

## **AGE OF MAJORITY ACT 2001**

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**BERMUDA  
2001 : 20**

### **AGE OF MAJORITY ACT 2001**

[Date of Assent: 1 August 2001]

[Operative Date: 1 November 2001]

WHEREAS it is expedient to reduce the age of majority from twenty-one years to eighteen years; to make provision for the time when a particular age is attained and to provide for connected matters:

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows—

#### **Citation**

1 This Act may be cited as the Age of Majority Act 2001.

#### **Operative date**

2 In this Act "the operative date" means the date on which this Act comes into operation.

#### **Age of majority**

3 (1) Every person attains the age of majority and ceases to be a minor on attaining the age of eighteen years.

(2) Every person who is over the age of eighteen years but under the age of twenty-one years on the operative date attains the age of majority on that date.

#### **Application of section 3**

4 Section 3 applies for the purpose of any law in respect of which the Legislature has jurisdiction.

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### **Meaning of words**

5 (1) In the absence of a definition or of an indication of a contrary intention, section 3 applies to the construction of the expressions "adult", "full age", "lawful age", "infant", "infancy", "minor", "minority", "majority" and similar expressions in—

- (a) any Act or statutory instrument; and
- (b) any deed, will or other instrument made on or after the operative date.

(2) The use of any expression set out in subsection (1) or any similar expression shall not, in itself, be taken to indicate a contrary intention for the purposes of this section without some further indication of a contrary intention.

### **Modification of existing Acts and statutory instruments and consequential amendments**

6 (1) Subject to subsections (2) and (3), in any provision of an Act of the Legislature or any regulation, rule, order or bylaw made under an Act of the Legislature enacted or made before the operative date, a reference to the age of twenty-one years shall be read as a reference to the age of eighteen years.

(2) Notwithstanding subsection (1), in the construction of this Act the expression "twenty-one years" means twenty-one years and subsection (1) does not apply to this Act.

(3) Subsection (1) does not apply to the references to the age of twenty-one years in the statutory provisions set out in the First Schedule.

### **Consequential amendments**

7 (1) The statutory provisions set out in column 1 of the Second Schedule are amended by deleting the words set out in column 2 and substituting the words set out in column 3.

(2) Section 12(4)(b) of the Contributory Pensions Act 1970 is repealed and the following is substituted:

"(b) in the case of a person who paid contributions before the date on which the Age of Majority Act 2001 comes into operation, beginning with the first day of the contribution year in which he attains the age of 21 years;

(bb) in any other case, beginning with the first day of the contribution year in which he attains the age of 18 years;"

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### **United Kingdom Acts**

8 Where by any Act of the Legislature, an Act of the Parliament of the United Kingdom or any provision thereof is made to apply in respect of any act or matter or thing over which the Legislature has jurisdiction, then in applying that Act of Parliament or that provision thereof in respect of that act, or matter or thing, any reference to the age of twenty-one years in the Act of Parliament or provision thereof shall be read as a reference to the age of eighteen years.

### **Modification of court orders and directions**

9 (1) In any order or direction of a court made before the operative date, in absence of an indication of a contrary intention, a reference to the age of twenty-one years or to any age between eighteen and twenty-one years or to any of the expressions referred to in subsection 5(1) and similar expressions shall be read as a reference to the age of eighteen years.

(2) The use of the words "twenty-one years" in an order or direction referred to in subsection (1) shall not, in itself, be taken to indicate a contrary intention for the purposes of this section without some further indication of a contrary intention.

### **Time of attaining particular age**

10 (1) The time at which a person attains a particular age expressed in years shall be on 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 the operative date, and in relation to any enactment, deed, will or other instrument, has effect subject to any provision therein.

### **Effect of new codicil on existing wills**

11 Notwithstanding any rule of law, a will or codicil executed before the operative date shall not be treated for the purposes of this Act 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.

### **Effect on statutory provisions incorporated in existing wills, etc which are not affected by section 5**

12 This Act does not affect the construction of a provision of an Act or a statutory instrument that is incorporated in and has effect as part of a deed, will or other instrument if the construction of the deed, will or other instrument is not affected by section 5.

### **Accumulation not affected**

13 This Act does not invalidate any direction for accumulation expressed in a settlement or other disposition made by deed, will or other

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instrument and executed before the operative date that, but for this Act, was a permissible period of accumulation.

### **Perpetuities not affected**

14 This Act does not apply so as to affect the law relating to perpetuities.

### **Right of action and defence preserved**

15 This Act does not prejudice a right of action or a defence to an action based upon the age of a party and that was in existence on the operative date and, notwithstanding this Act, the law that was in force immediately prior to the operative date applies in that case.

### **Commencement**

16 This Act comes into operation on such date as the Minister responsible for legislative affairs may appoint by notice published in the Gazette.

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**FIRST SCHEDULE (section 6)**  
**STATUTORY PROVISIONS WHERE REFERENCES TO TWENTY-ONE**  
**YEARS ARE RETAINED**

<b>COLUMN 1</b> <b>STATUTORY PROVISION</b>	<b>COLUMN 2</b> <b>SUBJECT MATTER</b>
<b>Contributory Pensions Act</b> <b>1970</b>	
section 12(4)(a)	Transitional provision for calculation of yearly average of contributions of persons over 21 years of age on commencement of the scheme.
Third Schedule	
proviso to paragraph 1	Contribution conditions for widow's allowance; yearly average of 50 contributions does not apply if husband dies before attaining 21 years.
<b>Ex Gratia Payments Act</b> <b>1983</b>	
section 3C(2)	Ex gratia payment to a dependent child continues to 21
<b>Government Employees</b> <b>(Health Insurance) Act 1986</b>	
section 2(1)	Definition of child; includes a person who is over 18 but under 21 while a full-time student at an educational institution.
<b>Hospital Insurance Act</b> <b>1970</b>	

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section 2(1)(e)                      Subsidy for hospital treatment extends to a person over school-leaving age but under 21 if a full-time student in Bermuda.

### **Matrimonial Proceedings (Magistrates' Courts) Act 1974**

section 1                              Definition of dependant (paragraphs (b) and (c)); includes persons under 21 if earning capacity impaired by disability or undergoing educational training.

section 3(1)(g)(ii)                      Matrimonial order may provide maintenance for dependent child under 21.

### **Perpetuities and Accumulations Act 1989**

section 6(1), 6(1)(b) and 6(2)                      Dispositions otherwise void for remoteness by specifying an age above 21 to be construed as referring to the age of 21.

### **Public Service Superannuation Act 1981**

proviso to section 43(2) and section 49(2)                      Children's pensions continue where the child is over 18 but under 21 and the child is mainly or wholly dependent.

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### SECOND SCHEDULE (section 7) CONSEQUENTIAL AMENDMENTS

COLUMN 1 STATUTORY PROVISION	COLUMN 2 WORDS DELETED	COLUMN 3 WORDS SUBSTITUTED
<b>Administration of Estates Act 1974</b>		
section 15(1)	twenty-one	eighteen
<b>Adoption of Children Act 1963</b>		
section 1 (definition of "infant") and section 3(1)(ii) and (2) (ii)	twenty-one	eighteen
<b>Adoption Rules 1964</b>		
First Schedule Form 10 paragraph 2(a)(ii) and (b)	twenty-one	eighteen
<b>Bermuda Housing Association (Model Rules) Regulations 1982</b>		
regulation 9	twenty-one	eighteen
<b>Bermuda Immigration and Protection Act 1956</b>		
sections 27, 30(1), 31(8), 72 and 104(c)	twenty-one	eighteen
<b>Betting Act 1975</b>		
section 10(3)(a)	twenty-one	eighteen
<b>Companies Act 1981</b>		

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section 39A(4)(b)                      twenty-one                      eighteen

**Condominium Act 1986**

Schedule paragraph 3(3)              21                                      18

**Criminal Code Act 1907**

section 181(2)                              twenty-one                      eighteen

section 182(4)                              twenty-one                      eighteen

section 184(1)(a)                          twenty-one                      eighteen

section 554(1)                              twenty-one (where              eighteen (in each  
they twice occur)                      case)

**Day Care Centre  
Regulations 1999**

regulation 9(2) and (5)                  21                                      18

**Education Act 1996**

section 2(1)              definition  
of "child"                                      twenty-one                      nineteen

definition of "senior school  
education"                                      twenty-one                      nineteen

section 51(5)                                      twenty-one                      nineteen

section 72(3)                                      twenty-one                      eighteen

**Evidence Act 1905**

section 29(3)(a)                              twenty-one                      eighteen

**Films (Control of  
Exhibition) Act 1959**

section 5(1)(c)                                      21                                      eighteen



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Schedule	21	18
<b>Government Fees Regulations 1976</b>		
Schedule Head 5	21	18
paragraph (4) and (5)(b)		
<b>Friendly Societies Act 1868</b>		
proviso to section 19	twenty-one	eighteen
<b>Human Tissue Act 1976</b>		
section 4(b) and (d)	21	18
<b>Indictable Offences Act 1929</b>		
section 19(3)(a)	twenty-one	eighteen
<b>International Organizations etc (Immunities and Privileges) Act 1948</b>		
Schedule PART IV paragraph 2	twenty-one	eighteen
<b>Legal Aid Act 1980</b>		
Third Schedule		
paragraph 2(1)(b)	twenty-one	eighteen
<b>Legal Aid (General) Regulations 1980</b>		
Schedule Form 1 paragraph 5 (c)	21	18

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### **Liquor Licence Act 1974**

section 10(4)(a)                      twenty-one                      eighteen

### **Marine Board Act 1962**

section 34(2)(a)                      twenty-one                      eighteen

### **Marine Board (Island Boats) Regulations 1965**

regulation 13(a)                      twenty-one                      eighteen

### **Maritime Marriage Act 1999**

section 8(1)                              twenty-one                      eighteen

### **Marriage Act 1944**

section 15                                twenty-one                      eighteen

### **Mental Health Act 1968**

section 8(4)(c), 10(2)(a)(ii) and (5) and 21(2)                      twenty-one                      eighteen

### **Minors Act 1950**

section 2(1) (definition of "minor")                      twenty-one                      eighteen

### **Motor Car Act 1951**

section 81                                twenty-one                      eighteen

### **Motor-Cycles and Auxiliary Bicycles (Special Measures of Control) Act 1953**

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section 7(2)	twenty-one (whenever occur)	they	eighteen each case)	(in
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### **Municipalities Act 1923**

First Schedule paragraph 2(1)(a)(i) and 3(2)(a)	twenty-one		eighteen	
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### **Non-Contentious Probate Rules 1974**

Rules 29(1), (3) and (5) and 30(1) and (2)	twenty-one (whenever occur)	they	eighteen (in each case)	
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### **Parish Councils Act 1971**

section 3(7)(b)	twenty-one		eighteen	
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### **Partition Act 1855**

section 1 (definition of "infant") and section 2	twenty-one		eighteen	
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### **Prison Rules 1980**

Rules 132, 166(1)(b) and 167	twenty-one		eighteen	
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### **Rent Increases (Domestic Premises) Control Act 1978**

sections 5(1)(a) and 8(2)(a)	twenty-one		eighteen	
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### **Real Estate Agents' Licensing Regulations 1977**

regulation 2(3)(b)(i) and Schedule Form 2 paragraph 4	21		18	
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### **Residential Care Homes and Nursing Homes Regulations 2001**

regulations 5(2)(a) and 6(2)(a)	21	18
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### **Succession Act 1974**

section 6(1)(a)	twenty-one (where they twice occur)	eighteen (in each case)
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### **Trade Union Act 1965**

section 41	twenty-one	eighteen
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### **Trustee Act 1975**

section 23(1)(b) and (3)(a)(i) and (ii)	twenty-one	eighteen
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### **Waste and Litter Control Act 1987**

First Schedule paragraph 1	21	18
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### **Wills Act 1988**

section 6(a)	twenty-one years or over or is or has been married and is aged 18	eighteen
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### **Young Offenders Act 1950**

section 2(1)(definition of "young person") and section 60(1)	twenty-one	eighteen
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