

Under-18s and the Law

Legally, a child is a person under 18 (the age of majority).

Guyana is a signatory to the United Nations Convention on the Rights of the Child, which protects the rights and interests of persons under 18 around the globe. To read the Convention, [follow this link](#)

The Convention recognises that in all matters relating to under-18s their best interest is most important and that they have the right to express their opinions and to have those opinions heard and acted upon when appropriate.

Everyone under 18 has the right to be protected from abuse or exploitation, to have their privacy protected and not be subject to excessive interference.

The parliament of Guyana has passed many laws that deal with under-18s. For information about those that deal with family matters, such as custody, maintenance, adoption, inheritance rights and domestic violence follow this link to [The Law and You](#).

Here are answers to some questions that under-18s often ask.

Do I have to go to school?

- It is compulsory for you to go to school from the age of 5 to at least 15
- Your parents must make sure that you go to school and learn the basics of reading, writing and arithmetic
- If you are often found wandering out of school during school hours, your parents may be fined and you may be forced by the court to attend an elementary or industrial school

Can I get a job?

- If you are under 15 you cannot work, unless you are working with only members of your family
- If you are between 15 and 16, there are certain industrial jobs that you cannot do at night, unless you are working with only members of your family. These jobs include work in mines, quarries, factories, electrical stations, and construction
- If you are over 16 you can do certain industrial jobs at night, but only making iron and steel, glass making, paper making, making raw sugar and gold mining, and only under certain conditions

Can I leave home?

You have no absolute right to leave home until you are 18, but if you are over 15 you will not normally be forced to go home if you don't want to. Each case will depend on its facts - especially on the attitudes of your parents, your maturity, and such factors as satisfactory accommodation, employment and a lifestyle that the authorities regard as reasonable.

Can I drive?

- If you are under 16 you cannot drive any vehicle on the road
- When you are 17 and have qualified for a driver's licence you can drive a motorbike or car on the road
- If you are under 18 you cannot drive a hire car, bus, lorry or tractor on the road, except that you can drive a tractor if you work an estate or plantation and driving the tractor is part of your work

Can I have sex?

- If you are 16 or over you can have sexual relations with someone of the opposite sex who is 16 or older, if both of you consent
- No one under 16 can legally consent to have sex
- No one of any age can legally have sex with someone who is their child, grandchild, brother or sister, parent or grandparent

Can I get contraceptive advice?

Whatever your age:

- Advice on contraception and protection against HIV/AIDS can be obtained from a doctor or other health services and NGOs such as the GRPA
- You can get free condoms from health services and NGOs such as the GRPA
- There is no legal requirement for your parent/guardian to consent for you to receive contraceptive medical advice or treatment

Can I get tested for HIV/AIDS?

Whatever your age:

- You can get tested for HIV/AIDS at any testing site
- There is no legal requirement for your parent/guardian to consent for you to be tested

Can I get an abortion?

Whatever your age:

- If you are not more than 16 weeks pregnant your pregnancy can be legally terminated by a doctor
- There is no legal requirement for the doctor to either obtain your parents'/guardians' consent to the termination or to notify them of it

Can I get married?

- If you are under 16 you cannot get married
- If you are 16 or 17 you can only get married with your parents'/guardians' consent or with leave of the Chief Justice
- You cannot marry someone who is already married
- You cannot marry certain kinds of blood relations (e.g. your parent, grandparent, brother/sister, aunt/uncle)
- You cannot marry certain kinds of relations by marriage (e.g. your step-parent or parent-in-law)
- You cannot marry someone of the same sex

- You cannot be forced to get married. Any marriage ceremony that you are forced to go through will be void (of no legal effect)
- If you go through a marriage ceremony and are drunk or mistaken as to the identity of the other party or as to the nature of the ceremony (do not realise that you are getting married), it will be void

Can I buy alcohol?

- If you are under 16 you are not allowed to be in the bar of any licensed premises
- You cannot buy or be given alcohol on licensed premises unless you are over 16 and the alcohol is to be drunk with a meal provided in part of the premises that is not a bar
- You should never be asked to go to any licensed premises to buy alcohol. If you are asked, you should refuse and tell the person asking that what they want you to do is against the law

Can I sue (take someone to civil court)?

- You can sue for damages (for example if you have been knocked down by a car) but the court action must be brought in your name by a next friend who is an adult who guarantees to pay costs if they are ordered against you
- If the case is settled out of court, the settlement must be approved by the court, which has to be satisfied that the settlement is for your benefit of the child, having regard to all of the evidence

Can I be sued (taken to civil court)?

- Even though you are under 18 you are generally responsible (liable) for the consequences of your wrongful acts
- However, the degree of reasonable care required depends on your age and the standard of care normally expected of someone of that age
- To some extent the rules applying to under-18s are different from those for adults who commit wrongful acts, especially where a person's state of mind is an essential consideration. A young child may be aware of what s/he is doing, and even know that the action is wrong, but still be incapable of foreseeing its consequences and will therefore not have acted negligently
- The closer you are to adulthood, the more the standard of care will resemble that required of an adult. For example, if you are old enough to drive a car you will probably be expected to meet the standard of care applicable to an adult
- If you are sued (for example if you have knocked someone down while driving), an adult (usually your parent/guardian), who is called a guardian ad litem, should defend the case on your behalf
- Where a case in which you have been sued is settled out of court, the settlement must be approved by the court, which has to be satisfied that the settlement is for your benefit of the child, having regard to all of the evidence

Can I own property?

- You cannot own a vehicle until you are 17
- You can own land (immovable property) but until you are 18 it will be looked after by your parent/guardian (who must get leave of the court before selling or mortgaging it)

Can I make a contract (a legally binding agreement)?

- Any agreement you make to repay money lent or to be lent or for goods supplied or to be supplied (except for necessities – see below) will be invalid (cannot be enforced against you)
- Any agreement you make after you reach 18 to repay any money lent to you before you reached 18 will be invalid
- You will be legally bound by any agreement you make for the supply of necessities (the basic requirements for a reasonable lifestyle, e.g. food, clothes, housing, etc.), for which must pay a reasonable price, although this may not always be the contract price
- You will be legally bound by agreements for apprenticeship and employment (as long as you are old enough to get a job) if they are reasonable and for your benefit

- You will be bound by an agreement under which you receive some kind of interest in permanent property (e.g. a tenancy or partnership agreement) unless you repudiate (avoid) it at any time up to the age of 18 or within a reasonable time after turning 18

Can I be found guilty of a crime?

- If you are under 14 it is presumed that you cannot be capable or guilty of committing a crime, but an evaluation may prove otherwise
- If you are 14 or over but under 18 (that is, you are a juvenile) and come into conflict with the law, wherever possible you should be given a warning or, if you agree, referred to a community programme
- If you cannot be adequately dealt with by a warning or referral, you must as far as possible be dealt with under informal procedures called diversion measures, which may include:
 - an oral or written apology
 - being placed under the supervision and guidance of the chief probation officer
 - placement with a peer who can mentor you
 - referral to counselling or therapy
 - compulsory attendance at any place for educational or vocational training
 - returning any item to the victim
 - performance of community service
 - your family providing some service or compensation to the victim
- If you are arrested, you cannot be held in the same place as adults
- If you are arrested you must be released as soon as possible unless you need to be kept in custody in the public interest
- If you are arrested and kept in custody until you go to court, your parents must be given written notice of where and why you are being held within 24 hours
- If you are charged with a crime you have the right to retain and instruct a lawyer and to legal aid if you need or want it
- If you are charged with a serious offence the court may order you to be kept in a temporary holding facility until the trial is finished, or to be placed in the custody of a responsible adult
- If you plead guilty or are found guilty of the offence, you cannot be sent to prison but may be:
 - Discharged (let go)
 - Warned
 - Put under the supervision of the chief probation officer
 - Placed in the care of a relative or other adult
 - Fined or ordered to pay compensation to the victim, if you are employed (or your parent may be ordered to pay a fine)
 - Ordered to do community service
 - Put on probation
 - Sent to an open residential facility for one period and be under community supervision for another period that is half as long as the first
 - Subject to a deferred custody and supervision order with conditions attached
 - Sent to a secure residential facility
 - Ordered to comply with any other reasonable conditions

Can I make a will?

If you are 14 you can make a will without the consent of your parent/guardian

This information is meant for guidance only. If you have any questions about your rights or have a legal problem, please visit us at Second Floor, Eastern Section, Maraj Building, 185 Charlotte & King Streets, Georgetown, call us on 225 9238 or send an email to legalaid@networksgy.com.

