



# Family Law Reform Act 1987

## 1987 CHAPTER 42

### PART VI

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Miscellaneous*

#### **28 Children of void marriages.**

- (1) In subsection (1) of section 1 of the <sup>M1</sup>Legitimacy Act 1976 (legitimacy of children of certain void marriages), for the words “the act of intercourse resulting in the birth” there shall be substituted the words “ the insemination resulting in the birth or, where there was no such insemination, the child’s conception ”.
- (2) At the end of that section there shall be added the following subsections—
  - “(3) It is hereby declared for the avoidance of doubt that subsection (1) above applies notwithstanding that the belief that the marriage was valid was due to a mistake as to law.
  - (4) In relation to a child born after the coming into force of section 28 of the Family Law Reform Act 1987, it shall be presumed for the purposes of subsection (1) above, unless the contrary is shown, that one of the parties to the void marriage reasonably believed at the time of the insemination resulting in the birth or, where there was no such insemination, the child’s conception (or at the time of the celebration of the marriage if later) that the marriage was valid.”

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#### **Marginal Citations**

**M1** 1976 c.31.

**Changes to legislation:**

There are currently no known outstanding effects for the Family Law Reform Act 1987, Section 28.