



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

AGE OF MAJORITY ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to November 1, 2003. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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AGE OF MAJORITY ACT

CHAPTER A-8

1. Age of majority

Every person attains the age of majority and ceases to be a minor on attaining the age of eighteen years. *R.S.P.E.I. 1974, Cap. A-3, s.1.*

2. Application of section 1

Section 1 applies for the purpose of any law in respect of which the Legislature has jurisdiction. *R.S.P.E.I. 1974, Cap. A-3, s.2.*

3. Meaning of words

- (1) In the absence of a definition or of an indication of a contrary intention, section 1 applies to the construction of the expressions “adult”, “full age”, “lawful age”, “infant”, “infancy”, “minor”, “minority” and similar expressions in
- (a) any Act of the Legislature or any regulation, rule, order or bylaw made under an Act of the Legislature; and
 - (b) any deed, will or other instrument made on or after May 15, 1972.

Use of expressions, as evidence of contrary intention

- (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. *R.S.P.E.I. 1974, Cap. A-3, s.3.*

4. Reference to 21 years in existing Acts

- (1) 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 May 15, 1972, a reference to the age of twenty-one years shall be read as a reference to the age of eighteen years.

Application of section

- (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. *R.S.P.E.I. 1974, Cap. A-3, s.4.*

5. Federal Acts, application of Act

Where by any Act of the Legislature, an Act of Parliament 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. *R.S.P.E.I. 1974, Cap. A-3, s.5; 1981, c.36, s.2.*

6. Court orders and directions, modification of

- (1) In any order or direction of a court made before May 15, 1972, in the 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 3(1) and similar expressions shall be read as a reference to the age of eighteen years.

Court orders, use of term “21 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. *R.S.P.E.I. 1974, Cap. A-3, s.6.*

7. Time of attaining particular age

- (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.

Application of section

- (2) This section applies only where the relevant anniversary falls on a date after May 15, 1972, and in relation to any enactment, deed, will or other instrument, has effect subject to any provision therein. *R.S.P.E.I. 1974, Cap. A-3, s.7.*

8. Effect on existing wills

Notwithstanding any rule of law, a will or codicil executed before May 15, 1972 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. *R.S.P.E.I. 1974, Cap. A-3, s.8.*

9. Effect on existing wills, exemption

This Act does not affect the construction of a provision of an Act of the Legislature or a regulation, rule, order or bylaw made thereunder 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 3. *R.S.P.E.I. 1974, Cap. A-3, s.9.*

10. Accumulation not affected

This Act does not invalidate any direction for accumulation expressed in a settlement or other disposition made by deed, will or other instrument and executed before May 15, 1972 that, but for this Act, was a permissible period of accumulation. *R.S.P.E.I. 1974, Cap. A-3, s.10.*

11. Perpetuities not affected

This Act does not apply so as to affect the law relating to perpetuities. *R.S.P.E.I. 1974, Cap. A-3, s.11.*

12. Right of action and defence preserved

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 May 15, 1972 and, notwithstanding this Act, the law that

was in force immediately prior to May 15, 1972 applies in that case. *R.S.P.E.I. 1974, Cap. A-3, s.12.*

13. Adoption Act exempted

Notwithstanding any provisions contained in this Act, the *Adoption Act* R.S.P.E.I. 1988, Cap. A-4 is exempt from the operation and effect of this Act. *R.S.P.E.I. 1974, Cap. A-3, s.15.*