

*Changes to legislation: There are currently no known outstanding effects for the Legitimacy Act 1976. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 11.

#### SAVINGS AND CONSEQUENTIAL AMENDMENTS

##### SAVINGS

- 1 (1) Notwithstanding the repeal by this Act of sections 1 and 8 of the <sup>M1</sup>Legitimacy Act 1926 persons legitimated or recognised as legitimated under that Act shall continue to be legitimated or recognised as legitimated by virtue of section 1 or, as the case may be, section 8 of that Act.
- (2) In any enactment whether passed before or after this Act references to persons legitimated or recognised as legitimated under section 1 or section 8 of the <sup>M2</sup>Legitimacy Act 1926 or under section 2 or section 3 of this Act shall be construed as including references to persons legitimated or recognised as legitimated under section 2 or section 3 of this Act or under section 1 or section 8 of the said Act of 1926 respectively.

##### Marginal Citations

**M1** 1926 c. 60.

**M2** 1926 c. 60.

- 2 (1) The enactments repealed by Part II of Schedule 4 to the <sup>M3</sup>Children Act 1975 (which are superseded by section 5 of this Act) shall, notwithstanding those repeals, continue to have effect as respects existing instruments.

In this sub-paragraph “instrument” has the same meaning as in section 5 of this Act.

- (2) Subject to paragraph (3)(b) below, nothing in this Act or in the <sup>M4</sup>Legitimacy Act 1926 (in so far as the effect of that Act is preserved by sub-paragraph (1) above) shall affect the operation or construction of any disposition coming into operation before 1st January 1927 or affect any rights under the intestacy of a person dying before that date.
- (3) Sub-paragraph (2) above shall apply in relation to a person to whom the said Act of 1926 applied by virtue of section 1(1) of the <sup>M5</sup>Legitimacy Act 1959 with the substitution for “1st January 1927” of “29th October 1959”.

##### Marginal Citations

**M3** 1975 c. 72.

**M4** 1926 c. 60.

**M5** 1959 c. 73.

- 3 Section 1 does not—

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- (a) affect any rights under the intestacy of a person who died before 29th October 1959, or
  - (b) affect the operation or construction of any disposition coming into operation before 29th October 1959 except so far as may be necessary to avoid the severance from a dignity or title of honour of property limited (expressly or not) to devolve (as nearly as the law permits) along with the dignity or title of honour.
- 4 (1) Section 1 of this Act, so far as it affects the succession to a dignity or title of honour, or the devolution of property limited as aforesaid, only applies to children born after 28th October 1959.
- (2) Apart from section 1, nothing in this Act shall affect the succession to any dignity or title of honour or render any person capable of succeeding to or transmitting a right to succeed to any such dignity or title.
- (3) Apart from section 1, nothing in this Act shall affect the devolution of any property limited (expressly or not) to devolve (as nearly as the law permits) along with any dignity or title of honour.

This sub-paragraph applies only if and so far as a contrary intention is not expressed in the instrument, and shall have effect subject to the instrument.

- [<sup>F1</sup>(4) Section 1 does not affect any matter referred to in sub-paragraph (2) or (3) so far as it applies to a child of a void civil partnership.]

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**Textual Amendments**

- F1** Sch. 1 para. 4(4) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **12(6)(a)**

- 5 It is hereby declared that nothing in this Act affects the Succession to the Throne.
- [<sup>F2</sup>5A. Nothing in this Act, except for section 2A, legitimates a person born before the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force by virtue of a civil partnership formed by the person’s parents before that date.]

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**Textual Amendments**

- F2** Sch. 1 para. 5A inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **12(6)(b)**

CONSEQUENTIAL AMENDMENTS

*Births and Deaths Registration Act 1953 (c.20)*

- 6 In section 14 of the Births and Deaths Registration Act 1953 the following subsection is added at the end—
- “(5) This section shall apply and be deemed always to have applied in relation to all persons recognised by the law of England and Wales as having been legitimated by the subsequent marriage of their parents whether or not their legitimation or the recognition thereof was effected under any enactment.”

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**Modifications etc. (not altering text)**

**C1** The text of s. 11(2), Sch. 1 para. 6, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Children Act 1975 (c.72)*

7 ..... **F3**

**Textual Amendments**

**F3** Sch. 1 para. 7 repealed by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#), s. 73(3), [Sch. 4](#)

SCHEDULE 2

Section 11.

ENACTMENTS REPEALED

**Modifications etc. (not altering text)**

**C2** The text of s. 11(2), Sch. 1 para. 6, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<b>Chapter</b>	<b>Short Title</b>	<b>Extent of Repeal</b>
16 & 17 Geo.5. c.60	Legitimacy Act 1926.	Sections 1(1) and (4). Sections 6, 7 and 8. Sections 10,11 and 12. The Schedule.
5 & 6 Eliz. 2. c.39.	Legitimation (Re-registration of Birth) Act 1957.	Section 1(1). Section 2.
7 & 8 Eliz. 2. c.39.	Legitimacy act 1959.	Section 1. In section 2, subsections (1) to (5). Section 6(4).
1969 c.46.	Family Law Reform Act 1969.	Section 16(2).
1975 c.46.	Children Act 1975.	In section 8(9) the words from “and related” to the end. In Schedule 1, paragraphs 1(3), 12 and 13; in paragraph 14, sub-paragraphs (1)

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(b) and (2), and words  
“or is legitimated” in sub-  
paragraph (3)(d); and  
paragraph 15(1)(b).

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