



# 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;”.

### *Supplemental*

#### **30 Orders applying section 1 to other enactments**

- (1) The Lord Chancellor may by order make provision for the construction in accordance with section 1 above of such enactments passed before the coming into force of that section as may be specified in the order.
- (2) An order under this section shall so amend the enactments to which it relates as to secure that (so far as practicable) they continue to have the same effect notwithstanding the making of the order.
- (3) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **31 Interpretation**

In this Act—

- "the 1953 Act" means the Births and Deaths Registration Act 1953;
- "the 1971 Act" means the Guardianship of Minors Act 1971;
- "the 1973 Act" means the Guardianship Act 1973.

#### **32 Text of 1971 Act as amended**

The 1971 Act (excluding consequential amendments of other enactments and savings) is set out in Schedule 1 to this Act as it will have effect, subject to sections 33(2) and 34(3) below, when all the amendments and repeals made in it by this Act come into force.

#### **33 Amendments, transitional provisions, savings and repeals**

- (1) The enactments mentioned in Schedule 2 to this Act shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act.
- (2) The transitional provisions and savings in Schedule 3 to this Act shall have effect.
- (3) The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of sections 16 and 17 of the Interpretation Act 1978 (which relate to the effect of repeals).
- (4) The enactments mentioned in- Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

#### **34 Short title, commencement and extent**

- (1) This Act may be cited as the Family Law Reform Act 1987.
- (2) This Act shall come into force on such day as the Lord Chancellor may by order made by statutory instrument appoint; and different days may be so appointed for different provisions or different purposes.
- (3) Without prejudice to the transitional provisions contained in Schedule 3 to this Act, an order under subsection (2) above may make such further transitional provisions

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

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as appear to the Lord Chancellor to be necessary or expedient in connection with the provisions brought into force by the order, including—

- (a) such adaptations of the provisions so brought into force; and
- (b) such adaptations of any provisions of this Act then in force,

as appear to him necessary or expedient in consequence of the partial operation of this Act.

(4) The following provisions of this Act extend to Scotland and Northern Ireland, namely—

- (a) section 33(1) and paragraphs 12, 13 and 74 of Schedule 2;
- (b) section 33(2) and paragraph 7 of Schedule 3 so far as relating to the operation of the Maintenance Orders Act 1950;
- (c) section 33(4) and Schedule 4 so far as relating to that Act and the Interpretation Act 1978; and
- (d) this section.

(5) Subject to subsection (4) above, this Act extends to England and Wales only.