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
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, bylaw 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.

Modifications etc. (not altering text)

C1 S. 1 applied by Finance Act 1969 (c. 32), s. 16(1)

2 Provisions relating to marriage.

(1) In the following enactments, that is to say—

(a) .................................................. F1

(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

”.

F2(2) ..................................................

(3) Where for the purpose of obtaining a certificate . . . 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 . . . 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.

Extent Information

E1 S. 2: see s. 28(4)(b)

Textual Amendments

F1 S. 2(1)(c) repealed by Foreign Marriage (Amendment) Act 1988 (c. 44, SIF 49:1), s. 7(2), Sch.

F2 S. 2(2) repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 para. 210 Table;

S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F3 Words in s. 2(3) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 para. 37, Sch. 16; S.I.

2000/2698, art. 2, Sch.
3 Provisions relating to wills and intestacy

(1) In the following enactments, that is to say—

(a) section 7 of the M3 Wills Act 1837 (invalidity of wills made by persons under 21);

(b) sections 1 and 3(1) of the M4 Wills (Soldiers and Sailors) Act 1918 (soldier etc. eligible to make will and dispose of real property although under 21), 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 M5 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.
5 Modification of other enactments relating to maintenance of children so as to preserve benefits up to age of 21.

(1) .................................................. F5
(2) .................................................. F6
(3) .................................................. F7

Textual Amendments
F5 S. 5(1) repealed by Inheritance (Provision for Family and Dependants) Act 1975 (c. 63, SIF 116:1), s. 26(2), Sch. (with a saving in s. 26(3) in relation to applications made with reference to a death before 1.4.1976)
F6 S. 5(2) repealed by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22, SIF 49:3), s. 89(2)(b), Sch. 3
F7 S. 5(3) repealed by Matrimonial Proceedings and Property Act 1970 (c. 45), Sch. 3

F8 ..................................................

Textual Amendments
F8 S. 6 repealed (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), Sch.20; S.I. 1991/1883, art. 3, Sch.

F9 ..................................................

Textual Amendments
F9 S. 7 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 100(1), 108(7), Sch.15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art.3(2)

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.

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

(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”.

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

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

13 ...........................................

Textual Amendments

F11 S. 13 repealed by Northern Ireland Constitution Act 1973 (c. 36), s. 41(1), Sch. 6 Pt. 1
Changes to legislation:
There are currently no known outstanding effects for the Family Law Reform Act 1969, Part I.