



Family Law Reform Act 1969

1969 CHAPTER 46

PART I

REDUCTION OF AGE OF MAJORITY AND RELATED PROVISIONS

1 Reduction of age of majority from 21 to 18

- (1) As from the date on which this section comes into force a person shall attain full age on attaining the age of eighteen instead of on attaining the age of twenty-one; and a person shall attain full age on that date if he has then already attained the age of eighteen but not the age of twenty-one.
- (2) The foregoing subsection applies for the purposes of any rule of law, and, in the absence of a definition or of any indication of a contrary intention, for the construction of "full age", "infant", "infancy", "minor", "minority" and similar expressions in—
 - (a) any statutory provision, whether passed or made before, on or after the date on which this section comes into force; and
 - (b) any deed, will or other instrument of whatever nature (not being a statutory provision) made on or after that date.
- (3) In the statutory provisions specified in Schedule 1 to this Act for any reference to the age of twenty-one years there shall be substituted a reference to the age of eighteen years; but the amendment by this subsection of the provisions specified in Part II of that Schedule shall be without prejudice to any power of amending or revoking those provisions.
- (4) This section does not affect the construction of any such expression as is referred to in subsection (2) of this section in any of the statutory provisions described in Schedule 2 to this Act, and the transitional provisions and savings contained in Schedule 3 to this Act shall have effect in relation to this section.
- (5) The Lord Chancellor may by order made by statutory instrument amend any provision in any local enactment passed on or before the date on which this section comes into force (not being a provision described in paragraph 2 of Schedule 2 to this Act) by substituting a reference to the age of eighteen years for any reference therein to the

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age of twenty-one years; and any statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (6) In this section "statutory provision " means any enactment (including, except where the context otherwise requires, this Act) and any order, rule, regulation, byelaw or other instrument made in the exercise of a power conferred by any enactment.
- (7) Notwithstanding any rule of law, a will or codicil executed before the date on which this section comes into force shall not be treated for the purposes of this section as made on or after that date by reason only that the will or codicil is confirmed by a codicil executed on or after that date.

2 Provisions relating to marriage

- (1) In the following enactments, that is to say—
 - (a) section 7(c) of the Foreign Marriage Act 1892 (persons under 21 intending to be married by a marriage officer to swear that necessary consents have been obtained);
 - (b) paragraph 2(c) of Part I of the Schedule to the Marriage with Foreigners Act 1906 (persons under 21 seeking certificate to swear that necessary consents have been obtained);
 - (c) section 78(1) of the Marriage Act 1949 (definition of " infant" as person under the age of 21),
 for the words " twenty-one years " there shall be substituted the words " eighteen years ".
- (2) In subsection (5) of section 3 of the said Act of 1949 (which defines the courts having jurisdiction to consent to the marriage of an infant)—
 - (a) for the words " the county court of the district in which any respondent resides " there shall be substituted the words " the county court of the district in which any applicant or respondent resides "; and
 - (b) after the words " or a court of summary jurisdiction " there shall be inserted the words " having jurisdiction in the place in which any applicant or respondent resides ".
- (3) Where for the purpose of obtaining a certificate or licence for marriage under Part III of the said Act of 1949 a person declares that the consent of any person or persons whose consent to the marriage is required under the said section 3 has been obtained, the superintendent registrar may refuse to issue the certificate or licence for marriage unless satisfied by the production of written evidence that the consent of that person or of those persons has in fact been obtained.
- (4) In this section any expression which is also used in the said Act of 1949 has the same meaning as in that Act.

3 Provisions relating to wills and intestacy

- (1) In the following enactments, that is to say—
 - (a) section 7 of the Wills Act 1837 (invalidity of wills made by persons under 21);
 - (b) sections 1 and 3(1) of the Wills (Soldiers and Sailors) Act 1918 (soldier etc. eligible to make will and dispose of real property although under 21),

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in their application to wills made after the coming into force of this section, for the words " twenty-one years " there shall be substituted the words " eighteen years ".

(2) In section 47(1)(i) of the Administration of Estates Act 1925 (statutory trusts on intestacy), in its application to the estate of an intestate dying after the coming into force of this section, for the words " twenty-one years " in both places where they occur there shall be substituted the words " eighteen years ".

(3) Any will which—

- (a) has been made, whether before or after the coming into force of this section, by a person under the age of eighteen; and
- (b) is valid by virtue of the provisions of section 11 of the said Act of 1837 and the said Act of 1918,

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

(4) In this section " will" has the same meaning as in the said Act of 1837 and "intestate" has the same meaning as in the said Act of 1925.

4 Maintenance for children under Guardianship or Infants Acts to continue to age of 21

(1) An order under section 3(2), 5(4) or 6 of the Guardianship of Infants Act 1925 for the payment of sums towards the maintenance or education of a minor may require such sums to continue to be paid in respect of any period after the date on which he ceases to be a minor but not extending beyond the date on which he attains the age of twenty-one; and any order which is made as aforesaid may provide that any sum which is payable thereunder for the benefit of a person who has ceased to be a minor shall be paid to that person himself.

(2) Subject to subsections (3) and (4) of this section, where a person who has ceased to be a minor but has not attained the age of twenty-one has, while a minor, been the subject of an order under any of the provisions of the Guardianship of Infants Acts 1886 and 1925, the court may, on the application of either parent of that person or of that person himself, make an order requiring either parent to pay to the other parent, to anyone else for the benefit of that person or to that person himself, in respect of any period not extending beyond the date when he attains the said age, such weekly or other periodical sums towards his maintenance or education as the court thinks reasonable having regard to the means of the person on whom the requirement is imposed.

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

(4) No order shall be made under subsection (2) of this section requiring any person to pay any sum towards the maintenance or education of an illegitimate child of that person.

(5) Subsection (2) of this section shall be construed as one with the said Acts of 1886 and 1925, and—

- (a) any order under that subsection, or under any corresponding enactment of the Parliament of Northern Ireland, shall be included among the orders to which section 16 of the Maintenance Orders Act 1950 applies;

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- (b) any order under that subsection shall be included among the orders mentioned in section 2(1)(d) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 and be deemed to be a maintenance order within the meaning of the Maintenance Orders Act 1958.

5 Modifications of other enactments relating to maintenance of children so as to preserve benefits up to age of 21

- (1) For the purposes of the Inheritance (Family Provision) Act 1938, the dependants of a deceased person shall continue to include any son who has not attained the age of twenty-one ; and accordingly—
 - (a) in subsection (1)(c) of that Act for the words " infant son " there shall be substituted the words " a son who has not attained the age of twenty-one years ";
 - (b) in subsection (2)(c) of that Act for the words " in the case of an infant son, his attaining the age of twenty-one years " there shall be substituted the words " in the case of a son who has not attained the age of twenty-one years, his attaining that age ".
- (2) Where a child in respect of whom an affiliation order has been made under the Affiliation Proceedings Act 1957 has attained the age of eighteen and his mother is dead, of unsound mind or in prison—
 - (a) any application for an order under subsection (2) or (3) of section 7 of that Act directing that payments shall be made under the affiliation order for any period after he has attained that age may be made by the child himself; and
 - (b) the child himself shall be the person entitled to any payments directed by an order under that section to be so made for any such period as aforesaid.
- (3) Section 22 of the Matrimonial Causes Act 1965 (power to order maintenance for infant children in cases of wilful neglect) shall continue to apply to children up to the age of twenty-one, but not so as to enable an order for custody to be made under section 35(1) of that Act (custody of children where maintenance is ordered under section 22) in respect of any child who has attained the age of eighteen; and accordingly—
 - (a) in subsection (2) of the said section 22 for the words " any infant child of the marriage in question and any infant illegitimate child of both parties to the marriage " there shall be substituted the words " any child of the marriage who is under twenty-one and any illegitimate child of both parties to the marriage who is under that age ";
 - (b) in the said section 35(1) after the words " any child to whom that subsection applies " there shall be inserted the words " who is under eighteen ", and at the end there shall be added the words " and the child is under that age ".

6 Maintenance for wards of court

- (1) In this section " the court " means any of the following courts in the exercise of its jurisdiction relating to the wardship of children, that is to say, the High Court, the Court of Chancery of the County Palatine of Lancaster and the Court of Chancery of the County Palatine of Durham, and " ward of court " means a ward of the court in question.
- (2) Subject to the provisions of this section, the court may make an order—
 - (a) requiring either parent of a ward of court to pay to the other parent; or

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- (b) requiring either parent or both parents of a ward of court to pay to any other person having the care and control of the ward, such weekly or other periodical sums towards the maintenance and education of the ward as the court thinks reasonable having regard to the means of the person or persons on whom the requirement is imposed.
- (3) An order under subsection (2) of this section may require such sums as are mentioned in that subsection to continue to be paid in respect of any period after the date on which the person for whose benefit the payments are to be made ceases to be a minor but not beyond the date on which he attains the age of twenty-one, and any order made as aforesaid may provide that any sum which is payable thereunder for the benefit of that person after he has ceased to be a minor shall be paid to that person himself.
- (4) Subject to the provisions of this section, where a person who has ceased to be a minor but has not attained the age of twenty-one has at any time been the subject of an order making him a ward of court, the court may, on the application of either parent of that person or of that person himself, make an order requiring either parent to pay to the other parent, to anyone else for the benefit of that person or to that person himself, in respect of any period not extending beyond the date when he attains the said age, such weekly or other periodical sums towards his maintenance or education as the court thinks reasonable having regard to the means of the person on whom the requirement in question is imposed.
- (5) No order shall be made under this section, and no liability under such an order shall accrue, at a time when the parents of the ward or former ward, as the case may be, are residing together, and if they so reside for a period of three months after such an order has been made it shall cease to have effect; but the foregoing provisions of this subsection shall not apply to any order made by virtue of subsection (2)(b) of this section.
- (6) No order shall be made under this section requiring any person to pay any sum towards the maintenance or education of an illegitimate child of that person.
- (7) Any order under this section, or under any corresponding enactment of the Parliament of Northern Ireland, shall be included among the orders to which section 16 of the Maintenance Orders Act 1950 applies; and any order under this section shall be included among the orders mentioned in section 2(1)(d) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 and be deemed to be a maintenance order within the meaning of the Maintenance Orders Act 1958.
- (8) The court shall have power from time to time by an order under this section to vary or discharge any previous order thereunder.

7 Committal of wards of court to care of local authority and supervision of wards of court

- (1) In this section " the court " means any of the following courts in the exercise of its jurisdiction relating to the wardship of children, that is to say, the High Court, the Court of Chancery of the County Palatine of Lancaster and the Court of Chancery of the County Palatine of Durham, and " ward of court " means a ward of the court in question.
- (2) Where it appears to the court that there are exceptional circumstances making it impracticable or undesirable for a ward of court to be, or to continue to be, under the care of either of his parents or of any other individual the court may, if it thinks fit,

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make an order committing the care of the ward to a local authority; and thereupon Part II of the Children Act 1948 (which relates to the treatment of children in the care of a local authority) shall, subject to the next following subsection, apply as if the child had been received by the local authority into their care under section 1 of that Act.

- (3) In subsection (2) of this section " local authority " means one of the local authorities referred to in subsection (1) of section 36 of the Matrimonial Causes Act 1965 (under which a child may be committed to the care of a local authority by a court having jurisdiction to make an order for its custody); and subsections (2) to (6) of that section (ancillary provisions) shall have effect as if any reference therein to that section included a reference to subsection (2) of this section.
- (4) Where it appears to the court that there are exceptional circumstances making it desirable that a ward of court (not being a ward who in pursuance of an order under subsection (2) of this section is in the care of a local authority) should be under the supervision of an independent person, the court may, as respects such period as the court thinks fit, order that the ward be under the supervision of a welfare officer or of a local authority; and subsections (2) and (3) of section 37 of the said Act of 1965 (ancillary provisions where a child is placed under supervision by a court having jurisdiction to make an order for its custody) shall have effect as if any reference therein to that section included a reference to this subsection.
- (5) The court shall have power from time to time by an order under this section to vary or discharge any previous order thereunder.

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

- (1) The consent of a minor who has attained the age of sixteen years to any surgical, medical or dental treatment which, in the absence of consent, would constitute a trespass to his person, shall be as effective as it would be if he were of full age; and where a minor has by virtue of this section given an effective consent to any treatment it shall not be necessary to obtain any consent for it from his parent or guardian.
- (2) In this section "surgical, medical or dental treatment" includes any procedure undertaken for the purposes of diagnosis, and this section applies to any procedure (including, in particular, the administration of an anaesthetic) which is ancillary to any treatment as it applies to that treatment.
- (3) Nothing in this section shall be construed as making ineffective any consent which would have been effective if this section had not been enacted.

9 Time at which a person attains a particular age

- (1) The time at which a person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.
- (2) This section applies only where the relevant anniversary falls on a date after that on which this section comes into force, and, in relation to any enactment, deed, will or other instrument, has effect subject to any provision therein.

10 Modification of enactments relating to Duke of Cornwall and other children of Her Majesty

(1) Section 1(1) of this Act shall apply for the construction of the expression " minor " in section 2(2) of the Civil List Act 1952 (which relates to the amount payable for the Queen's Civil List while the Duke of Cornwall is for the time being a minor) and accordingly—

- (a) section 2(2)(b) of that Act (which relates to the three years during which the Duke is over 18 but under 21); and
- (b) in section 2(2)(a) of that Act the words " for each year whilst he is under the age of eighteen years",

are hereby repealed except in relation to any period falling before section 1 of this Act comes into force.

(2) In section 4(1)(a) of the said Act of 1952 (under which benefits are provided for the children of Her Majesty, other than the Duke of Cornwall, who attain the age of 21 or marry) for the words " twenty-one years " there shall be substituted the words " eighteen years " but no sum shall be payable by virtue of this subsection in respect of any period falling before section 1 of this Act comes into force.

(3) In section 38 of the Duchy of Cornwall Management Act 1863 (under which certain rights and powers of the Duke of Cornwall may, while he is under 21, be exercised on his behalf by the Sovereign or persons acting under Her authority) for the words " twenty-one years " wherever they occur there shall be substituted the words " eighteen years ".

11 Repeal of certain enactments relating to minors

The following enactments are hereby repealed—

- (a) the Infant Settlements Act 1855 (which enables a male infant over 20 and a female infant over 17 to make a marriage settlement), together with section 27(3) of the Settled Land Act 1925, except in relation to anything done before the coming into force of this section ;
- (b) in section 6 of the Employers and Workmen Act 1875 (powers of justices in respect of apprentices)—
 - (i) the paragraph numbered (1) (power to direct apprentice to perform his duties), and
 - (ii) the sentence following the paragraph numbered (2) (power to order imprisonment of an apprentice who fails to comply with direction);
- (c) in the Sexual Offences Act 1956, section 18 and paragraph 5 of Schedule 2 (fraudulent abduction of heiress).

12 Persons under full age may be described as minors instead of infants

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

13 Powers of Parliament of Northern Ireland

Notwithstanding anything in the Government of Ireland Act 1920 the Parliament of Northern Ireland shall have power to make laws for purposes similar to any of the purposes of this Part of this Act.