



Family Law Reform Act 1969

1969 CHAPTER 46

PART II

PROPERTY RIGHTS OF ILLEGITIMATE CHILDREN

- 15 Presumption that in dispositions of property references to children and other relatives include references to, and to persons related through, illegitimate children**
- (1) In any disposition made after the coming into force of this section—
- (a) any reference (whether express or implied) to the child or children of any person shall, unless the contrary intention appears, be construed as, or as including, a reference to any illegitimate child of that person; and
 - (b) any reference (whether express or implied) to a person or persons related in some other manner to any person shall, unless the contrary intention appears, be construed as, or as including, a reference to anyone who would be so related if he, or some other person through whom the relationship is deduced, had been born legitimate.
- (2) The foregoing subsection applies only where the reference in question is to a person who is to benefit or to be capable of benefiting under the disposition or, for the purpose of designating such a person, to someone else to or through whom that person is related; but that subsection does not affect the construction of the word " heir " or " heirs " or of any expression which is used to create an entailed interest in real or personal property.
- (3) In relation to any disposition made after the coming into force of this section, section 33 of the Trustee Act 1925 (which specifies the trusts implied by a direction that income is to be held on protective trusts for the benefit of any person) shall have effect as if—
- (a) the reference to the children or more remote issue of the principal beneficiary included a reference to any illegitimate child of the principal beneficiary and to anyone who would rank as such issue if he, or some other person

Status: This is the original version (as it was originally enacted).

- through whom he is descended from the principal beneficiary, had been born legitimate; and
- (b) the reference to the issue of the principal beneficiary included a reference to anyone who would rank as such issue if he, or some other person through whom he is descended from the principal beneficiary, had been born legitimate.
- (4) In this section references to an illegitimate child include references to an illegitimate child who is or becomes a legitimated person within the meaning of the Legitimacy Act 1926 or a person recognised by virtue of that Act or at common law as having been legitimated; and in section 3 of that Act—
- (a) subsection (1)(b) (which relates to the effect of dispositions where a person has been legitimated) shall not apply to a disposition made after the coming into force of this section except as respects any interest in relation to which the disposition refers only to persons who are, or whose relationship is deduced through, legitimate persons; and
- (b) subsection (2) (which provides that, where the right to any property depends on the relative seniority of the children of any person, legitimated persons shall rank as if born on the date of legitimation) shall not apply in relation to any right conferred by a disposition made after the coming into force of this section unless the terms of the disposition are such that the children whose relative seniority is in question cannot include any illegitimate children who are not either legitimated persons within the meaning of that Act or persons recognised by virtue of that Act as having been legitimated.
- (5) Where under any disposition any real or personal property or any interest in such property is limited (whether subject to any preceding limitation or charge or not) in such a way that it would, apart from this section, devolve (as nearly as the law permits) along with a dignity or title of honour, then, whether or not the disposition contains an express reference to the dignity or title of honour, and whether or not the property or some interest in the property may in some event become severed therefrom, nothing in this section shall operate to sever the property or any interest therein from the dignity or title, but the property or interest shall devolve in all respects as if this section had not been enacted.
- (6) This section is without prejudice to sections 16 and 17 of the Adoption Act 1958 (which relate to the construction of dispositions in cases of adoption).
- (7) There is hereby abolished, as respects dispositions made after the coming into force of this section, any rule of law that a disposition in favour of illegitimate children not in being when the disposition takes effect is void as contrary to public policy.
- (8) In this section " disposition " means a disposition, including an oral disposition, of real or personal property whether inter vivos or by will or codicil; and, notwithstanding any rule of law, a disposition made by will or codicil executed before the date on which this section comes into force shall not be treated for the purposes of this section as made on or after that date by reason only that the will or codicil is confirmed by a codicil executed on or after that date.