

## SCHEDULES

### SCHEDULE 1

#### STATUS CONFERRED BY ADOPTION OR LEGITIMATION IN ENGLAND AND WALES

#### PART IV

#### SUPPLEMENTAL

##### *Dispositions depending on date of birth*

- 14 (1) Where a disposition depends on the date of birth of a child who was born illegitimate and who—
- (a) is adopted by one of the natural parents as sole adoptive parent, or
  - (b) is legitimated (or, if deceased, is treated as legitimated),
- paragraph 6(2) and paragraph 12(4) do not affect entitlement under Part II of the Family Law Reform Act 1969 (illegitimate children).
- (2) Where a disposition depends on the date of birth of an adopted child who is legitimated (or, if deceased, is treated as legitimated), paragraph 12(4) does not affect entitlement by virtue of paragraph 6(2).
- (3) This paragraph applies for example where-
- (a) a testator dies in 1976 bequeathing a legacy to his eldest grandchild living at a specified time,
  - (b) his daughter has an illegitimate child in 1977 who is the first grandchild,
  - (c) his married son has a child in 1978,
  - (d) subsequently the illegitimate child is adopted by the mother as sole adoptive parent or is legitimated,
- and in all those cases the daughter's child remains the eldest grandchild of the testator throughout.

##### *Protection of trustees and personal representatives*

- 15 (1) A trustee or personal representative is not under a duty, by virtue of the law relating to trusts or the administration of estates, to enquire, before conveying or distributing any property, whether—
- (a) any adoption has been effected or revoked, or
  - (b) any person is illegitimate, or is adopted by one of his natural parents, and could be legitimated (or if deceased be treated as legitimated),
- if that fact could affect entitlement to the property.
- (2) A trustee or personal representative shall not be liable to any person by reason of a conveyance or distribution of the property made without regard to any such fact if he has not received notice of the fact before the conveyance or distribution.

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*Status: This is the original version (as it was originally enacted).*

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- (3) This paragraph does not prejudice the right of a person to follow the property, or any property representing it, into the hands of another person, other than a purchaser, who has received it.

*Property devolving with peerages, etc.*

- 16 (1) This Schedule shall not affect the devolution of any property limited (expressly or not) to devolve (as nearly as the law permits) along with any peerage or dignity or title of honour.
- (2) This paragraph applies only if and so far as a contrary intention is not expressed in the instrument, and shall have effect subject to the terms of the instrument.

*Entails*

- 17 It is hereby declared that references in this Schedule to dispositions of property include references to a disposition by the creation of an entailed interest.