



Legitimacy Act 1976

1976 CHAPTER 31

10 Interpretation.

(1) In this Act, except where the context otherwise requires,—

“disposition” includes the conferring of a power of appointment and any other disposition of an interest in or right over property;

“existing”, in relation to an instrument, means one made before 1st January 1976;

“legitimated person” means a person legitimated or recognised as legitimated—

- (a) under section 2^[F1], 2A^[F1] or 3 above; or
- (b) under section 1 or 8 of the ^{M1}Legitimacy Act 1926; or
- (c) except in section 8, by a legitimation (whether or not by virtue of the subsequent marriage of his parents) recognised by the law of England and Wales and effected under the law of any other country;

and cognate expressions shall be construed accordingly;

“power of appointment” includes any discretionary power to transfer a beneficial interest in property without the furnishing of valuable consideration;

“void marriage” means a marriage, not being voidable only, in respect of which the High Court has or had jurisdiction to grant a decree of nullity, or would have or would have had such jurisdiction ^[F2]to make a nullity of marriage order or] if the parties were domiciled in England and Wales.

(2) For the purposes of this Act “legitimated person” includes, where the context admits, a person legitimated, or recognised as legitimated, before the passing of the ^{M2}Children Act 1975.

(3) For the purpose of this Act, except where the context otherwise requires,—

- (a) the death of the testator is the date at which a will or codicil is to be regarded as made;
- (b) an oral disposition of property shall be deemed to be contained in an instrument made when the disposition was made.

Changes to legislation: There are currently no known outstanding effects for the Legitimacy Act 1976, Section 10. (See end of Document for details)

^{F3}(4)

- (5) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

Textual Amendments

- F1** Word in s. 10 inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by Human Fertilisation and Embryology Act 2008 (c. 22), s. 68(2), **Sch. 6 para. 19**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F2** Words in s. 10(1) inserted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 45**; S.I. 2022/283, reg. 2
- F3** S. 10(4) repealed (1.1.1997) by 1996 c. 47, s. 25(2), **Sch. 4** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**

Marginal Citations

- M1** 1926 c. 60.
- M2** 1975 c. 72.

Changes to legislation:

There are currently no known outstanding effects for the Legitimacy Act 1976, Section 10.