



Law Reform (Parent and Child) (Scotland) Act 1986

1986 CHAPTER 9

5 Presumptions.

- (1) A man shall be presumed to be the father of a child—
 - (a) if he was married to [^{F1}or in a civil partnership with] the mother of the child at any time in the period beginning with the conception and ending with the birth of the child;
 - (b) where paragraph (a) above does not apply, if both he and the mother of the child have acknowledged that he is the father and he has been registered as such in any register kept under section 13 (register of births and still-births) or section 44 (register of corrections, etc.) of the ^{M1}Registration of Births, Deaths and Marriages (Scotland) Act 1965 or in any corresponding register kept under statutory authority in any part of the United Kingdom other than Scotland.
- (2) Subsection (1)(a) above shall [^{F2}apply—
 - (a) in the case of a void, voidable or irregular marriage as it applies in the case of a valid and regular marriage,
 - (b) in the case of a void or voidable civil partnership as it applies in the case of a valid civil partnership.]
- (3) Without prejudice to the effect under any rule of law which a decree of declarator in an action to which section 7 of this Act applies may have in relation to the parties, a decree of declarator in such an action shall give rise to a presumption to the same effect as the decree; and any such presumption shall displace any contrary presumption howsoever arising.
- (4) Any presumption under this section may be rebutted by proof on a balance of probabilities.

Status: Point in time view as at 01/06/2021.

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Parent and Child) (Scotland) Act 1986, Section 5. (See end of Document for details)

Textual Amendments

- F1** Words in s. 5(1)(a) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, **sch. 2 para. 3(2)(a)**; S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F2** Words in s. 5(2) substituted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, **sch. 2 para. 3(2)(b)**; S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
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Marginal Citations

- M1** 1965 c. 49.

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