

THE LEGITIMATION ACT

Cap. 217.
Law
18 of 1961.

[3rd June, 1909.]

1. This Act may be cited as the Legitimation Act. Short title.

2. Any child born before the marriage of his or her parents whose parents have intermarried or shall hereafter intermarry shall be deemed on the marriage of such parents to have been legitimated as from the date of such marriage and shall be entitled to all the rights of a child born in wedlock. Legitima-
tion of child
born before
wedlock.

3. The issue of any such legitimated child who has died or may hereafter die before the marriage of his or her parents shall take, by operation of law, the same real and personal property which would have accrued to such issue if the parent had been born in wedlock. Provision as
to issue of
legitimated
child who
died before
legitima-
tion.

4. Nothing in this Act shall affect any estate, right, or interest in any real or personal property to which any person has become or may become entitled, either mediately or immediately in possession or expectancy by virtue of any disposition made before the passing of this Act, or by virtue of any devolution by law on the death of any person dying before the passing of this Act. Not to affect
estate, etc.,
in possession
or expect-
ancy.

5. Nothing in this Act shall have the effect of legiti-
mating any child if at the time of the birth of such child there existed any legal impediment to the intermarriage of the parents of such child : Act not
operative if
at time of
birth there
be legal
impediment
to the
marriage of
parents.

Provided that—

 - (a) the foregoing provisions of this section shall cease to have effect on the 19th March, 1962; and

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- (b) in relation to the limitation of the rights conferred by sections 2 and 3 upon a person legitimated by virtue of the operation of paragraph (a) and the issue of such person, section 4 shall have effect as if for the references therein to the passing of this Act there were substituted references to the date mentioned in paragraph (a).

Legitimacy
of children
of certain
void
marriages.
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S. 2 (b).

6.—(1) Subject to the provisions of this section, a child of a void marriage whether born before or after the 19th March, 1962, shall be treated as a legitimate child of his parents if at the time of the act of intercourse resulting in the birth (or at the time of the celebration of the marriage if later) both or either of the parties reasonably believed that the marriage was valid.

(2) This section does not affect any rights under the intestacy of a person who died before the 19th March, 1962, and does not affect the operation or construction of any disposition coming into operation before that date.

(3) In this section—

“void marriage” means a marriage, not being voidable only, in respect of which the Supreme Court has or had jurisdiction to grant a decree of nullity, or would have or would have had such jurisdiction if the parties were domiciled in the Island;

“disposition” means any assurance of any interest in property by any instrument whether *inter vivos* or by will.