



Family Law Reform Act 1969

1969 CHAPTER 46

PART IV

MISCELLANEOUS AND GENERAL

26 Rebuttal of presumption as to legitimacy and illegitimacy

Any presumption of law as to the legitimacy or illegitimacy of any person may /in any civil proceedings be rebutted by evidence which shows that it is more probable than not that that person is illegitimate or legitimate, as the case may be, and it shall not be necessary to prove that fact beyond reasonable doubt in order to rebut the presumption.

27 Entry of father's name on registration of birth of illegitimate child

- (1) In section 10 of the Births and Deaths Registration Act 1953 (which provides that the registrar shall not enter the name of any person as the father of an illegitimate child except at the joint request of the mother and the person acknowledging himself to be the father and requires that person to sign the register together with the mother) for the words from " except " onwards there shall be substituted the words " except—
 - (a) at the joint request of the mother and the person acknowledging himself to be the father of the child (in which case that person shall sign the register together with the mother); or
 - (b) at the request of the mother on production of—
 - (i) a declaration in the prescribed form made by the mother stating that the said person is the father of the child ; and
 - (ii) a statutory declaration made by that person acknowledging himself to be the father of the child."
- (2) If on the registration under Part I of the said Act of 1953 of the birth of an illegitimate child no person has been entered in the register as the father, the registrar may re-register the birth so as to show a person as the father—
 - (a) at the joint request of the mother and of that person (in which case the mother and that person shall both sign the register in the presence of the registrar); or

Status: This is the original version (as it was originally enacted).

- (b) at the request of the mother on production of—
- (i) a declaration in the prescribed form made by the mother stating that the person in question is the father of the child ; and
 - (ii) a statutory declaration made by that person acknowledging himself to be the father of the child ;

but no birth shall be re-registered as aforesaid except with the authority of the Registrar General and any such re-registration shall be effected in such manner as may be prescribed.

- (3) A request under paragraph (a) or (b) of section 10 of the said Act of 1953 as amended by subsection (1) of this section may be included in a declaration under section 9 of that Act (registration of birth pursuant to a declaration made in another district) and, if a request under the said paragraph (b) is included in such a declaration, the documents mentioned in that paragraph shall be produced to the officer in whose presence the declaration is made and sent by him, together with the declaration, to the registrar.
- (4) A request under paragraph (a) or (b) of subsection (2) of this section may, instead of being made to the registrar, be made by making and signing in the presence of and delivering to such officer as may be prescribed a written statement in the prescribed form and, in the case of a request under the said paragraph (b), producing to that officer the documents mentioned in that paragraph, and the officer shall send the statement together with the documents, if any, to the registrar; and thereupon that subsection shall have effect as if the request had been made to the registrar and, if the birth is re-registered pursuant to the request, the person or persons who signed the statement shall be treated as having signed the register as required by that subsection.
- (5) This section shall be construed as one with the said Act of 1953 ; and in section 14(1) (a) of that Act (re-registration of birth of legitimated person) the reference to section 10 of that Act shall include a reference to subsection (2) of this section.

28 Short title, interpretation, commencement and extent

- (1) This Act may be cited as the Family Law Reform Act 1969.
- (2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Act.
- (3) This Act shall come into force on such date as the Lord Chancellor may appoint by order made by statutory instrument, and different dates may be appointed for the coming into force of different provisions.
- (4) In this Act—
 - (a) section 1 and Schedule 1, so far as they amend the British Nationality Act 1948, have the same extent as that Act and are hereby declared for the purposes of section 3(3) of the West Indies Act 1967 to extend to all the associated states ;
 - (b) section 2, so far as it amends any provision of the Foreign Marriage Act 1892 or the Marriage with Foreigners Act 1906, has the same extent as that provision;
 - (c) sections 4(5) and 6(7), so far as they affect Part II of the Maintenance Orders Act 1950, extend to Scotland and Northern Ireland;

Status: This is the original version (as it was originally enacted).

- (d) section 10, so far as it relates to the Civil List Act 1952, extends to Scotland and Northern Ireland ;
 - (e) section 11, so far as it relates to the Employers and Workmen Act 1875, extends to Scotland;
 - (f) section 13 extends to Northern Ireland ;
 - (g) section 19 extends to Scotland ;
- but, save as aforesaid, this Act shall extend to England and Wales only.