
STATUTORY INSTRUMENTS

2019 No. 1458

The Civil Partnership (Opposite-sex Couples) Regulations 2019

PART 4

Parenthood

Legitimacy of children of civil partners

12.—(1) The Legitimacy Act 1976⁽¹⁾ is amended as follows.

(2) Before section 1⁽²⁾ insert—

“Legitimacy of children of civil partners

A1.—(1) A child is legitimate by virtue of a civil partnership between the natural parents of the child if, had the civil partnership been a marriage (and all other circumstances were the same), the child would have been legitimate at common law by virtue of the marriage.

(2) The presumption of common law that a child born to a woman during her marriage to a man is also the natural child of her spouse applies equally in relation to a child born to a woman during her civil partnership with a man.”

(3) In section 1—

(a) in the heading, “after “void marriages” insert “and civil partnerships”;

(b) in subsection (1)—

(i) after “void marriage” insert “or a void civil partnership”;

(ii) after “celebration of the marriage” insert “, or the formation of the civil partnership,”;

(iii) after “that the marriage” insert “or civil partnership”;

(c) in subsection (3), after “marriage” insert “or civil partnership”;

(d) in subsection (4)—

(i) after “a child” insert “of a void marriage”;

(ii) after “Family Law Reform Act 1987,” insert “or a child of a void civil partnership (whenever born),”;

(iii) after “void marriage” insert “or civil partnership”;

(iv) after “celebration of the marriage” insert “, or the formation of the civil partnership,”;

(v) after “that the marriage” insert “or civil partnership”.

(4) In section 2⁽³⁾—

(a) in the heading, after “marriage” insert “or civil partnership”;

⁽¹⁾ 1976 c. 31.

⁽²⁾ Section 1 was amended by the Family Law Reform Act 1987 (c. 42), sections 28 and 34; and S.I. 2014/560, 3168.

⁽³⁾ Section 2 was amended by S.I. 2014/560.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) after “marry” insert “or become civil partners of”;
 - (c) after “marriage”, in the first place it occurs (after the heading), insert “or civil partnership”;
 - (d) after “date of marriage” insert “or the date of the formation of the civil partnership”;
 - (e) for “date of the marriage” substitute “that date”.
- (5) In section 3(4), in subsection (1)—
- (a) after “marry” insert “or become civil partners of”;
 - (b) after “marriage”, in each place it occurs, insert “or civil partnership”.
- (6) In Schedule 1—
- (a) in paragraph 4, after sub-paragraph (3) insert—
 - “(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.”;
 - (b) after paragraph 5 insert—
 - “**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.”.

(4) Section 3 was amended by the Human Fertilisation and Embryology Act 2008 (c. 22), Schedule 6, paragraph 17 and S.I. 2014/560.