenforceable against the defendant (or he repudiates it) because he was a minor when the contract was made,

the court may, if it is just and equitable to do so, require the defendant to transfer to the plaintiff any property acquired by the defendant under the contract, or any property representing it.

(2) Nothing in this Article shall be taken to prejudice any other remedy available to the plaintiff.

Amendment and repeals

6.—(1) In section 113 of the Consumer Credit Act 1974 (that Act not to be evaded by use of security) in subsection (7)—

- (a) after the word “indemnity”, in both places where it occurs, there shall be inserted “ or guarantee ”;
- (b) after the words “minor, or” there shall be inserted “ an indemnity is given in a case where he ”; and
- (c) for the word “they” there shall be substituted “ those obligations ”.

(2) The Infants Relief Act 1874 and the Betting and Loans (Infants) Act 1892 are hereby repealed (in accordance with Article 3).

Changes to legislation:

There are currently no known outstanding effects for the The Minors' Contracts (Northern Ireland) Order 1988.