



# Family Law Reform Act 1969

## 1969 CHAPTER 46

### PART I

#### REDUCTION OF AGE OF MAJORITY AND RELATED PROVISIONS

##### **1 Reduction of age of majority from 21 to 18.**

- (1) As from the date on which this section comes into force a person shall attain full age on attaining the age of eighteen instead of on attaining the age of twenty-one; and a person shall attain full age on that date if he has then already attained the age of eighteen but not the age of twenty-one.
- (2) The foregoing subsection 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 “full age”, “infant”, “infancy”, “minor”, “minority” and similar expressions in—
  - (a) any statutory provision, whether passed or made before, on or after the date on which this section comes into force; and
  - (b) any deed, will or other instrument of whatever nature (not being a statutory provision) made on or after that date.
- (3) In the statutory provisions specified in Schedule 1 to this Act for any reference to the age of twenty-one years there shall be substituted a reference to the age of eighteen years; but the amendment by this subsection of the provisions specified in Part II of that Schedule shall be without prejudice to any power of amending or revoking those provisions.
- (4) This section does not affect the construction of any such expression as is referred to in subsection (2) of this section in any of the statutory provisions described in Schedule 2 to this Act, and the transitional provisions and savings contained in Schedule 3 to this Act shall have effect in relation to this section.
- (5) The Lord Chancellor may by order made by statutory instrument amend any provision in any local enactment passed on or before the date on which this section comes into force (not being a provision described in paragraph 2 of Schedule 2 to this Act) by substituting a reference to the age of eighteen years for any reference therein to the

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age of twenty-one years; and any statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (6) In this section “statutory provision ” means any enactment (including, except where the context otherwise requires, this Act) and any order, rule, regulation, byelaw or other instrument made in the exercise of a power conferred by any enactment.
- (7) Notwithstanding any rule of law, a will or codicil executed before the date on which this section comes into force 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.

**Modifications etc. (not altering text)**

**C1** S. 1 applied by [Finance Act 1969 \(c. 32\), s. 16\(1\)](#)

**2 Provisions relating to marriage.**

- (1) In the following enactments, that is to say—
- <sup>F1</sup>(a) .....
- (b) paragraph 2(c) of Part I of the Schedule to the <sup>M1</sup>Marriage with Foreigners Act 1906 (persons under 21 seeking certificate to swear that necessary consents have been obtained);
- (c) section 78(1) of the <sup>M2</sup>Marriage Act 1949 (definition of “infant ” as person under the age of 21),
- for the words “twenty-one years ” there shall be substituted the words “eighteen years ”.
- <sup>F2</sup>(2) .....
- (3) Where for the purpose of obtaining a certificate <sup>F3</sup> . . . for marriage [<sup>F4</sup>or marriage schedule] under Part III of the said Act of 1949 a person declares that the consent of any person or persons whose consent to the marriage is required under the said section 3 has been obtained, the superintendent registrar may refuse to issue the certificate <sup>F3</sup> . . . for marriage [<sup>F4</sup>or marriage schedule] unless satisfied by the production of written evidence that the consent of that person or of those persons has in fact been obtained.
- (4) In this section any expression which is also used in the said Act of 1949 has the same meaning as in that Act.

**Extent Information**

**E1** S. 2: see s. 28(4)(b)

**Textual Amendments**

- F1** S. 2(1)(a) repealed by [Foreign Marriage \(Amendment\) Act 1988 \(c. 44, SIF 49:1\)](#), s. 7(2), [Sch.](#)
- F2** S. 2(2) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 210](#) Table; [S.I. 2014/954, art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F3** Words in s. 2(3) repealed (1.1.2001) by [1999 c. 33, s. 169\(1\)\(3\)](#), [Sch. 14 para. 37](#), [Sch. 16](#); [S.I. 2000/2698, art. 2](#), [Sch.](#)

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**F4** Words in s. 2(3) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 55](#) (with Sch. 2)

**Modifications etc. (not altering text)**

**C2** The text of ss. 2(1), 19(2), Sch. 1 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

**M1** [1906 c. 40.](#)

**M2** [1949 c. 76.](#)

**3 Provisions relating to wills and intestacy**

- (1) In the following enactments, that is to say—
- (a) section 7 of the <sup>M3</sup>Wills Act 1837 (invalidity of wills made by persons under 21);
  - (b) sections 1 and 3(1) of the <sup>M4</sup>Wills (Soldiers and Sailors) Act 1918 (soldier etc. eligible to make will and dispose of real property although under 21),
- in their application to wills made after the coming into force of this section, for the words “twenty-one years ” there shall be substituted the words “eighteen years ”.
- (2) In section 47(1)(i) of the <sup>M5</sup>Administration of Estates Act 1925 (statutory trusts on intestacy), in its application to the estate of an intestate dying after the coming into force of this section, for the words “twenty-one years ” in both places where they occur there shall be substituted the words “eighteen years ”.
- (3) Any will which—
- (a) has been made, whether before or after the coming into force of this section, by a person under the age of eighteen; and
  - (b) is valid by virtue of the provisions of section 11 of the said Act of 1837 and the said Act of 1918,
- may be revoked by that person notwithstanding that he is still under that age whether or not the circumstances are then such that he would be entitled to make a valid will under those provisions.
- (4) In this section “will ” has the same meaning as in the said Act of 1837 and “intestate ” has the same meaning as in the said Act of 1925.

**Marginal Citations**

**M3** [1857 c. 26.](#)

**M4** [1918 c. 58 \(7 & 8 Geo. V\).](#)

**M5** [1925 c. 23.](#)

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**Textual Amendments**

F5 S. 4 repealed by [Guardianship of Minors Act 1971 \(c. 3\)](#), [Sch. 2](#)

**5 Modification of other enactments relating to maintenance of children so as to preserve benefits up to age of 21.**

- (1) ..... F6
- (2) ..... F7
- (3) ..... F8

**Textual Amendments**

- F6 S. 5(1) repealed by [Inheritance \(Provision for Family and Dependants\) Act 1975 \(c. 63, SIF 116:1\)](#), s. 26(2), [Sch.](#) (with a saving in s. 26(3) in relation to applications made with reference to a death before 1.4.1976)
- F7 S. 5(2) repealed by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22, SIF 49:3\)](#), s. 89(2)(b), [Sch. 3](#)
- F8 S. 5(3) repealed by [Matrimonial Proceedings and Property Act 1970 \(c. 45\)](#), [Sch. 3](#)

F96 .....

**Textual Amendments**

F9 S. 6 repealed (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch.20](#); S.I. 1991/1883, art. 3, [Sch.](#)

F107 .....

**Textual Amendments**

F10 S. 7 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 100(1), 108(7), [Sch.15](#) (with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); S.I. 1991/828, [art.3\(2\)](#)

**8 Consent by persons over 16 to surgical, medical and dental treatment.**

- (1) The consent of a minor who has attained the age of sixteen years to any surgical, medical or dental treatment which, in the absence of consent, would constitute a trespass to his person, shall be as effective as it would be if he were of full age; and where a minor has by virtue of this section given an effective consent to any treatment it shall not be necessary to obtain any consent for it from his parent or guardian.
- (2) In this section “surgical, medical or dental treatment ” includes any procedure undertaken for the purposes of diagnosis, and this section applies to any procedure

*Status: Point in time view as at 04/05/2021.*

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(including, in particular, the administration of an anaesthetic) which is ancillary to any treatment as it applies to that treatment.

- (3) Nothing in this section shall be construed as making ineffective any consent which would have been effective if this section had not been enacted.

## 9 Time at which a person attains a particular age.

- (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 that on which this section comes into force, and, in relation to any enactment, deed, will or other instrument, has effect subject to any provision therein.

### Modifications etc. (not altering text)

- C3 S. 9 excluded by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. 259(9)

## 10 Modification of enactments relating to Duke of Cornwall and other children of Her Majesty.

<sup>F11</sup>(1) .....

<sup>F11</sup>(2) .....

- (3) In section 38 of the <sup>M6</sup>Duchy of Cornwall Management Act 1863 (under which certain rights and powers of the Duke of Cornwall may, while he is under 21, be exercised on his behalf by the Sovereign or persons acting under Her authority) for the words “twenty-one years” wherever they occur there shall be substituted the words “eighteen years”.

### Textual Amendments

- F11 S. 10(1)(2) omitted (1.4.2012) by virtue of [Sovereign Grant Act 2011 \(c. 15\)](#), s. 15(1), [Sch. 1 para. 20](#)

### Modifications etc. (not altering text)

- C4 The text of ss. 2(2), 10(3), 11(b)(c), is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

### Marginal Citations

- M6 1863 c. 49.

## 11 Repeal of certain enactments relating to minors.

The following enactments are hereby repealed—

- (a) the <sup>M7</sup>Infant Settlements Act 1855 (which enables a male infant over 20 and a female infant over 17 to make a marriage settlement), together with section 27(3) of the <sup>M8</sup>Settled Land Act 1925, except in relation to anything done before the coming into force of this section;

*Status: Point in time view as at 04/05/2021.*

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- (b) in section 6 of the <sup>M9</sup>Employers and Workmen Act 1875 (powers of justices in respect of apprentices)—
  - (i) the paragraph numbered (1) (power to direct apprentice to perform his duties), and
  - (ii) the sentence following the paragraph numbered (2) (power to order imprisonment of an apprentice who fails to comply with direction);
- (c) in the <sup>M10</sup>Sexual Offences Act 1956, section 18 and paragraph 5 of Schedule 2 (fraudulent abduction of heiress).

**Modifications etc. (not altering text)**

**C5** The text of ss. 2(2), 10(3), 11(b)(c), is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

- M7** 1855 c. 43.
- M8** 1925 c. 18.
- M9** 1875 c. 90.
- M10** 1956 c. 69.

**12 Persons under full age may be described as minors instead of infants.**

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 as aforesaid.

**13** ..... <sup>F12</sup>

**Textual Amendments**

**F12** S. 13 repealed by Northern Ireland Constitution Act 1973 (c. 36), s. 41(1), **Sch. 6 Pt. I**

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Point in time view as at 04/05/2021.

**Changes to legislation:**

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