

1971 Bill 39

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 39

The Age of Majority Act

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

Printed by L. S. Wall, Queen's Printer, Edmonton

BILL 39

1971

THE AGE OF MAJORITY ACT

(Assented to _____, 1971)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. (1) Every person attains the age of majority and ceases to be a minor on attaining the age of 18 years.

(2) Every person who on the coming into force of this Act has attained the age of 18 years, but has not attained the age of 21 years, attained the age of majority and ceased to be a minor on the coming into force of this Act.

2. Section 1 applies for the purpose of any rule of law in respect of which the Legislature has jurisdiction.

3. (1) In the absence of a definition or of an indication of a contrary intention, section 1 applies to the construction of the expression "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 by-law made under an Act of the Legislature enacted or made before, on or after the coming into force of this Act, and

(b) any deed, will or other instrument made on or after the coming into force of this Act.

(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.

4. (1) In any provision of an Act of the Legislature or any regulation, rule, order or by-law made under an Act of the Legislature enacted or made before the coming into force of this Act, a reference to the age of 21 years shall be read as a reference to the age of 18 years.

Explanatory Notes

1. This Bill will reduce the age of majority from 21 to 18 years effective on a date to be fixed by proclamation. The Bill also specifically amends a number of Acts to substitute a reference to 18 for references to 19, 20 or 21 years of age.

2. Application of section 1.

3. Meaning of words.

4. Reference to 21 years in existing Acts, regulations, etc., deemed to be a reference to 18 years.

(2) Notwithstanding subsection (1), in the construction of this Act the expression "21 years" means 21 years and subsection (1) does not apply to this Act.

5. 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 21 years in the Act of Parliament or provision thereof shall be read as a reference to the age of 18 years.

6. (1) In any order or direction of a court made before the date on which this Act comes into force (in the absence of an indication of a contrary intention) a reference to the age of 21 years or to any age between 18 and 21 years or to any of the expressions referred to in section 3, subsection (1) and similar expression shall be read as a reference to the age of 18 years.

(2) The use of the words "21 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.

7. (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.

(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.

8. Notwithstanding any rule of law, a will or codicil executed before the date on which this Act comes into force 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.

9. This Act does not affect the construction of a provision of an Act of the Legislature or a regulation, rule, order or by-law 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.

5. Application of age change to Federal statutes adopted by reference.

6. Modification of court orders and directions.

7. Time of attaining a particular age.

8. Effect on existing wills.

9. Statutory provisions incorporated in existing deeds and wills not affected.

10. 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 the coming into force of this Act that, but for this Act, was a permissible period of accumulation.

11. This Act does not apply so as to affect the law relating to perpetuities.

12. 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 the coming into force of this Act and, notwithstanding this Act, the law that was in force immediately prior to the coming into force of this Act applies in that case.

13. Where, on the coming into force of this Act, a person has

- (a) attained the age of 18 years but has not attained the age of 21 years, and
- (b) a right of action in respect of which the period of limitation applicable to the bringing of the action would have commenced to run on his attaining the age of 21 years had this Act not been enacted,

the period of limitation in respect of that right of action commences to run on the coming into force of this Act.

14. Nothing in this Act prevents the making of an adoption order under The Child Welfare Act in respect of a person who has attained the age of 18 years where the application for the adoption order was made before the coming into force of this Act and in that case, The Child Welfare Act applies as if this Act had not been enacted.

15. Nothing in this Act prevents the registration of a change of name under The Change of Name Act of a person who has attained the age of 18 years where the application for the change of name was made by a parent of that person before the coming into force of this Act and in that case, The Change of Name Act applies as if this Act had not been enacted.

16. The Marriage Act is amended

- (a) *as to section 17, subsection (1) by striking out the words "21 years" wherever they occur and by substituting the words "18 years",*

10. Accumulations not affected.

11. Perpetuities not affected.

12. Right of action and defence preserved.

13. Limitation of actions.

14. Existing applications to adopt persons 18 to 21.

15. Existing applications to change names of persons 18 to 21.

16. Chapter 226 of the R.S.A. 1970 amended. The Act presently provides that, with certain exceptions,

(a) the consent of both parents is required to the marriage of a person under 18,

(b) *as to section 18 by striking out subsection (1) and by substituting the following:*

18. (1) Subject to this section, the consent of the father and the mother are required for the marriage of a person under 18 years of age.

(c) *as to section 18, subsection (2), clause (b) by striking out the words “under 18 years of age”,*

(d) *as to section 18, subsection (3) by striking out clause (c),*

(e) *as to section 18 by striking out subsection (4),*

(f) *as to section 19, subsection (1), clause (a) by striking out the words “21 years” and by substituting the words “18 years”.*

17. The Infants Act is amended

(a) *as to section 11, subsection (1) by striking out the words “Every infant upon” and by substituting the words “Every female infant of the age of 17 years upon”,*

(b) *by striking out section 13.*

18. (1) The statutory provisions specified in Schedule 1, Part A are amended by striking out the references therein to the age of “19” and by substituting therefor a reference to the age of “18”.

(2) Without derogating from the general effect and operation of section 4, the statutory provisions specified in Schedule 1, Part B are amended by striking out the references therein to the age of “21” and by substituting therefor a reference to the age of “18”.

(3) This section and Schedule 1 come into force on the day upon which this Act is assented to.

19. (1) Without derogating from the general effect and operation of section 4, the statutory provisions specified in Schedule 2, Part A are amended by striking out the references therein to the age of “21” and by substituting therefor a reference to the age of “18”.

(2) The statutory provisions specified in Schedule 2, Part B are amended by striking out the references therein to the age of “19” and by substituting therefor a reference to the age of “18”.

(3) The statutory provisions specified in Schedule 2, Part C are amended by striking out the references therein to the age of “20” and by substituting therefor a reference to the age of “18”.

20. This Act (except section 18 and Schedule 1) comes into force on a date to be fixed by proclamation.

(b) the consent of one parent is required to the marriage of a person 18 to 21.

The amendments remove the restrictions relating to persons 18 and over.

17. R.S.A. 1970, chapter 185 amended. Section 11 authorizes infants to make marriage settlements but section 13 limits the application of section 11 to male infants of 20 and female infants of 17 to 20.

18. Various provisions relating to age qualification to vote or be a candidate at provincial, municipal and school election are changed to conform to the age of majority fixed by this Act.

19. Certain references to age are changed to conform to the age of majority fixed by this Act.

SCHEDULE 1

PART A

Provision	Subject Matter
THE ELECTION ACT (R.S.A. 1970, c. 117)	
Section 17 (2) (b)	must be 19 to be an elector and vote at Provincial elections
Section 32	must be 19 to be a candidate for M.L.A.
First Schedule Forms 30, 31, 32	forms of oaths and affidavits that person is 19 and otherwise qualified to vote
THE ALBERTA LORD'S DAY ACT (R.S.A. 1970, c. 221)	
Section 2(1) (b) (ii)	age 19 to vote under Act in improvement districts
THE MUNICIPAL ELECTION ACT (R.S.A. 1970, c. 245)	
Section 4(1) (b)	Age 19 to vote in summer village elections
Section 34(1)	age 19 to vote in municipal elections
Section 39(2) (a) (i)	enumeration of persons of full age of 19
Section 42(3) (a, b, c)	Electors list to show proprietary electors of full age of 19
Section 42(7) (a)	list of electors to show other qualified persons of full age of 19
Section 99(1) (c) (i)	swearing in of person aged 19 who is not on electors list
THE SCHOOL ACT (R.S.A. 1970, c. 329)	
Section 2(e) (i)	19 years or older to be an elector
THE SCHOOL ELECTION ACT (R.S.A. 1970, c. 331)	
Section 2(f) (i)	19 years or older to be an elector

PART B

Provision	Subject Matter
THE LIQUOR CONTROL ACT (R.S.A. 1970, c. 211)	
Section 43(1)	identification cards for persons over 21
Section 77(1-4)	age eligibility to purchase liquor or enter licensed premises or liquor stores is 21
Section 78(1-3)	selling or supplying liquor to person under 21
Section 79(1, 2)	delivering of liquor to person under 21
THE LIQUOR LICENSING ACT (R.S.A. 1970, c. 212)	
Section 16 (a)	must be 21 to qualify for a dining lounge or lounge licence
Section 67(1-3)	person under 21 may enter a licensed dining lounge
Section 86	proof of age if appears under 21
Section 87(b)	elector means a person over 21
THE LIQUOR PLEBISCITES ACT (R.S.A. 1970, c. 213)	
Section 2(c)	elector means a person over 21
Section 21(4)	no one under 21 can vote
Form B	full age of 21
THE MUNICIPAL ELECTION ACT (R.S.A. 1970, c. 245)	
Section 10(b)	must be 21 to be eligible for council
Section 35(2)	representative of church, or corporation must be 21 to vote
THE SCHOOL ELECTION ACT (R.S.A. 1970, c. 331)	
Section 10(b)	must be 21 years to be a school trustee
SCHEDULE 2 PART A	
Provision	Subject Matter
THE ADMINISTRATION OF ESTATES ACT (R.S.A. 1970, c. 1)	
Section 8 (1) (b)	notice to dependants under 21
Section 8(2) (a, b)	notice to dependants under 21
Section 8(3)	notice to dependants under 21
Section 24	when infant sole executor another person shall be executor until infant is 21

Provision	Subject Matter
THE AGROLOGISTS ACT	
(R.S.A. 1970, c. 10)	
Section 18(1)	must be 21 to be eligible for membership
THE ARCHITECTS ACT	
(R.S.A. 1970, c. 22)	
Section 9(2) (b)	must be 21 to be eligible for membership
THE CHARTERED ACCOUNTANTS ACT	
(R.S.A. 1970, c. 42)	
Section 15(d)	must be 21 to be admitted as a member
THE CHILD WELFARE ACT	
(R.S.A. 1970, c. 45)	
Section 30(2)	surrender of custody of child by parent under 21
Section 33(1)	permanent ward of the Crown remains so until 21
Section 37	provisions of Part 2 applicable to parent under 21
Section 47(a)	child for purpose of adoption is a boy or girl under 21
Section 49(a, b)	must be 21 to be eligible to adopt
THE CHIROPRACTIC PROFESSION ACT	
(R.S.A. 1970, c. 46)	
Section 12(1) (a)	must be 21 to be eligible for registration
THE COAL MINES REGULATION ACT	
(R.S.A. 1970, c. 52)	
Section 68(a)	must be 21 for a blaster's certificate
Section 71(a)	must be 21 for a first class certificate as a mine electrician
THE CO-OPERATIVE ASSOCIATIONS ACT	
(R.S.A. 1970, c. 67)	
Section 21(7)	age restriction of 21 to become a director, manager or treasurer

Provision	Subject Matter
THE CREDIT UNION ACT (R.S.A. 1970, c. 72)	
Form A	applicants to incorporate credit union must be 21
THE DENTAL ASSOCIATION ACT (R.S.A. 1970, c. 90)	
Section 17(1)(e)	must be 21 to be eligible as a member
THE DENTAL MECHANICS ACT (R.S.A. 1970, c. 92)	
Section 15(1)(a)	must be 21 to be eligible for registration
THE DOWER ACT (R.S.A. 1970, c. 114)	
Section 27	Act applies to persons under 21
THE DRAINAGE DISTRICTS ACT (R.S.A. 1970, c. 115)	
Section 5(3)	must be 21 to sign a petition
Section 13(3)(b)	must be 21 to sign a petition
Section 89(1)	must be 21 to be a trustee or vote
Form M	must be 21 to be a trustee or vote
THE FAMILY RELIEF ACT (R.S.A. 1970, c. 134)	
Section 2(d)(ii, iii)	age of dependant is 21 or over 21 if disabled
THE FARM PURCHASE CREDIT ACT (R.S.A. 1970, c. 137)	
Section 15(2)	age eligibility for assistance to purchase farm land is 21
THE FIRE PREVENTION ACT (R.S.A. 1970, c. 144)	
Section 21(4)(b)	order to repair to be served on person of 21

Provision	Subject Matter
THE FORESTS ACT (R.S.A. 1970, c. 147)	
Section 5(4)	age eligibility to obtain a quota or a licence is 21
Section 8(3)	age eligibility to obtain a quota or a licence is 21
THE ALBERTA HOSPITALS ACT (R.S.A. 1970, c. 174)	
Section 40(1)(b)	21 is the liability age for hospital charges
THE HUMAN TISSUE ACT (R.S.A. 1970, c. 179)	
Section 3(1)(b, d)	must be 21 to authorize the use of the body of a deceased member of his family
THE INFANTS ACT (R.S.A. 1970, c. 185)	
Sections 5, 10(2), 11(2)	age eligibility to dispose of real property, receive payments of dividends, make marriage settlements and settle actions, is 21
THE ALBERTA INSURANCE ACT (R.S.A. 1970, c. 187)	
Section 254(b)	assignment of contract when beneficiary attains age 21
Section 259 and Section 260	person who attains age of 16 and 18 has same capacity of person 21 to make an enforceable contract and to receive insurance moneys
Section 337(1, 2)	capacity of minor for certain contracts the same as if he was 21
THE JURY ACT (R.S.A. 1970, c. 194)	
Section 3(a)	age qualification for a juror is 21
THE LAND SURVEYORS ACT (R.S.A. 1970, c. 197)	
Section 30(a)	must be 21 to be eligible for registration

Provision	Subject Matter
THE LAND TITLES ACT (R.S.A. 1970, c. 198)	
Section 47	age eligibility to make a transfer, mortgage, encumbrance or lease is 21
Form 38	deponent of full age of 21
THE LEGAL PROFESSION ACT (R.S.A. 1970, c. 203)	
Section 39(2)(b)	must be 21 to be enrolled as a student-at-law
THE MAINTENANCE AND RECOVERY ACT (R.S.A. 1970, c. 223)	
Section 31	Part 2 applies to parents under 21
THE MARRIAGE ACT (R.S.A. 1970, c. 226)	
Section 4(4)	must be 21 to solemnize a marriage
Section 7 (1)	must be 21 to be a marriage commissioner
THE MINES AND MINERALS ACT (R.S.A. 1970, c. 238)	
Section 43	age eligibility to acquire any lease, licence, reservation, permit or other agreement is 21
THE MUNICIPAL GOVERNMENT ACT (R.S.A. 1970, c. 246)	
Section 152(b)	prohibition on sale of firecrackers or fireworks to persons under 21
THE MUNICIPAL TAXATION ACT (R.S.A. 1970, c. 251)	
Section 154(a)	representative of corporation, church or estate must be 21 to sign petition for local improvement
THE NAMES OF HOMES ACT (R.S.A. 1970, c. 254)	
Form D	deponents belief that person who executed instrument was 21

Provision	Subject Matter
THE NATUROPATHY ACT (R.S.A. 1970, c. 257)	
Section 6(1) (a)	must be 21 to qualify as a member
THE OPTOMETRY ACT (R.S.A. 1970, c. 270)	
Section 13(3) (a)	must be 21 to be eligible for registration
THE PHARMACEUTICAL ASSOCIATION ACT (R.S.A. 1970, c. 274)	
Section 32(2) (a) and section 36(d) (i)	must be 21 to be eligible for registration
THE PODIATRY ACT (R.S.A. 1970, c. 277)	
Section 6(1) (b)	must be 21 to be eligible for membership
THE SCHOOL ACT (R.S.A. 1970, c. 329)	
Section 133(2)	may attend school until 21
THE SOCIETIES ACT (R.S.A. 1970, c. 347)	
Section 20	person under 21 liable for payment of fees as if he were 21
THE STUDENTS LOAN GUARANTEE ACT (R.S.A. 1970, c. 354)	
Section 6	person under 21 bound by contracts as if of full age
THE TRUST COMPANIES ACT (R.S.A. 1970, c. 372)	
Section 30(3) (a)	age eligibility to be elected a director is 21
THE TRUSTEE ACT (R.S.A. 1970, c. 373)	
Section 32(1) and section 33(1)	maintenance and education of infants by trustees until infants attain 21

Provision	Subject Matter
THE VETERINARY SURGEONS ACT (R.S.A. 1970, c. 383)	
Section 12(1) (a)	must be 21 to be eligible for registration
THE WILDLIFE ACT (R.S.A. 1970, c. 391)	
Section 34(2) (b)	person not 16 not to hunt unless accompanied by a person 21
THE WILLS ACT (R.S.A. 1970, c. 393)	
Section 9(1, 3)	wills of persons under 21
THE WORKMEN'S COMPENSATION ACT (R.S.A. 1970, c. 397)	
Section 34(1) (g, i)	compensation to a dependent child over 16 years and under 21
Section 37(1) (c), (3)	extension of compensation of dependent child until attains 21 while attending school
Section 55(5, 6)	if under 21 at date of accident on attaining 21 he may be paid on basis of earnings at the time of the accident of workmen 21 or over
PART B	
THE CHANGE OF NAME ACT (R.S.A. 1970, c. 41)	
Section 3(a)	must be 19 to apply for a change of name
THE FAMILY RELIEF ACT (R.S.A. 1970, c. 134)	
Section 15 (a, b)	responsibility of Public Trustee to infants under 19
THE VITAL STATISTICS ACT (R.S.A. 1970, c. 384)	
Section 8(1)	alteration of given name on application of parent or child 19 or over
PART C	
THE COAL MINES REGULATION ACT (R.S.A. 1970, c. 52)	
Section 72(a)	must be 20 for a 2nd class certificate as a mine electrician

