
STATUTORY INSTRUMENTS

2019 No. 1514

**The Marriage (Same-sex Couples) and Civil Partnership
(Opposite-sex Couples) (Northern Ireland) Regulations 2019**

PART 4

Amendments: Children and Families

Legitimacy

23.—(1) The Legitimacy Act (Northern Ireland) 1928(1) is amended as follows.

(2) Before section 1 insert—

“Legitimacy of children of civil partners

A1.—(1) A child is legitimate by virtue of a civil partnership between the natural parents of the child if, had the civil partnership been a marriage (and all other circumstances were the same), the child would have been legitimate at common law by virtue of the marriage.

(2) Subsection (1) applies to a child born on or after 13th January 2020.”

(3) In section 1 (legitimation by subsequent marriage or civil partnership of parents)—

(a) in subsection (1), for “parents” substitute “mother and father”,

(b) after subsection (1) insert—

“(1ZA) Where—

(a) the mother and father of an illegitimate person become civil partners of one another on or after 13th January 2020, and

(b) the father of the illegitimate person is, at the date of the formation of the civil partnership, domiciled in Northern Ireland,

the civil partnership renders that person, if living (and whether born before, on or after 13th January 2020), legitimate from the date of the formation of the civil partnership.”, and

(c) in subsection (1A)—

(i) in paragraph (b), for “not” substitute “neither married nor”,

(ii) in paragraph (c), after “subsequently” insert “marry or”,

(iii) in paragraph (d), after “the date of” insert “the marriage or”,

(iv) in the words after paragraph (d), before “the civil partnership”, in the first place it occurs, insert “the marriage or”, and

(v) in those words, after “the date of” insert “the marriage or”.

(1) 1928 c.5 (N.I.); section 1 was amended by section 1 of the Legitimacy Act (Northern Ireland) 1961 (c.5 (N.I.)), and sections 1, 8 and 11 were amended by paragraphs 57 to 59 of Schedule 6 to the Human Fertilisation and Embryology Act 2008.

(4) In section 3(1) (right of legitimated person, or their spouse or issue, to take interests in property as if born legitimate), after “spouse” insert “or civil partner”.

(5) In section 5 (application of Act to illegitimate persons dying before marriage of parents)—

- (a) after “marriage”, in each place it occurs, insert “or civil partnership”,
- (b) for “parents”, in each place it occurs, substitute “mother and father”,
- (c) after “spouse”, in the first place it occurs, insert “, civil partner”
- (d) after “spouse”, in the second place it occurs, insert “or civil partner”, and
- (e) in the heading, for “of parents” substitute “, or civil partnership, of mother and father”.

(6) In section 8 (provisions as to persons legitimated by law other than that of Northern Ireland)—

- (a) in subsection (1), for “parents” substitute “mother and father”,
- (b) after subsection (1) insert—

“(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.”

(c) in subsection (1A)—

- (i) in paragraph (b), for “not” substitute “neither married nor”,
- (ii) in paragraph (c), after “subsequently” insert “marry or”,
- (iii) in paragraph (d), after “the time of” insert “the marriage or”,
- (iv) in paragraph (d), after “by virtue of the” insert “marriage or”,
- (v) in the words after paragraph (d), after “the date of” insert “the marriage or”, and
- (vi) in those words, after “subsequent” insert “marriage or”

(d) in subsection (2)—

- (i) after “spouse” insert “or civil partner”,
- (ii) after “marriage” insert “or civil partnership”, and
- (iii) for “parents” substitute “mother and father”.

(7) In section 11 (interpretation), in the definition of “date of legitimation”—

(a) for “or where” substitute—

“but—

(a) where (if the legitimation is by marriage),

(b) before “the commencement”, in the second place it occurs, insert “means”, and

(c) after “this Act”, in the second place it occurs, insert—

“, and

(b) where (if the legitimation is by civil partnership) the date of the formation of the civil partnership is before 13th January 2020, means 13th January 2020”.

Commencement Information

II Reg. 23 in force at 13.1.2020, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019, Section 23.