LAWS OF GUYANA

CHAPTER 46:02

LEGITIMACY ACT

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SCHEDULE—Registration of Births of Legitimated Persons.

An Act to amend the Law relating to children born out of wedlock.

[14TH MAY, 1932]

1. This Act may be cited as the Legitimacy Act. Short title.
2. In this Act— Interpretation.

“date of legitimation” means the date of the marriage leading to the legitimation;
“disposition” means an assurance of any interest in property by any instrument whether *inter vivos* or by will;

“intestate” includes a person who leaves a will but dies intestate as to some beneficial interest in his estate;

“legitimated person” means a person legitimated by this Act;

“will” includes codicil.

3. (1) Subject to this section, where the parents of a person born out of wedlock marry or have married one another, whether before or after the commencement of this Act, the marriage did or shall, if the father or mother of the person born out of wedlock was or is at the date of the marriage domiciled in Guyana, render that person, if he is or was living, legitimate from the date of the marriage.

(2) The legitimation of a person under this Act does not enable him or his spouse, children or remoter issue to take any interest in property save as is hereinafter in this Act expressly provided.

(3) The provisions contained in the Schedule shall have effect with respect to the re-registration of the births of legitimated persons.

4. A person claiming that he or his parent or any remoter ancestor became or has become a legitimated person may, whether domiciled in Guyana or elsewhere and whether a natural-born Commonwealth citizen or not, present a petition under Part II of the Matrimonial Causes Act, and that Part, subject to such necessary modifications as may be prescribed by rules of court, shall apply accordingly.

5. Subject to this Act, a legitimated person and his spouse, children or more remote issue shall be entitled to take any interest in the estate of an intestate or under any disposition in like manner as if the legitimated person had been born legitimate.
6. Where a legitimated person or a child or remoter issue of a legitimated person dies intestate in respect of all or any of his property, the same persons shall be entitled to take the same interests therein as they would have been entitled to take if the legitimated person had been born legitimate.

7. Where a person born out of wedlock dies after the commencement of this Act and before the marriage of his parents leaving any spouse, children or remoter issue living at the date of such marriage, then, if that person would, if living at the time of the marriage of his parents, have become a legitimated person, the provisions of this Act with respect to the taking of interests in property by, or in succession to, the spouse, children and remoter issue of a legitimated person (including those relating to the rate of estate duty) shall apply as if such person as aforesaid had been a legitimated person and the date of the marriage of his parents had been the date of legitimation.

8. A legitimated person shall have the same rights, and shall be under the same obligations in respect of the maintenance and support of himself or of any other person as if he had been born legitimate, and, subject to this Act, the provisions of any Act relating to claims for damages, compensation, allowance, benefit, or otherwise by or in respect of a legitimate child shall apply in like manner in the case of a legitimated person.

9. Where a legitimated person or any relative of a legitimated person takes any interest in property, any estate duty which becomes leviable after the date of legitimation shall be payable at the same rate as if the legitimated persons had been born legitimate.

10. (1) Where the parents of a person born out of wedlock marry or have married one another, whether before or after the commencement of this Act, and the father or mother of the person born out of wedlock was or is, at the time of the marriage, domiciled in a country, other than Guyana, by the law of which the person born out of wedlock became legitimated by virtue of such subsequent marriage, that person, if living, shall in Guyana be recognised as having been so legitimated from the commencement of this Act or from the date of the marriage whichever
last happens, notwithstanding that his father or mother was not at the time of the birth of such person domiciled in a country in which legitimation by subsequent marriage was permitted by law.

(2) All the provisions of this Act relating to legitimated persons and to the taking of interests in property by or in succession to a legitimated person and the spouse, children and remoter issue of a legitimated person (including those relating to the rate of estate duty) shall apply in the case of a person recognised as having been legitimated under this section, or who would, had he survived the marriage of his parents, have been so recognised; and accordingly, this Act shall have effect as if references therein to a legitimated person, included a person so recognised as having been legitimated.

(3) For the purposes of this section, the expression “country” includes any Commonwealth country as well as a foreign country.

11. (1) Where, after the commencement of this Act and before the commencement of the Children Born Out of Wedlock (Removal of Discrimination) Act 1983, the mother of a child born out of wedlock, such child not being a legitimated person, dies intestate as respects all or any of her property, the child born out of wedlock, or, if he is dead, his issue, shall be entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate.

(2) Where, after the commencement of this Act and before the commencement of the Children Born Out of Wedlock (Removal of Discrimination) Act 1983, a child born out of wedlock, not being a legitimated person, dies intestate in respect of all or any of his property, his mother if surviving shall be entitled to take any interest therein to which she would have been entitled if the child had been born legitimate and she had been the only surviving parent and if his mother does not survive him then such children, whether born in wedlock or out of wedlock, of his mother as survive him and the persons entitled to succeed them on intestacy shall be entitled to take any interest therein to which they would have been entitled if all such children and the child had been born legitimate.
12. Nothing in this Act shall affect the operation or construction of any disposition coming into operation before the commencement of this Act, or affect any rights under the intestacy of a person dying before the commencement of this Act.

SCHEDULE

REGISTRATION OF BIRTHS OF LEGITIMATED PERSONS

1. This Schedule shall be construed with the Registration of Births and Deaths Act.

2. The Registrar General may, on production of such evidence as appears to him to be satisfactory, authorise at any time the re-registration of the birth of a legitimated person whose birth is already registered under the Registration of Births and Deaths Act, and such re-registration shall be effected in such manner and at such place as the Registrar General, with the approval of the Minister, may by regulations prescribe:

Provided that the Registrar General shall not authorise the re-registration of the birth of any such person in any case where information with a view to obtaining such re-registration is not furnished to him by both parents, unless—

(a) the name of a person acknowledging himself to be the father of the legitimated person has been entered in the register in pursuance of section 31 of the Registration of Births and Deaths Act; or

(b) the paternity of the legitimated person has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction; or

(c) a declaration of the legitimacy of the legitimated person has been made under Part II of the Matrimonial Causes Act, as amended by this Act.
3. The fees payable with respect to the re-registration of the birth of a legitimated person shall be one thousand three hundred dollars.

4. It shall be the duty of the parents of a legitimated person, or, in cases where re-registration can be effected on information furnished by one parent and one of the parents is dead, of the surviving parent, within the time hereinafter specified, to furnish to the Registrar General information with a view to obtaining the re-registration of the birth of that person, that is to say—

(a) if the marriage took place before the commencement of this Act, within six months of such commencement;
(b) if the marriage takes place after the commencement of this Act, within three months after the date of the marriage.

5. Where the parents, or either of them, fail to furnish the necessary information within the time limited for the purpose, the Registrar General may at any time after the expiration of that time require the parents of a person whom he believes to have been legitimated by virtue of this Act, or either of them, to give him such information concerning the matter as he may consider necessary, verified in such manner as he may direct, and for that purpose to attend personally either at a Registrar’s Office or at any other place appointed by him within such time, not being less than seven days after the receipt of the notice, as may be specified in the notice.

6. The failure of the parents or either of them to furnish information as required by this Schedule in respect of any legitimated person shall not affect the legitimation of that person.