

INFANTS (HOUSING CONTRACTS)

No. 34 of 1968

An Ordinance to give Validity to Certain Contracts entered into by Infants.

1. This Ordinance may be cited as the *Infants (Housing Contracts) Ordinance 1968*.* Short title.
2. In this Ordinance, unless the contrary intention appears— Interpretation.
- “bank” means a bank within the meaning of the *Banking Act 1959-1966* and includes a State bank;
- “infant” means a person who has attained the age of eighteen years but has not attained the age of twenty-one years;
- “prescribed authority” means—
- (a) the Commonwealth;
 - (b) the Minister of State for the Interior;
 - (c) the Commissioner of Housing under the *Housing Ordinance 1929-1959*;
 - (d) a co-operative building society registered under the *Co-operative Societies Ordinance 1939-1966*;
 - (e) a bank; or
 - (f) a body corporate carrying on life insurance business within the meaning of the *Life Insurance Act 1945-1965*.
- 3.—(1.) Notwithstanding any Ordinance or any rule of law in force in the Territory, a contract entered into on or after the date of commencement of this Ordinance by an infant, being— Validation of certain contracts entered into by infants.
- (a) a contract entered into by the infant with a prescribed authority under which the infant agrees to repay to the prescribed authority moneys advanced or to be advanced, or lent or to be lent, by the prescribed authority to the infant for the purpose of enabling him—
 - (i) to erect, to complete the erection of, or to enlarge, a dwelling house on land owned or leased by him; or
 - (ii) to purchase land on which a dwelling house is erected;
 - (b) a contract entered into by the infant—
 - (i) for the erection, the completion of the erection or the enlargement of a dwelling house on land owned or leased by the infant; or
 - (ii) for the purchase of land on which a dwelling house is erected,

if the land is land in respect of which the infant has entered into a contract referred to in the last preceding paragraph,

* Made on 19 December 1968; notified in the *Commonwealth Gazette* and commenced on 20 December 1968.

- (c) a contract entered into by the infant for the purchase of land on which a dwelling house is erected and under which the land will continue to be subject to a mortgage to a prescribed authority which secures the repayment of moneys previously advanced or lent by the prescribed authority; or
- (d) a contract entered into by the infant with a prescribed authority under which the infant agrees that, upon the transfer to him of land purchased or to be purchased by him, being land on which a dwelling house is erected and which is subject to a mortgage to the prescribed authority which secures the repayment of moneys previously advanced or lent by the prescribed authority to another person, he will be bound by the obligations and requirements in, and the liabilities imposed by the mortgage,

is, both before and after the infant attains the age of twenty-one years, as valid and binding for all purposes on the infant, and may be enforced, both before and after the infant attains the age of twenty-one years to the same extent, as if the infant had attained the age of twenty-one years at the time at which he entered into the contract.

(2.) An instrument—

- (a) executed by way of security for the repayment of any moneys advanced or to be advanced, or lent or to be lent, to an infant under a contract referred to in paragraph (a) of sub-section (1.) of this section;
- (b) executed by way of security for the repayment of moneys by an infant in accordance with a contract referred to in paragraph (d) of sub-section (1.) of this section; or
- (c) varying an instrument referred to in either of the last two preceding paragraphs,

is, both before and after the infant attains the age of twenty-one years, as valid and binding for all purposes, and may be enforced, both before and after the infant attains the age of twenty-one years, to the same extent, as if the infant had attained the age of twenty-one years when he executed the instrument.

(3.) An infant who has entered into a contract referred to in sub-section (1.) of this section is not entitled, either before or after he attains the age of twenty-one years—

- (a) to avoid the contract or any of his obligations under the contract or under any instrument executed by him whereby the repayment by him of any moneys is secured; or
- (b) to repudiate any transfer or assignment of property made to him in pursuance of the contract,

on any ground arising out of the fact that he had not, at the time when he entered into the contract, attained the age of twenty-one years.

(4.) This section extends to and in relation to a contract referred to in sub-section (1.) of this section entered into by an infant jointly or in common with another person or other persons, whether or not that other person or any of those other persons is an infant.