

CHAPTER 165.

LEGITIMACY.

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CHAPTER 165.

LEGITIMACY.

14 of 1932.

An Ordinance to amend the Law relating to children born out of wedlock.

[14TH MAY, 1932.]

Short title.

1. This Ordinance may be cited as the Legitimacy Ordinance.

Interpre-
tation.

2. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

“legitimated person” means a person legitimated by this Ordinance;

“date of legitimation” means the date of the marriage leading to the legitimation;

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

“intestate” includes a person who leaves a will but dies intestate as to some beneficial interest in his estate;

“will” includes codicil.

3.—(1) Subject to the provisions of this section where the parents of an illegitimate person marry or have married one another, whether before or after the commencement of this Ordinance, the marriage did or shall, if the father of the illegitimate person was or is at the date of the marriage domiciled in British Guiana, render that person, if he is or was living, legitimate from the date of the marriage.

Legitimation
by
subsequent
marriage of
parents.

(2) The legitimation of a person under this Ordinance does not enable him or his spouse, children or remoter issue to take any interest in property save as is hereinafter in this Ordinance expressly provided.

(3) The provisions contained in the schedule to this Ordinance shall have effect with respect to the re-registration of the births of legitimated persons.

Schedule.

4. A person claiming that he or his parent or any remoter ancestor became or has become a legitimated person may, whether domiciled in British Guiana or elsewhere and whether a natural-born British subject or not, present a petition under Part II of the Matrimonial Causes Ordinance, and that Part, subject to such necessary modifications as may be prescribed by rules of court, shall apply accordingly.

Declarations
of legitimacy
of legitimated
persons.

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5. Subject to the provisions of this Ordinance, a legitimated person and his spouse, children or more remote issue shall be entitled to take any interest in the estate of an intestate or under any disposition in like manner as if the legitimated person had been born legitimate.

Rights of
legitimated
persons, etc.,
to take
interests in
property.

6. Where a legitimated person or a child or remoter issue of a legitimated person dies intestate in respect of all or any of his property, the same persons shall be entitled to take the same interests therein as they would have been entitled to take if the legitimated person had been born legitimate.

Succession
on intestacy
of legitimated
persons and
their issue.

7. Where an illegitimate person dies after the commencement of this Ordinance and before the marriage of his parents leaving any spouse, children or remoter issue living at the date of such marriage, then, if that person would, if living at the time of the marriage of his parents, have become a legitimated person, the provisions of this Ordinance with respect to the taking of interests in property by, or in succession to, the spouse, children and remoter issue of a legitimated person (including those

Application
to illegitimate
person dying
before
marriage of
parents.

relating to the rate of estate duty) shall apply as if such person as aforesaid had been a legitimated person and the date of the marriage of his parents had been the date of legitimation.

Personal rights and obligations of legitimated persons.

8. A legitimated person shall have the same rights, and shall be under the same obligations in respect of the maintenance and support of himself or of any other person as if he had been born legitimate, and, subject to the provisions of this Ordinance, the provisions of any Ordinance relating to claims for damages, compensation, allowance, benefit, or otherwise by or in respect of a legitimate child shall apply in like manner in the case of a legitimated person.

Estate duty.

9. Where a legitimated person or any relative of a legitimated person takes any interest in property, any estate duty which becomes leviable after the date of legitimation shall be payable at the same rate as if the legitimated persons had been born legitimate.

Provisions as to persons legitimated by extraneous law.

10. (1) Where the parents of an illegitimate person marry or have married one another, whether before or after the commencement of this Ordinance, and the father of the illegitimate person was or is, at the time of the marriage, domiciled in a country, other than British Guiana, by the law of which the illegitimate person became legitimated by virtue of such subsequent marriage, that person, if living, shall in British Guiana be recognised as having been so legitimated from the commencement of this Ordinance or from the date of the marriage whichever last happens, notwithstanding that his father was not at the time of the birth of such person domiciled in a country in which legitimation by subsequent marriage was permitted by law.

(2) All the provisions of this Ordinance relating to legitimated persons and to the taking of interests in property by or in succession to a legitimated person and the spouse, children and remoter issue of a legitimated person (including those relating to the rate of estate duty) shall apply in the case of a person recognised as having been legitimated under this section, or who would, had he survived the marriage of his parents, have been so recognised; and accordingly, this Ordinance shall have effect as if references therein to a legitimated person, included a person so recognised as having been legitimated.

(3) For the purposes of this section, the expression "country" includes any part of Her Majesty's Dominions, as well as a foreign country.

11. (1) Where, after the commencement of this Ordinance, the mother of an illegitimate child, such child not being a legitimated person, dies intestate as respects all or any of her property, the illegitimate child, or, if he is dead, his issue, shall be entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate.

Right of illegitimate child and mother of illegitimate child to succeed on intestacy of the other.

(2) Where, after the commencement of this Ordinance, an illegitimate child, not being a legitimated person, dies intestate in respect of all or any of his property, his mother if surviving shall be entitled to take any interest therein to which she would have been entitled if the child had been born legitimate and she had been the only surviving parent and if his mother does not survive him then such legitimate and illegitimate children of his mother as survive him and the persons entitled to succeed them on intestacy shall be entitled to take any interest therein to which they would have been entitled if all such children and the child had been born legitimate.

12. Nothing in this Ordinance shall affect the operation or construction of any disposition coming into operation before the commencement of this Ordinance, or affect any rights under the intestacy of a person dying before the commencement of this Ordinance.

Savings.

SCHEDULE.

s. 3 (3).

REGISTRATION OF BIRTHS OF LEGITIMATED PERSONS.

1. This schedule shall be construed with the Registration of Births and Deaths Ordinance.

Construction. Cap. 162.

2. The Registrar General may, on production of such evidence as appears to him to be satisfactory, authorise at any time the re-registration of the birth of a legitimated person whose birth is already registered under the Registration of Births and Deaths Ordinance, and such re-registration shall be effected in such manner and at such place as the Registrar General, with the approval of the Governor in Council, may by regulations prescribe:

Conditions of re-registration Cap. 162.

Provided that the Registrar General shall not authorise the re-registration of the birth of any such person in any case where information with a view to obtaining such re-registration is not furnished to him by both parents, unless—

(a) the name of a person acknowledging himself to be the father of the legitimated person has been entered in the register in pursuance of section 31 of the Registration of Births and Deaths Ordinance; or

Cap. 162.

(b) the paternity of the legitimated person has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction; or

- (c) a declaration of the legitimacy of the legitimated person has been made under Part II of the Matrimonial Causes Ordinance, as amended by this Ordinance.
- Cap. 166.
- Parents to furnish information.
3. It shall be the duty of the parents of a legitimated person, or, in cases where re-registration can be effected on information furnished by one parent and one of the parents is dead, of the surviving parent, within the time hereinafter specified, to furnish to the Registrar General information with a view to obtaining the re-registration of the birth of that person; that is to say—
- (a) if the marriage took place before the commencement of this Ordinance, within six months of such commencement;
- (b) if the marriage takes place after the commencement of this Ordinance, within three months after the date of the marriage.
- Compelling attendance of parents.
4. Where the parents, or either of them, fail to furnish the necessary information within the time limited for the purpose, the Registrar General may at any time after the expiration of that time require the parents of a person whom he believes to have been legitimated by virtue of this Ordinance, or either of them, to give him such information concerning the matter as he may consider necessary, verified in such manner as he may direct, and for that purpose to attend personally either at a Registrar's Office or at any other place appointed by him within such time, not being less than seven days after the receipt of the notice, as may be specified in the notice.
- Default of parents not to affect legitimation.
5. The failure of the parents or either of them to furnish information as required by this schedule in respect of any legitimated person shall not affect the legitimation of that person.
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