

Jersey Law 4/1963

LEGITIMACY (JERSEY) LAW, 1963.

A LAW to amend the Law regarding the legitimation of children by the subsequent marriage of their parents and to legitimate the children of certain void marriages, sanctioned by Order of the

26th day of MARCH, 1963,

of the Counsellors of State on behalf of Her Majesty, being authorized thereto by Letters Patent dated the 22nd day of January, 1963.

(Registered on the 16th day of April, 1963).

STATES OF JERSEY.

The 23rd day of October, 1962.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law : -

ARTICLE 1

INTERPRETATION

In this Law, “disposition” means an assurance of any interest in property by any instrument whether *inter vivos* or by will.

ARTICLE 2

AMENDMENT OF LAW REGARDING LEGITIMATION OF CHILDREN BY SUBSEQUENT MARRIAGE OF PARENTS.

(1) The fact that at the time of the conception of an illegitimate child there was any lawful impediment to the marriage of the father and the mother shall no longer be a bar to the legitimation of the child on the marriage of the father and the mother.

(2) Subject to the provisions of paragraph (3) of this Article, this Article applies in relation to children whether born before or after the commencement of this Law.

(3) This Article does not affect any rights under the intestacy of a person who dies before the commencement of this Law and does not affect the operation or construction of any disposition coming into operation before the commencement of this Law.

(4) Sub-paragraph (c) of paragraph (2) of Article 17B of the “Loi (1842) sur l’Etat Civil”,¹ as amended,² is hereby repealed.

ARTICLE 3

LEGITIMACY OF CHILDREN OF CERTAIN VOID MARRIAGES

(1) Subject to the provisions of this Article, the child of a void marriage, whether born before or after the commencement of this Law, shall be treated as the legitimate child of the parties to the marriage if at the time of the act of intercourse resulting in the birth (or at the time of the marriage if later) both or either of the parties reasonably believed that the marriage was valid.

(2) This Article applies, and applies only, where the father of the child was domiciled in the Island at the time of the birth or, if he died before the birth, was so domiciled immediately before his death.

¹ Tome 1949–1950, page 611.

² Tome 1957–1960, page 540.

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(3) This Article does not affect any rights under the intestacy of a person who dies before the commencement of this Law, and does not affect the operation or construction of any disposition coming into operation before the commencement of this Law.

(4) In this Article, “void marriage” means a marriage, not being voidable only, in respect of which the Matrimonial Causes Division of the Royal Court has or had jurisdiction to grant a decree of nullity, or would have or would have had such jurisdiction if the parties were domiciled in the Island.

(5) Nothing in this Article shall affect any right of proceeding under the Declarations of Illegitimacy (Jersey) Law, 1947.³

ARTICLE 4

SHORT TITLE AND COMMENCEMENT

(1) This Law may be cited as the Legitimacy (Jersey) Law, 1963.

(2) This Law shall come into force on the expiration of three months beginning with the day on which it is promulgated.

A.D. LE BROCCQ,

Deputy Greffier of the States.

³ Tome 1946–1948, page 355.