



# Legitimacy Act (Northern Ireland) 1928

## 1928 CHAPTER 5

### 8 Provisions as to persons legitimated by extraneous law.

- (1) Where the [<sup>F1</sup>mother and father] of an illegitimate person marry or have married one another, whether before or after the commencement of this Act, and the father of the illegitimate person was or is, at the time of the marriage, domiciled in a country, other than Northern Ireland, by the law of which the illegitimate person became legitimated by virtue of such subsequent marriage, that person, if living, shall in Northern Ireland be recognised as having been so legitimated from the commencement of this Act 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.

[<sup>F2</sup>(1ZA) Where—

- (a) the mother and father of an illegitimate person become civil partners of one another on or after 13th January 2020,
- (b) at the time of the formation of the civil partnership, the father of the illegitimate person is domiciled in a country other than Northern Ireland, and
- (c) by the law of that other country, the illegitimate person becomes legitimated by virtue of the civil partnership,

that person, if living, is to be recognised in Northern Ireland as having been so legitimated from the date of the formation of the civil partnership.

(1ZB) Subsection (1ZA) applies even where the person's father was not, at the time of the person's birth, domiciled in a country in which legitimation by subsequent civil partnership was permitted by law.]

[<sup>F3</sup>(1A) Where—

- (a) a person ("the child") has a parent ("the female parent") by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 (treatment provided to woman who agrees that second woman to be parent);
- (b) at the time of the child's birth, the female parent and the child's mother are [<sup>F4</sup>neither married nor] civil partners of each other;
- (c) the female parent and the child's mother subsequently [<sup>F5</sup>marry or] enter into a civil partnership; and

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*Changes to legislation: There are currently no known outstanding effects for the Legitimacy Act (Northern Ireland) 1928, Section 8. (See end of Document for details)*

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(d) the female parent is at the time of [<sup>F6</sup>the marriage or] the formation of the civil partnership domiciled in a country, other than Northern Ireland, by the law of which the child became legitimated by virtue of the [<sup>F7</sup>marriage or] civil partnership;

the child, if living, shall in Northern Ireland be recognised as having been so legitimated from the date of [<sup>F8</sup>the marriage or] the formation of the civil partnership notwithstanding that, at the time of the child's birth, the female parent was not domiciled in a country the law of which permitted legitimation by subsequent [<sup>F9</sup>marriage or] civil partnership.]

- (2) All the provisions of this Act relating to legitimated persons and to the taking of interests in property by or in succession to a legitimated person and the spouse [<sup>F10</sup>or civil partner] , children and remoter issue of a legitimated person (including those relating to the rate of death duties) shall apply in the case of a person recognised as having been legitimated under this section, or who would, had he survived the marriage [<sup>F11</sup>or civil partnership] of his [<sup>F12</sup>mother and father] , have been so recognised; and, accordingly, this Act 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 England and Wales, Scotland and any other part of His Majesty's Dominions, as well as a foreign country.

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| <b>F1</b>  | Words in s. 8(1) substituted (13.1.2020) by <a href="#">The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514)</a> , regs. 1(2), <b>23(6)(a)</b> (with regs. 6-9)        |
| <b>F2</b>  | S. 8(1ZA)(1ZB) inserted (13.1.2020) by <a href="#">The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514)</a> , regs. 1(2), <b>23(6)(b)</b> (with regs. 6-9)             |
| <b>F3</b>  | S. 8(1A) inserted (6.4.2009) by <a href="#">Human Fertilisation and Embryology Act 2008 (c. 22)</a> , ss. 56, 68(2), <b>Sch. 6 para. 58(2)</b> ; S.I. 2009/479, <b>art. 6(d)(f)</b> (with art. 7, Sch. 1)   |
| <b>F4</b>  | Words in s. 8(1A)(b) substituted (13.1.2020) by <a href="#">The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514)</a> , regs. 1(2), <b>23(6)(c)(i)</b> (with regs. 6-9) |
| <b>F5</b>  | Words in s. 8(1A)(c) inserted (13.1.2020) by <a href="#">The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514)</a> , regs. 1(2), <b>23(6)(c)(ii)</b> (with regs. 6-9)   |
| <b>F6</b>  | Words in s. 8(1A)(d) inserted (13.1.2020) by <a href="#">The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514)</a> , regs. 1(2), <b>23(6)(c)(iii)</b> (with regs. 6-9)  |
| <b>F7</b>  | Words in s. 8(1A)(d) inserted (13.1.2020) by <a href="#">The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514)</a> , regs. 1(2), <b>23(6)(c)(iv)</b> (with regs. 6-9)   |
| <b>F8</b>  | Words in s. 8(1A) inserted (13.1.2020) by <a href="#">The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514)</a> , regs. 1(2), <b>23(6)(c)(v)</b> (with regs. 6-9)       |
| <b>F9</b>  | Words in s. 8(1A) inserted (13.1.2020) by <a href="#">The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514)</a> , regs. 1(2), <b>23(6)(c)(vi)</b> (with regs. 6-9)      |
| <b>F10</b> | Words in s. 8(2) inserted (13.1.2020) by <a href="#">The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514)</a> , regs. 1(2), <b>23(6)(d)(i)</b> (with regs. 6-9)        |

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**Changes to legislation:** There are currently no known outstanding effects for the Legitimacy Act (Northern Ireland) 1928, Section 8. (See end of Document for details)

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- F11** Words in s. 8(2) inserted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **23(6)(d)(ii)** (with regs. 6-9)
- F12** Words in s. 8(2) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **23(6)(d)(iii)** (with regs. 6-9)

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There are currently no known outstanding effects for the Legitimacy Act (Northern Ireland) 1928, Section 8.