



AN BILLE UM LÁN-AOIS, 1984  
AGE OF MAJORITY BILL, 1984

*Mar a tionscnaíodh*  
*As initiated*

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AN BILLE UM LÁN-AOIS, 1984  
AGE OF MAJORITY BILL, 1984

# BILL

*entitled*

AN ACT TO AMEND THE LAW RELATING TO THE AGE OF  
MAJORITY AND TO THE TIME WHEN A PERSON  
ATTAINS A PARTICULAR AGE AND TO MAKE OTHER  
PROVISIONS CONNECTED WITH THE FOREGOING. 5

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act—

.10

“full age” shall be construed in accordance with *section 2*;

“statutory provision” means any provision of a statute (within the  
meaning of *section 3* of the Interpretation Act, 1937) or of a statutory  
instrument (within the meaning aforesaid) made under a power or  
authority conferred by such statute. 15

(2) A reference in this Act to a section or to the Schedule is a  
reference to a section of, or the Schedule to, this Act, unless it is  
indicated that a reference to some other statutory provision is  
intended.

(3) A reference in this Act to a subsection or paragraph is a  
reference to the subsection or paragraph of the provision in which the  
reference occurs, unless it is indicated that some other provision is  
intended. 20

(4) A reference to any other statutory provision shall, except where  
the context otherwise requires, be construed as a reference to that  
statutory provision as amended by or under any other statutory  
provision, including this Act. 25

Reduction of age of  
majority.

2.—(1) Where a person has not attained the age of twenty-one  
years prior to the commencement of this Act, he shall, subject to  
*section 4*, attain full age— 30

(a) on such commencement if he has attained the age of eighteen  
years or is or has been married, or

(b) after such commencement when he attains the age of eighteen  
years or, in case he marries before attaining that age, upon  
his marriage. 35



(2) *Subsection (1)* applies for the purposes of any rule of law and, in the absence of a definition or of any indication of a contrary intention, for the construction of "age of majority", "full age", "infancy", "infant", "minor", "minority" and of other cognate words and expressions in—

(a) any statutory provision passed or made before, on or after the commencement of this Act, and

(b) any deed, will, court order or other instrument (not being a statutory provision) made on or after such commencement.

(3) Where there is, in any statutory provision passed or made before the commencement of this Act, a reference to the age of twenty-one years, such provision shall, subject to *subsection (4)*, be construed and have effect as if the reference therein were a reference to full age.

(4) (a) This section does not affect the construction of any reference to the age of twenty-one years, or of any word or expression to which *subsection (2)* relates, in any statutory provision to which this subsection applies.

(b) This subsection applies to—

(i) the Marriages (Ireland) Act, 1844,

(ii) the Marriage Law (Ireland) Amendment Act, 1863,

(iii) the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870,

(iv) the Marriages Act, 1972,

(v) the Adoption Acts, 1952 to 1976,

(vi) the Social Welfare Acts, 1981 to 1984,

(vii) the Income Tax Acts and any other statutory provision dealing with the imposition, repeal, remission, alteration or regulation of any tax or other duty under the care and management of the Revenue Commissioners, and

(viii) any statutory provision that provides for the payment of a pension or other allowance for children up to the age of twenty-one years.

3.—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.

Description of person not of full age.

4.—(1) Subject to *subsection (3)*, the time at which a person attains a particular age expressed in years shall, for the purposes of any rule of law or of any statutory provision, deed, will or other instrument, be the commencement of the relevant anniversary of the date of his birth.

Time at which person attains a particular age.

(2) *Subsection (1)* applies only where the relevant anniversary falls on a date after that on which this Act comes into operation, and, in relation to any statutory provision, deed, will or other instrument, has effect subject to any provision therein.



- (3) (a) The date on which a person attains the age of eighteen years shall, for the purposes of any statutory provision to which this subsection applies, be calculated in the same manner as it is calculated for the purpose of determining whether a person has the right to vote at an election for members of Dáil Éireann. 5

(b) This subsection applies to—

- (i) the Electoral Acts, 1923 to 1983,
- (ii) the Presidential Elections Acts, 1937 to 1973,
- (iii) the Seanad Electoral (University Members) Acts, 1937 to 1973, 10
- (iv) the Referendum Acts, 1942 to 1983,
- (v) the Local Elections Acts, 1963 to 1974, and
- (vi) the European Assembly Elections Acts, 1977 and 1984. 15

Amendment of  
Defence Act, 1954.

5.—The Defence Act, 1954, is hereby amended—

- (a) by the addition in subsection (1) of section 76 of the following proviso:

“Provided that this section shall not apply to a person who is under the age of eighteen years and is or has been married at the time of attestation.”, 20

and

- (b) by the deletion of subsection (2) of section 107.

Amendment of  
Guardianship of  
Infants Act, 1964.

6.—Section 11 of the Guardianship of Infants Act, 1964, is hereby amended— 25

- (a) by the substitution of the following subsection for subsection (3):

“(3) An order under this section may be made on the application of either parent notwithstanding that the parents are then residing together, but an order made under paragraph (a) of subsection (2) shall not be enforceable and no liability thereunder shall accrue while they reside together, and the order shall cease to have effect if for a period of three months after it is made they continue to reside together.”, 30 35

and

- (b) by the addition of the following subsection:

“(5) Any reference to an infant in this section (except in paragraph (a) of subsection (2)) shall include a reference to a child who has attained the age of eighteen years and is suffering from mental or physical disability to such extent that it is not reasonably possible for him to maintain himself fully.”. 40



7.—(1) The transitional provisions and savings contained in the *Schedule* shall have effect in relation to *section 2*.

Transitional provisions and savings.

(2) Notwithstanding any rule of law, a will or codicil executed before the commencement of this Act shall not be treated for the purposes of *section 2* or the *Schedule* as having been made on or after such commencement by reason only of the fact that the will or codicil is confirmed by a codicil executed after such commencement.

(3) Where before the commencement of this Act a justice of the District Court, by virtue of section 2 of the Courts of Justice (District Court) Act, 1949, or a county registrar, by virtue of section 56 of the Courts (Supplemental Provisions) Act, 1961, is continued in office to a date which occurs on or after the day immediately prior to the commencement of this Act, the warrant by which he is so continued shall, for the purpose of extending the period to which that warrant relates, be construed and have effect so as to continue him in office up to but excluding the next anniversary date of his birth after such commencement.

8.—The following are hereby repealed:

Repeals.

- (a) the Infant Settlements Act, 1855,
- (b) the Infant Marriage Act, 1860,
- (c) in section 6 of the Employers and Workmen Act, 1875, the paragraph numbered (1.) and the last sentence, and
- (d) section 13 (2) (d) of the Married Women's Status Act, 1957.

9.—(1) This Act may be cited as the Age of Majority Act, 1984.

Short title and commencement.

(2) This Act shall come into operation on the 1st day of March, 1985.

## SCHEDULE

Section 7

### TRANSITIONAL PROVISIONS AND SAVINGS

#### *Funds in Court*

1. Any order or directions in force immediately before the commencement of this Act by virtue of any rules of court or other statutory provision relating to the control of money recovered by, or on behalf of or otherwise payable to, an infant in any proceedings shall have effect as if any reference therein to an infant's attaining the age of twenty-one years were a reference to his attaining full age.

#### *Wardship and Custody Orders*

2. (1) Any order in force immediately before the commencement of this Act—

- (a) making a person a ward of court, or
- (b) otherwise providing for the custody of, or access to, any person,



that is expressed to continue in force until the person who is the subject of the order attains the age of twenty-one years, or any age between the age of eighteen and twenty-one years, shall have effect as if the reference to his attaining that age were a reference to his attaining full age. 5

(2) This paragraph is without prejudice to any provision in any such order that provides or allows for the maintenance or education of a person after he has attained full age.

#### *Power of Trustees to Apply Income for Maintenance of Minor*

3. (1) *Section 2* shall not affect section 42 or 43 of the Conveyancing Act, 1881, in their application to any estate or interest under an instrument made before the commencement of this Act. 10

(2) In any case in which (whether by virtue of this paragraph or paragraph 7) trustees have power, under subsection (4) of the said section 42 or subsection (1) of the said section 43, to pay income to the parent or guardian of any person who has attained full age, or to apply it for or towards the maintenance, education or benefit of any such person, they shall also have power to pay it to that person himself. 15

#### *Powers of Personal Representatives During Minority of Beneficiary* 20

4. In the case of a beneficiary whose interest arises under a will or codicil made before the commencement of this Act or on the death before that date of an intestate, *section 2* shall not affect the meaning of "infant" in sections 57 and 58 of the Succession Act, 1965.

#### *Accumulation Periods* 25

5. The change, by virtue of *section 2*, in the construction of section 1 of the Accumulations Act, 1892, shall not invalidate any direction for accumulation in a settlement or other disposition made by a deed, will or other instrument that was made before the commencement of this Act. 30

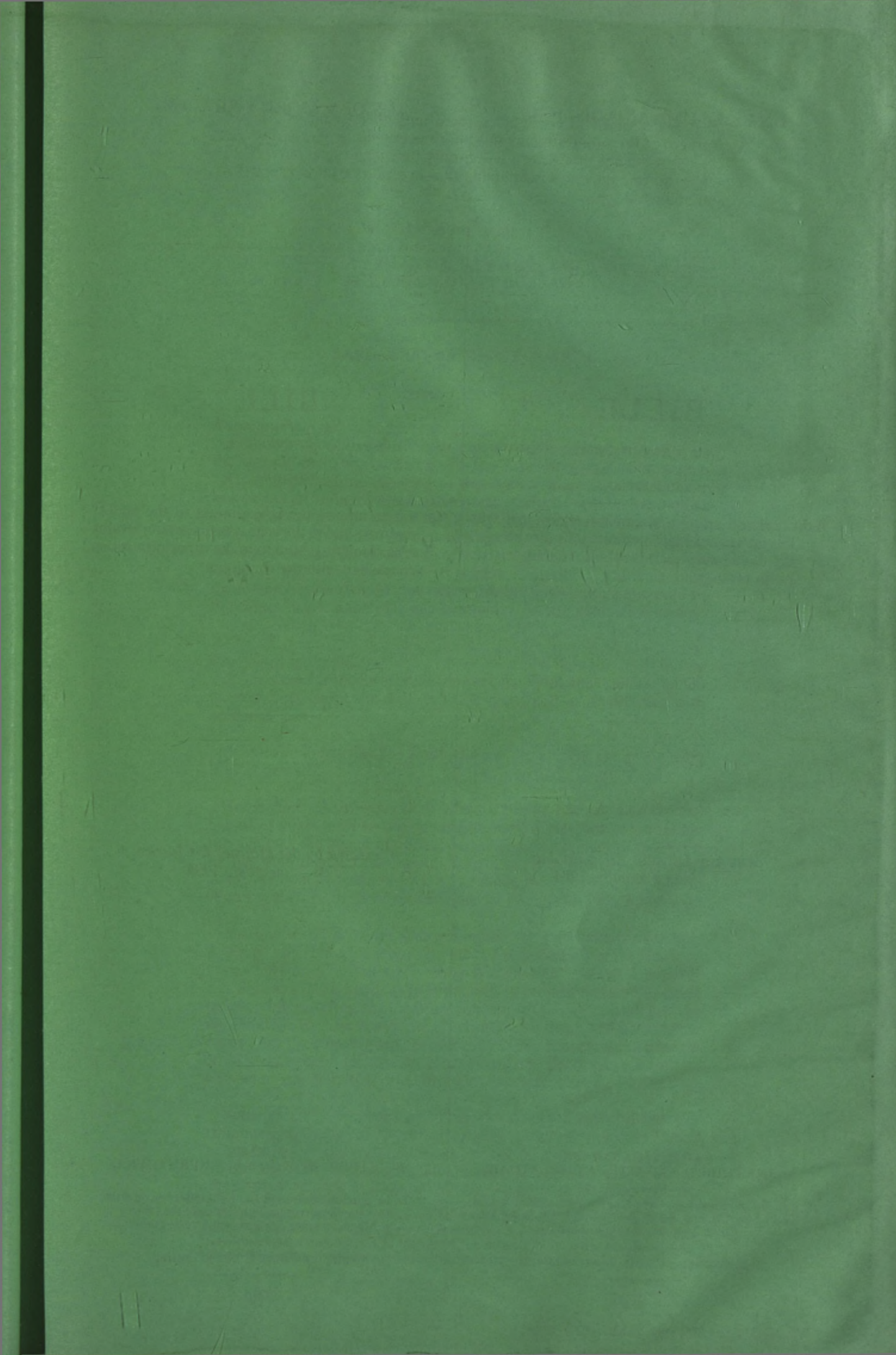
#### *Limitation of Actions*

6. The change by virtue of *section 2* in the construction of section 48 (1) of the Statute of Limitations, 1957, shall not affect the time for bringing proceedings in respect of a right of action that accrued before the commencement of this Act. 35

#### *Statutory Provisions Incorporated in Deeds and Wills*

7. *Section 2* shall not affect the construction of any statutory provision which is incorporated in and has effect as part of any deed, will or other instrument the construction of which is not affected by that section. 40







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## BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do leasú an dlí a bhaineann le lán-aois agus leis an am a slánaíonn duine aois áirithe agus do dhéanamh socruithe eile i ndáil leis na nithe réamhráite.

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*An tAire Dlí agus Cirt a thólaic,  
27 Meán Fómhair, 1984*

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BAILE ÁTHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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## BILL

*(as initiated)*

*entitled*

An Act to amend the law relating to the age of majority and to the time when a person attains a particular age and to make other provisions connected with the foregoing.

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*Presented by the Minister for Justice,  
27th September, 1984*

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