



# Family Law Reform Act 1987

## 1987 CHAPTER 42

### PART VI

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Miscellaneous*

#### 27 Artificial insemination

- (1) Where after the coming into force of this section a child is born in England and Wales as the result of the artificial insemination of a woman who—
  - (a) was at the time of the insemination a party to a marriage (being a marriage which had not at that time been dissolved or annulled); and
  - (b) was artificially inseminated with the semen of some person other than the other party to that marriage,

then, unless it is proved to the satisfaction of any court by which the matter has to be determined that the other party to that marriage did not consent to the insemination, the child shall be treated in law as the child of the parties to that marriage and shall not be treated as the child of any person other than the parties to that marriage.

- (2) Any reference in this section to a marriage includes a reference to a void marriage if at the time of the insemination resulting in the birth of the child both or either of the parties reasonably believed that the marriage was valid; and for the purposes of this section it shall be presumed, unless the contrary is shown, that one of the parties so believed at that time that the marriage was valid.
- (3) Nothing in this section shall affect the succession to any dignity or title of honour or render any person capable of succeeding to or transmitting a right to succeed to any such dignity or title.

## **28 Children of void marriages**

- (1) In subsection (1) of section 1 of the 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.”

## **29 Evidence of paternity in civil proceedings**

- (1) Section 12 of the Civil Evidence Act 1968 (which relates to the admissibility in evidence in civil proceedings of the fact that a person has been adjudged to be the father of a child in affiliation proceedings) shall be amended as follows.
- (2) For paragraph (b) of subsection (1) there shall be substituted the following paragraph—
  - “(b) the fact that a person has been found to be the father of a child in relevant proceedings before any court in England and Wales or has been adjudged to be the father of a child in affiliation proceedings before any court in the United Kingdom;”.
- (3) In subsection (2) for the words "to have been adjudged" there shall be substituted the words "to have been found or adjudged and for the words "matrimonial or affiliation proceedings" there shall be substituted the words "other proceedings".
- (4) In subsection (5) after the definition of "matrimonial proceedings" there shall be inserted the following definition—
  - “relevant proceedings' means—
    - (a) proceedings on a complaint under section 42 of the National Assistance Act 1948 or section 26 of the Social Security Act 1986;
    - (b) proceedings on an application for an order under any of the following, namely—
      - (i) section 6 of the Family Law Reform Act 1969;
      - (ii) the Guardianship of Minors Act 1971;
      - (iii) section 34(1)(a), (b) or (c) of the Children Act 1975;
      - (iv) section 47 of the Child Care Act 1980; and
      - (v) section 4 of the Family Law Reform Act 1987;
    - (c) proceedings on an application under section 35 of the said Act of 1975 for the revocation of a custodianship order;”.