

**CHAPTER 130****STATUS OF CHILDREN****Subsidiary Legislation made under the Legitimacy Act, 1956****LEGITIMACY RULES****(SECTION 13)***G.N. 178/1958  
O.G. 31.7.1965**[Commencement 21st July, 1965]*

1. These Rules may be cited as the Legitimacy Rules. Short title.
2. In these Rules, unless the context otherwise requires — Interpretation.
  - “the Act” means the Legitimacy Act;
  - “attorney” means counsel and attorney.
3. A petition under section 4 of the Act shall, in addition to stating the grounds on which the petitioner relies, set out the date and place of birth of the petitioner and the maiden name of his mother, and, if the petitioner is known by a name other than that which appears in the certificate of his birth, that fact shall be stated in the petition and in any decree made thereon, and shall be filed in the Registry. The petition.
4. The petition shall be supported by an affidavit by the petitioner verifying the facts of which he has personal knowledge and deposing as to belief in the truth of the other facts. The affidavit shall be contained in the same document as the petition and shall follow at the foot or end thereof. Supporting affidavit.
5. When the petition has been filed, notice of filing shall be given by the petitioner to the Attorney-General, who may within eight days enter an appearance to the petition. Notice to be given.
6. After the expiration of the time limited for appearance by the Attorney-General, the petitioner shall issue and serve upon the Attorney-General an application for directions as to what parties other than the Attorney-General shall be served with the petition. Directions.

---

Such application shall be supported by an affidavit setting out particulars of all persons whose interests may be affected by the legitimization of the petitioner, and their relationship to the petitioner.

Service of documents and appearance.  
First Schedule.

7. The petitioner shall serve the persons directed to be served with a copy of the petition, endorsed with a notice to appear in accordance with Form 1 of the First Schedule and a form of acknowledgement of service in accordance with Form 2 and a memorandum of appearance in duplicate in accordance with Form 3. Service shall be effected and proof of service shall be given in the manner provided for by rules 8, 9 and 10 of the Matrimonial Causes Rules, in the case of service of a copy of a petition on a respondent. Such persons may enter an appearance to the petition by filing a memorandum of appearance in duplicate in accordance with Form 3 within the time limited for the purpose and may within fourteen days thereafter file an answer to the petition. A copy of the answer shall be delivered to the petitioner or his attorney and to the Attorney-General.

Attorney-General's answer.

8. The Attorney-General shall, within fourteen days after the order for directions has been made, file his answer to the petition and deliver a copy thereof to the petitioner or his attorney.

Consolidation.

9. Where it appears that more than one petition has been filed on behalf of petitioners claiming to be children of the same father and mother, the Attorney-General may, on giving notice to the petitioner or his attorney in each proceeding which it is sought to consolidate, apply at any time after he has entered an appearance for an order that the proceedings be consolidated.

Court fees.  
Second Schedule.

10. The court fees set out in the second column of the Second Schedule hereto shall be charged for the various matters particulars of which are set out opposite thereto in the first column of the said Schedule.

Judge's powers in chambers.

11. The judge may sit in chambers and when in chambers shall have the same jurisdiction and exercise the same power as sitting in open court.

**FIRST SCHEDULE (Rule 7)****FORM 1****FORM OF NOTICE TO APPEAR IN LEGITIMACY  
PETITION**

BAHAMA ISLANDS.  
IN THE SUPREME COURT.

Divorce and Matrimonial Side.

To.....of.....

TAKE NOTICE that by an Order of the Court dated the .....day of ..... 19 ....., it was ordered that you ..... the said.....should be served with this Petition.

AND FURTHER TAKE NOTICE that you are required to complete the accompanying Form of Acknowledgement of Service and send it to the (attorney for the) <sup>1</sup> Petitioner and that you are at liberty within eight days <sup>2</sup> after service of this Petition upon you, inclusive of the day of such service, to enter an appearance either in person or by your attorney at the Registry, Nassau, Bahamas, should you think fit to do so and thereafter to make answer to this Petition.

AND FURTHER TAKE NOTICE that in default of your doing so the Court will proceed to hear the Petition and pronounce judgment in the cause, notwithstanding your absence.

The petition is filed and this Notice to Appear is issued by .....of.....

Dated the..... day of ..... 19.....

Registrar.

NOTE: Any person entering an appearance must at the same time furnish an address for service which must be within two miles of the Registry.

If you desire to enter an appearance by post, you must complete and send to the Registry the accompanying Memorandum of Appearance in duplicate.

The Answer should be filed within fourteen days after the time allowed for sending the Memorandum of Appearance.

<sup>1</sup> Delete if not applicable.

<sup>2</sup> Or as the case may be.

**FORM 2**

**ACKNOWLEDGEMENT OF SERVICE**

BAHAMA ISLANDS.  
IN THE SUPREME COURT.

Divorce and Matrimonial Side.

Between ..... Petitioner  
and ..... Respondent

I am the person named as ..... in the  
Petition <sup>3</sup> .....

I received on the.....day of.....,  
19....., at (*place of receipt*)

- 1. A copy of the Petition <sup>4</sup>(1) filed in this case.
- 2. Notice of Petition/Proceedings <sup>5</sup>(2).
- 3. Memorandum of Appearance in duplicate <sup>6</sup>(3).

(Signed) .....

Dated .....

To (the Petitioner or the Respondent or his attorney).

**FORM 3**

**MEMORANDUM OF APPEARANCE**

BAHAMA ISLANDS.  
IN THE SUPREME COURT

Divorce and Matrimonial Side.

Between ..... Petitioner  
and ..... Respondent

Enter an appearance (in person) <sup>7</sup> for ..... the  
respondent..... <sup>8</sup> in this cause .....

(Signed) .....

of.....whose address for service  
is .....

Dated the.....day of ....., 19....

<sup>3</sup> Or as the case may be.  
<sup>4</sup> Or as the case may be.  
<sup>5</sup> Delete whichever is not applicable.  
<sup>6</sup> Delete if not applicable.  
<sup>7</sup> If such is the case.  
<sup>8</sup> Or as the case may be.  
<sup>9</sup> The address must be within two miles of the Law Courts, Nassau.

## SECOND SCHEDULE (Rule 10)

5 of 1987, s.2.

## COURT FEES

<i>Document</i>	<i>Amount</i>
Advertisement —	\$ c.
settling abstract	1.50
filing advertisement with abstract	.22
Affidavits —	
each filing	.75
each swearing	.75
<i>Allocatur</i> , certificate or fiat (except certificate for setting down)	1.50
Amending (any document) except appearance	1.50
Appearance (no fee)	
Answer filing	.75
Appearance (no fee)	
Attendances (and officer's expenses in addition) for each day	12.00
Bond —	
filing	.75
vacating	3.00
Registrar's minute with settling	1.50
settling undertaking	3.00
settling undertaking	1.50
Certificate —	
Registrar's	3.00
Commission, issuing	6.00
Costs —	
<i>allocatur</i>	1.50
filing	.75
on filing:	a deposit of 90c. on each \$40.00 of the total costs; taxing fee 30c. for every \$12.00 of the total allowed (minimum 60c.)
objections to taxation: filing	.75
Decree —	
Photographic copy	1.50

---

Decree absolute (application for)	3.00
Depositions —	
filing	.75
Registrar's minute	1.50
Documents (production in Court)	3.00
Exhibits, marking each	.45
Guardian —	
consent, filing of	.75
Hearing or trial of cause —	
first five hours-undefended cause	6.00
first five hours-any other cause	12.00
for each additional complete hour	3.00
Interrogatories, filing each set	.75
Judgments extensions, certificate (including affidavit)	3.00
Letters of request, settling and issuing	6.00
Minute, Registrar's (in every case)	1.50
Motion, case on or notice of (filing case: \$1.50 fee for order: \$6.00)	7.50
Notice, filing	.75
Oath, administering to each deponent	.75
Orders —	
Made in Chambers, final	3.00
Made in Chambers, interlocutory	1.50
Made in court (other than at trial or for security)	6.00
Made in court for security	3.00
Made in Appeal Court (interlocutory, leave to appeal or for security)	6.00
Other orders	12.00
Particulars, filing	.75
Petition, filing	3.00
Records (production in court)	3.00
Report, filing	.75
Reply, filing	.75
Searches —	
for decree	.75
in index (each hour or part)	.75

---

setting cause down —	
(a) Undefended including \$12.00 for hearing, \$6.00 for decree, \$3.00 for Registrar's certificate	21.00
(b) Defended, including \$12.00 for hearing, \$12.00 for decree, \$3.00 for certificate	27.00
(If trial lasts for more than five hours, \$3.00 is payable for each further complete hour)	3.00
(c) Trial by jury (in addition to (a) and (b))	6.00
Subpoena (fee, on <i>praecipe</i> , for each witness)	.75
Variation of Settlements —	
Application for appointment as to (each hour or part thereof)	3.00