

PROJET DE LOI

ENTITLED

The Age of Majority (Alderney) Law, 2001 *

[CONSOLIDATED TEXT]

NOTE

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No. XXV of 2001.

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The Age of Majority (Alderney) Law, 2001

ARRANGEMENT OF SECTIONS

1. Reduction of age of majority to 18.
2. Time at which a person attains a particular age.
3. Persons under full age may be described as minors.
4. Interpretation.
5. Citation.
6. Commencement.

SCHEDULE

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The Age of Majority (Alderney) Law, 2001

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 6th day of June, 2001, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

Reduction of age of majority to 18.

1. (1) From the date of the commencement of this Law a person shall attain full age on attaining the age of 18 years instead of on attaining the age of 20 years.

(2) A person shall attain full age on the date of the commencement of this Law if he has then already attained the age of 18 years but not the age of 20 years.

(3) Subsections (1) and (2) apply for the purposes of any rule of law and, in the absence of a definition or any indication of a contrary intention, for the construction in the English language of "full age", "infant", "infancy", "minor" and "minority", and in the French language of "âge de la majorité", "enfant", "mineur" and "minorité", and similar expressions in those languages, in –

- (a) any provision of an enactment, statutory instrument or rule of court, whether passed or made before, on or after the date of the commencement of this Law, and

- (b) any agreement, will, trust instrument, settlement or other instrument of whatever nature (not being a provision of an enactment, statutory instrument or rule of court) made on or after that date.

(4) In the definition of the expression "infant" in section 1(1) of the Adoption (Guernsey) Law, 1960, as it has effect in Alderney^a, for the reference to 20 years of age there is substituted a reference to 18 years of age.

(5) The transitional and savings provisions set out in the Schedule shall have effect in relation to this section.

(6) Notwithstanding any rule of law, a will or codicil executed before the date of the commencement of this Law 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.

Time at which a person attains a particular age.

2. (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 the date of the commencement of this Law and, in relation to any enactment, statutory instrument or rule of court, or any agreement, will, trust instrument, settlement or other instrument, has effect subject to any provision therein.

Persons under full age may be described as minors.

^a Ordres en Conseil Vol. XVIII, p. 192; the Law was extended to Alderney with exceptions, adaptations and modifications by the Alderney (Application of Legislation) (Adoption) Ordinance, 1974 (Recueil d'Ordonnances, Tome XIX, p. 247).

3. A person who is not of full age may be described as a minor instead of as an infant.

Interpretation.

4. (1) In this Law, unless the context requires otherwise –

"**enactment**" includes an Ordinance, whether or not made under an Order in Council,

"**rule of court**" means rules of court made by the Court of Alderney or by the Royal Court in respect of the Court of Alderney under –

- (a) section 17 of the Government of Alderney Law, 1987^b,
- (b) section 64 of the Reform (Guernsey) Law, 1948^c,
- (c) section 3 of the Court of Alderney (Appeals) Law, 1969^d,
- (d) section 40 of the Arbitration (Alderney) Law, 1983^e,
- (e) section 1 or 2 of the Judgments (Interest) (Bailiwick of Guernsey) Law, 1985^f, or
- (f) any other power of the Royal Court to make rules in

^b Ordres en Conseil Vol. XXX, p. 37.
^c Ordres en Conseil Vol. XIII, p. 288.
^d Ordres en Conseil Vol. XXII, p. 192.
^e Ordres en Conseil Vol. XXVIII, p. 236.
^f Ordres en Conseil Vol. XXIX, p. 133.

respect of the Court of Alderney,

"statutory instrument" includes any regulation, order, rule, byelaw or other instrument of a similar nature, applying to persons in general or to any substantial class or classes of persons, made in or in respect of Alderney under any enactment or rule of court.

(2) The Interpretation (Guernsey) Law, 1948^g shall apply to the interpretation of this Law.

(3) Any reference in this Law to an enactment is a reference thereto as amended, re-enacted (with or without modification), extended or applied.

NOTE

The Government of Alderney Law, 1987 has since been repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005, subject to the savings and transitional provisions in section 63(2) and section 64 of the 2004 Law.

Citation.

5. This Law may be cited as the Age of Majority (Alderney) Law, 2001.

Commencement.

6. This Law shall come into force on the day appointed by Ordinance of the States of Alderney.

NOTE

The Law was brought into force on 14th December, 2001 by the Age of Majority (Alderney) Law, 2001 (Commencement) Ordinance, 2001, section

^g Ordres en Conseil Vol. XIII, p. 355.

1.

SCHEDULE

Section 1(5)

Adoption orders.

1. Section 1 of this Law shall not prevent the making of an adoption order or a provisional adoption order under the Adoption (Guernsey) Law, 1960, as it has effect in Alderney, in respect of a person who has attained the age of 18 years if the application for the order was made before the date of the commencement of this Law; and in relation to any such case that Law shall have effect as if section 1 of this Law had not been passed.

Provisions incorporated in agreements, wills, etc.

2. Section 1 of this Law shall not affect the construction of any provision of an enactment where it is incorporated in and has effect as part of any agreement, will, trust instrument, settlement or other instrument the construction of which is not affected by that section.