

Authorised Version No. 013
Age of Majority Act 1977

No. 9075 of 1977

Authorised Version incorporating amendments as at
14 June 2012

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An Act to lower the Age of Majority, to confer upon Persons who have attained the Age of eighteen Years the juristic Competence and Capacity of full Age, to make certain consequential Amendments to various Acts, and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1 Short title and commencement

- (1) This Act may be cited as the **Age of Majority Act 1977**.
- (2) This Act shall come into operation on the day to be fixed by proclamation of the Governor in Council published in the Government Gazette.

2 Attainment of a particular age

- (1) For all the purposes of the laws of the State 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 has effect only where the relevant anniversary falls on the day of commencement of this Act or on a subsequent day.

3 Persons of age of eighteen years or more to have full legal capacity

- (1) Subject to this section for all the purposes of the laws of the State—
 - (a) a person who, on or after the day of commencement of this Act attains the age of eighteen years, attains full age and full capacity on attaining that age;
 - (b) a person, who on the day of commencement of this Act is of or over the age of eighteen years, but under the age of twenty-one years, attains full age and full capacity on that day;
 - (c) the expression *minor* means a person not of full age.
- (2) This section shall not apply so as to affect the operation or construction of any reference in any Act, proclamation, regulation, by-law, local law, rule or instrument to be an age expressed in years.
- (3) This section shall not affect any deficiency of juristic competence or capacity that is attributable to insanity, or mental infirmity, or any other factor as distinct from age.
- (4) Where a beneficiary under a will or instrument of trust, who is sui juris, is by law entitled (either individually or in concert with other persons) to require the disposition of property subject to a trust before the time fixed under the provisions of the trust, that right shall be exercisable by a person who has not attained the age of twenty-one years only in respect of a will or instrument of trust executed on or after the commencement of this Act.

S. 3(2)
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 3.1).

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- (5) For the purposes of subsection (4) and notwithstanding any rule of law, a will or codicil executed before the commencement of this Act shall not be treated as executed on or after that commencement by reason only that the will or codicil is confirmed by a codicil executed on or after that commencement.
- (6) Where a person died intestate before the commencement of this Act, the administrator of the estate of the intestate shall not be obliged to distribute any portion of the estate to any person entitled to participate in the distribution before that person has attained the age of twenty-one years.
- (7) This section shall not affect any estate, right or interest in any real or personal property to which any person has become entitled absolutely, whether beneficially or otherwise, before the day of commencement of this Act.

4 Construction of proclamations, regulations etc.

- (1) The provisions of any proclamation, regulation, by-law, local law, rule or statutory instrument shall be construed as if they were so far modified as is necessary to give effect to the provisions of this Act.
- (2) In the absence of a definition or of an indication of a contrary intention the expressions "majority", "full age", "sui juris", "minor", "minority", "infant", "infancy" and any other similar expressions in any Act, proclamation, regulation, by-law, local law, rule or statutory instrument, whether passed, promulgated or made before or after the commencement of this Act, shall be construed in accordance with the provisions of this Act.

S. 4(1)
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 3.2).

S. 4(2)
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 3.2).

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s. 4

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- (3) This section shall not affect the construction of—
- (a) any industrial award, order, determination or agreement;
 - (b) any instrument made or entered into pursuant to any Act which prescribes wages or other conditions of or relating to apprenticeship;
 - (c) any provisions of any Act governing or relating to conditions of employment or rights or obligations arising from employment.

S. 5
repealed by
No. 9863
s. 2(Sch.).

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Sch.

SCHEDULES

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**Schs 1, 2
repealed by
No. 9863
s. 2(Sch.).**

ENDNOTES

1. General Information

The **Age of Majority Act 1977** was assented to on 6 December 1977 and came into operation on 1 February 1978: Government Gazette 11 January 1978 page 97.

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Age of Majority Act 1977** by Acts and subordinate instruments.

Statute Law Revision (Repeals) Act 1982, No. 9863/1982

Assent Date: 5.1.83
Commencement Date: 5.1.83: s. 1(2)
Current State: All of Act in operation

Local Government (Consequential Provisions) Act 1989, No. 12/1989

Assent Date: 9.5.89
Commencement Date: S. 4(1)(Sch. 2 items 3.1, 3.2) on 1.11.89: Government Gazette 1.11.89 p. 2798
Current State: This information relates only to the provisions amending the **Age of Majority Act 1977**

3. Explanatory Details

No entries at date of publication.