

The Law Relating to the Age of Majority, the Age for Marriage and Some Connected Subjects

In April 1983, the Commission published its [Report on the Law Relating to the Age of Majority, the Age for Marriage and Some Connected Subjects \(LRC 5-1983\)](#) which built upon the subject matter of its [Working Paper: The law relating to the age of majority, the age for marriage and some connected subjects \(LRC WP 2-1977\)](#) and followed on from a December 1975 request by the then Attorney General.

The Report recommends that the age of majority should be reduced to 18 years and that the term “minor” and not “infant” be applied to a person who has not reached that age. It also recommends that on marriage a minor should in law become an adult and should have all the rights and be subject to all the liabilities of a person who has reached the age of majority. The most important practical consequence of these recommendations, if adopted, would be to reduce the age at which persons may enter into binding contracts and sue or be used in the courts in their own names without the intervention of a next friend or guardian. The Report recommends that any marriage of a person under 16 should be void and that there should be no provision for exemption in individual cases; accordingly it is proposed that section 1 of the *Marriage Act 1972* permitting application to the President of the High Court for such an exemption should be repealed. As regards minors over 16 but under the age of majority, the Report recommends that the marriage of such a person should be void unless the consent in writing of his or her guardians is obtained beforehand. In cases where a guardian is incapable of consenting on account of mental disability or where the guardians disagree, it is proposed that the High Court should be empowered to give the necessary consent. The Report also recommends that the proposed new rules should apply to any marriage solemnized in the State, irrespective of the residence of domicile or nationality of the parties, and to any marriage solemnized outside the State where, at the time of the solemnization of the marriage, the habitual residence of either or both of the parties is in the State.

The Report also recommends that:

- (i) The time at which a person attains a particular age expressed in years should be the commencement of the relevant anniversary of his birth;
- (ii) The new legislation should, in so far as the meaning of expressions such as “full age” and “infancy” is concerned, apply to all statutes and statutory instruments but not to deeds, wills or other private instruments made before the commencement date of the legislation.
- (iii) The minimum age requirement of 21 years for certain prospective adopters should be abolished;
- (iv) Section 11 of the *Guardianship of Infants Act 1964* should be amended so as to bring it into harmony with the *Family Law (Maintenance of Spouses and Children) Act 1976*, under which an order for maintenance may be made against a parent in respect of a mentally or physically disabled child even though the child has reached the age of majority
- (v) The age at which a parent ceases to have an obligation to maintain a child should be raised from 16 to 18

- (vi) The proposed reduction of the age of majority should not affect any statutory provision relating to social welfare or social assistance;
- (vii) The provision in the *Income Tax Act 1967* granting an allowance in respect of a child who becomes permanently incapacitated before reaching the age of 21 should be unaffected by the proposed legislation
- (viii) Section 6 of the *Employers and Workmen Act 1875* should be repealed.
- (ix) Special transitory provisions, relating to funds in court, wardship and custody orders, powers of trustees during the minority of a beneficiary, accumulation periods, and limitation of actions, should be included in the legislation.

Draft Legislation in Report

A draft *Age of Majority Bill* is included in the Report.

Information on Implementation

Recommendations of the Commission were implemented by the *Age of Majority Act 1985*; *Family Law Act 1995* and *Family Law (Miscellaneous Provisions) Act 1997*.