Age of Majority Act 1970

Public Act 1970 No 137
Date of assent 2 December 1970
Commencement see section 1(2)

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Schedule 1
Acts amended

Schedule 2
Regulations amended

Note
Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Justice.
An Act to amend the law relating to the age of majority and to the time when a particular age is attained

1 Short Title and commencement
(1) This Act may be cited as the Age of Majority Act 1970.
(2) This Act shall come into force on 1 January 1971.

2 Interpretation
In this Act, unless the context otherwise requires,—
Act means any Act of the Parliament of New Zealand; and includes any Act of the Parliament of England, of the Parliament of Great Britain, or of the Parliament of the United Kingdom, which is in force in New Zealand
enactment means any provision of any Act (other than this Act) or of any regulations or bylaws
instrument means any written document of whatever nature (not being an enactment)
regulations means regulations within the meaning of the Regulations Act 1936.
Section 2 Act: amended, on 1 January 1987, pursuant to section 29(2) of the Constitution Act 1986 (1986 No 114).

3 Act to bind the Crown
This Act shall bind the Crown.

4 Age of majority
(1) For all the purposes of the law of New Zealand a person shall attain full age on attaining the age of 20 years.
(2) In the absence of a definition or of any indication of a contrary intention, the expressions adult, full age, infant, infancy, minor, minority, full capacity, majority, and similar expressions in any enactment or instrument shall be construed in accordance with subsection (1).
(3) This section shall not affect any reference in any enactment or instrument to an age expressed in years.

5 **Attainment of particular age**
For all the purposes of the law of New Zealand 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.

6 **Related amendments to other Acts**
The Acts specified in Schedule 1 are hereby amended in the manner indicated in that schedule.

7 **Related amendments to regulations**
(1) The regulations specified in Schedule 2 are hereby amended in the manner indicated in that schedule.

(2) The amendment by this section of the regulations specified in Schedule 2 shall be without prejudice to any power of amending or revoking those regulations.

(3) The Governor-General may from time to time, by Order in Council, consequentially revoke Schedule 2 or any part of that schedule.

8 **Transitional provisions and savings**
Sections 4 to 7 shall be subject to the transitional provisions and savings set out in Schedule 3.

9 **Laws of Niue and Tokelau not affected**
Nothing in this Act shall affect the law as it applies to Niue and Tokelau.

Section 9 heading: amended, on 9 December 1976, pursuant to section 3(8) of the Tokelau Amendment Act 1976 (1976 No 122).

Section 9: amended, on 9 December 1976, pursuant to section 3(8) of the Tokelau Amendment Act 1976 (1976 No 122).
Schedule 1

Acts amended

Amendment(s) incorporated in the Act(s).

Adoption Act 1955 (1955 No 93) (1957 Reprint, Vol 1, p 79)
Amendment(s) incorporated in the Act(s).

Building Societies Act 1965 (1965 No 22)
Amendment(s) incorporated in the Act(s).

Estate and Gift Duties Act 1968 (1968 No 35)
Amendment(s) incorporated in the Act(s).

Health Act 1956 (1956 No 65) (1957 Reprint, Vol 6, p 1)
Amendment(s) incorporated in the Act(s).

Industrial and Provident Societies Act 1908 (1908 No 81) (1957 Reprint, Vol 6, p 390)
Amendment(s) incorporated in the Act(s).

Land Act 1948 (1948 No 64) (1957 Reprint, Vol 7, p 1)
Amendment(s) incorporated in the Act(s).

Amendment(s) incorporated in the Act(s).

Maori Housing Amendment Act 1938 (1938 No 17) (1957 Reprint, Vol 9, p 18)
Amendment(s) incorporated in the Act(s).

Maori Welfare Act 1962 (1962 No 133)
Amendment(s) incorporated in the Act(s).
Marriage Act 1955 (1955 No 92) (1957 Reprint, Vol 9, p 365) Amendment(s) incorporated in the Act(s).

Mental Health Act 1969 (1969 No 16) Amendment(s) incorporated in the Act(s).

Minors Contracts Act 1969 (1969 No 41) Amendment(s) incorporated in the Act(s).

New Zealand Foundation for the Blind Act 1963 (1963 No 26) Amendment(s) incorporated in the Act(s).

Property Law Act 1952 (1952 No 51) (1957 Reprint, Vol 12, p 133) Amendment(s) incorporated in the Act(s).

Public Trust Office Act 1957 (1957 No 36) (1957 Reprint, Vol 12, p 387) Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1946 (1946 No 40) (1957 Reprint, Vol 15, pp 159, 162, 875) Amendment(s) incorporated in the Act(s).

Trade Unions Act 1908 (1908 No 196) (1957 Reprint, Vol 15, p 827) Amendment(s) incorporated in the Act(s).

Trustee Act 1956 (1956 No 61) (Reprinted 1968 Statutes, Vol 4, p 3279) Amendment(s) incorporated in the Act(s).


Schedule 1: amended, on 1 April 1983, by section 161(2) of the Friendly Societies and Credit Unions Act 1982 (1982 No 118).


Schedule 1: amended, on 1 April 1979, by section 28(1) of the Fencing Act 1978 (1978 No 50).


Schedule 1: amended, on 1 April 1977 (applying with respect to the tax on income derived in the income year commencing on that date and every subsequent year), by section 436(1) of the Income Tax Act 1976 (1976 No 65).


Schedule 1: amended, on 1 April 1975, by section 12(1) of the Accident Compensation Amendment Act 1974 (1974 No 71).


Schedule 2

Regulations amended

Agricultural Workers (Tobacco Growers) Order 1969 (SR 1969/57)
Amendment(s) incorporated in the regulations.

Apprentices Regulations 1963 (SR 1963/80)
Amendment(s) incorporated in the regulations.

Child Welfare (Forms and Procedure) Regulations 1926 (Gazette 1926, Vol 1, p 1111)
Amendment(s) incorporated in the regulations.

Child Welfare (Immigrant Children) Regulations 1949 (SR 1949/74)
Amendment(s) incorporated in the regulations.

Compensation Court Rules 1959 (SR 1959/183)
Amendment(s) incorporated in the rules.

Explosives Regulations 1959 (SR 1959/126)
Amendment(s) incorporated in the regulations.

Maori Welfare Regulations 1963 (SR 1963/87)
Amendment(s) incorporated in the regulations.

Tram-drivers Regulations 1947 (SR 1947/22)
Amendment(s) incorporated in the regulations.

Schedule 2: amended, on 1 April 1985, by regulation 42(2) of the Child Care Centre Regulations 1985 (SR 1985/48).
Schedule 2: amended, on 26 September 1975, by clause 5(2) of the Agricultural Workers (Farms and Stations) Wages Order 1975 (SR 1975/227).
Schedule 3

Transitional provisions and savings

Attainment of full age by person aged between 20 and 21 at the commencement of the Act

1 Where at the commencement of this Act a person has attained the age of 20 years but has not attained the age of 21 years he shall attain full age on 1 January 1971.

Application of Act to instruments (other than wills) executed or made before the commencement of the Act and to wills of testators who have died before the commencement of the Act

2(1) The following, namely,—
   (a) every instrument (other than a will or other testamentary disposition) executed or made before the commencement of this Act; and
   (b) the will or other testamentary disposition of any testator who has died before the commencement of this Act,— shall be construed as if this Act (other than section 5 and clauses 2 to 11) had not been passed.

(2) For the purposes of this clause and for the avoidance of doubt, it is hereby declared that the term instrument includes every award, industrial agreement, determination, or instrument of authority relating to remuneration or conditions of employment; and includes the Agricultural Workers (Market Gardens) Order 1967 and the Agricultural Workers (Orchardists) Order 1965, but does not include any other enactment.

Distribution of property as to which persons die intestate before the commencement of the Act

3 Except to the extent that section 4 and clause 1 enable a person to give a receipt or a discharge, or to assign or otherwise dispose of or disclaim rights or property, all property as to which any person has died intestate before the commencement of this Act shall be distributed in accordance with the enactments and
rules of law which would have applied to it if this Act (other than section 5 and clauses 2 to 11) had not been passed.

Funds recovered

4 Any order or directions in force immediately before the commencement of this Act and made pursuant to any enactment relating to the control of money recovered by or otherwise payable to a minor in any proceedings or as the result of the compromise or settlement of any claim for money or damages shall have effect as if any reference to the minor’s attaining the age of 21 years or full age (however expressed) were a reference to his attaining the age of 20 years, or in relation to a person who by virtue of clause 1 attains full age on 1 January 1971, to that date.

Wardship and custody orders

5 Any order in force immediately before the commencement of this Act—
   (a) making a person a ward of court; or
   (b) made under the Guardianship Act 1968 or any enactment repealed by that Act,—
which is expressed to continue in force until the person who is the subject of the order attains the age of 21 years or full age (however expressed), shall have effect as if the reference to his attaining that age were a reference to his attaining the age of 20 years, or in relation to a person who by virtue of clause 1 attains full age on 1 January 1971, to that date.

Maintenance agreements and orders

6 Nothing in this Act shall affect the liability of any person to pay maintenance under any agreement or order which is in force immediately before the commencement of this Act.

Vested interests

7 Nothing in this Act shall affect any estate, right, or interest in any real or personal property to which any person has become
absolutely entitled, whether beneficially or otherwise, before the commencement of this Act.

Trustees’ powers of maintenance and advancement

8(1) Where any trustee is empowered or directed by the provisions of the will or other testamentary disposition executed or made before the date of the commencement of this Act of a testator who dies on or after that date to pay or apply any income or any capital money or other capital asset for the maintenance, education, advancement, or benefit of any person, nothing in this Act shall have the effect of limiting that power or direction.

(2) Where by any instrument executed or made before the date of the commencement of this Act or by any enactment in force immediately before the commencement of this Act any trustee is empowered or directed to pay income to the parent or guardian of any person, or to apply it for the maintenance, education, advancement, or benefit of any person, the trustee shall also have power to pay it to that person himself if that person has attained the age of 20 years.

(3) Notwithstanding any rule of law, any will or other testamentary disposition executed or made before the date of the commencement of this Act shall not be treated for the purposes of this clause as executed or made on or after that date by reason only that the will or other testamentary disposition is confirmed by a codicil made or executed on or after the date.

Adoption orders

9 This Act shall not prevent the making of an adoption order or interim adoption order under the Adoption Act 1955 in respect of a person who has attained the age of 20 years if the application for the order was made before the commencement of this Act, and in relation to any such case that Act shall have effect as if this Act had not been enacted.
Limitation of actions

10 The change by virtue of this Act in the construction of subsection (2) of section 2 of the Limitation Act 1950 (limitation in the case of a person under disability) shall not affect the time for bringing proceedings in respect of a cause of action which arose before the commencement of this Act.

Enactments incorporated in instruments

11 This Act (other than section 5 and clauses 2 to 11) shall not affect the construction of any enactment where it is incorporated in and has effect as part of any instrument the construction of which is not affected by this Act (other than section 5 and clauses 2 to 11).
Contents
1 General
2 Status of reprints
3 How reprints are prepared
4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
5 List of amendments incorporated in this reprint (most recent first)

Notes
1 General
This is a reprint of the Age of Majority Act 1970. The reprint incorporates all the amendments to the Act as at 20 May 2005, as specified in the list of amendments at the end of these notes. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see http://www.pco.parliament.govt.nz/reprints/.

2 Status of reprints
Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.
This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared
A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

Reprinted as at
20 May 2005
For a detailed list of the editorial conventions, see http://www.pco.parliament.govt.nz/editorial-conventions/ or Part 8 of the Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
• position of the date of assent (it now appears on the front page of each Act)
• punctuation (eg, colons are not used after definitions)
• Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
• case and appearance of letters and words, including:
  • format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  • small capital letters in section and subsection references are now capital letters
• schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
• running heads (the information that appears at the top of each page)
• format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 List of amendments incorporated in this reprint (most recent first)
Crimes Amendment Act 2005 (2005 No 41): section 11
Customs and Excise Act 1996 (1996 No 27): section 290(1)
Te Ture Whenua Maori Act 1993 (1993 No 4): section 362(1)
Finance Act 1986 (1986 No 134): section 8(1)
Constitution Act 1986 (1986 No 114): section 29(2)
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