



# Legitimacy Act 1976

## 1976 CHAPTER 31

### 1 Legitimacy of children of certain void marriages <sup>F1</sup>and civil partnerships].

(1) The child of a void marriage <sup>F2</sup>or a void civil partnership], whenever born, shall, subject to subsection (2) below and Schedule 1 to this Act, be treated as the legitimate child of his parents if at the time of <sup>F3</sup>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<sup>F4</sup>, or the formation of the civil partnership,] if later) both or either of the parties reasonably believed that the marriage <sup>F5</sup>or civil partnership] was valid.

<sup>F6</sup>(2) This section only applies where—

- (a) the father of the child was domiciled in England and Wales at the time of the birth, or if he died before the birth, was so domiciled immediately before his death, or
- (b) if a woman is treated as the female parent of a child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008, that female parent was domiciled in England and Wales at the time of the birth, or if she died before the birth, was so domiciled immediately before her death.]

<sup>F7</sup>(3) It is hereby declared for the avoidance of doubt that subsection (1) above applies notwithstanding that the belief that the marriage <sup>F8</sup>or civil partnership] was valid was due to a mistake as to law.

(4) In relation to a child <sup>F9</sup>of a void marriage] born after the coming into force of section 28 of the Family Law Reform Act 1987, <sup>F10</sup>or a child of a void civil partnership (whenever born,)] 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 <sup>F11</sup>or civil partnership] 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<sup>F12</sup>, or the formation of the civil partnership,] if later) that the marriage <sup>F13</sup>or civil partnership] was valid.]

<sup>F14</sup>(5) Subsections (1) and (4) are to be read, in relation to the child of a void marriage which has resulted from the purported conversion of a civil partnership under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section,

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*Changes to legislation: There are currently no known outstanding effects for the Legitimacy Act 1976, Section 1. (See end of Document for details)*

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as if the reference to the time of the celebration of the marriage was a reference to the date of the purported conversion of the civil partnership into a marriage.]

#### Textual Amendments

- F1** Words in s. 1 heading inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **12(3)(a)**
- F2** Words in s. 1(1) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **12(3)(b)(i)**
- F3** Words substituted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), **ss. 28(1)**, 34(5)
- F4** Words in s. 1(1) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **12(3)(b)(ii)**
- F5** Words in s. 1(1) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **12(3)(b)(iii)**
- F6** S. 1(2) substituted (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), **Sch. 1 para. 15(2)**
- F7** S. 1(3)(4) added by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), **ss. 28(2)**, 34(5)
- F8** Words in s. 1(3) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **12(3)(c)**
- F9** Words in s. 1(4) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **12(3)(d)(i)**
- F10** Words in s. 1(4) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **12(3)(d)(ii)**
- F11** Words in s. 1(4) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **12(3)(d)(iii)**
- F12** Words in s. 1(4) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **12(3)(d)(iv)**
- F13** Words in s. 1(4) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **12(3)(d)(v)**
- F14** S. 1(5) inserted (10.12.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\)](#), art. 1(2)(3), **Sch. para. 9**

**Changes to legislation:**

There are currently no known outstanding effects for the Legitimacy Act 1976, Section 1.