

[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1936.

A BILL

To amend the Legitimation Act, 1902, in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Legitimation (Amendment) Act, 1936." Short title and citation.

(2) The Legitimation Act, 1902, as amended by this Act may be cited as the Legitimation Act, 1902-1936.

Legitimation (Amendment).

2. The Principal Act is amended:—

Amendment of Act No. 23, 1902. New sec. 5A.

(a) by inserting next after section five the following new section:—

5A. No legitimation effected after the commencement of the Legitimation (Amendment) Act, 1936, shall affect any real or personal property to which any person has become or may become entitled in possession by virtue of—

Further provision as to effect of legitimation as affecting property.

- (a) any disposition made before the legitimation unless, under the disposition, the property is, at the time of the legitimation, liable to be divested and unless, when the property belongs to a class of which the legitimated person becomes a member by his legitimation, no member, before the legitimation, has, under the disposition, become indefeasibly entitled to a share or interest in the property;
- (b) any devolution by law on the death of a person before the legitimation unless no person whose interest would be affected by the legitimation has attained the age of twenty-one years.

(b) by inserting at the end of section six the following paragraph—

Sec. 6. (Absence of consent to marriage not an impediment.)

“The absence of any consent to the marriage of a person under the age of twenty-one years, required by any Act shall not be and shall be deemed never to have been a legal impediment within the meaning of this section.

(c) by omitting from section seven the words “in the form,” and by inserting in lieu thereof the words “containing the statement”;

Sec. 7. (Statutory declaration.)

(d) by omitting the Schedule and by inserting in lieu thereof the following Schedule:—

Substituted Schedule.

SCHEDULE.

Sec. 7.

Statements.

1. I am the father of a certain child, named , born on the day of , at

*Legitimation (Amendment).*

2. I was married to \_\_\_\_\_, the mother of the said child, on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, and I am desirous of having the birth of the said child registered as that of the lawful issue of myself and the said \_\_\_\_\_.

3. The document hereunto annexed is a certified copy of the \* { certificate } of my marriage with the said \_\_\_\_\_  
\* { entry in the register }

\*Strike out inappropriate words.

4. No legal impediment to the marriage of myself and the said \_\_\_\_\_ existed at the time of the birth of the said child.

5. At the time of the birth of the said child I \* { had never been married } and to the best of my knowledge and \_\_\_\_\_  
\* { was a widower }  
\* { was a divorced person }

\*Strike out inappropriate words.

belief, the mother of the said child\* { had never been married }  
\* { was a widow }  
\* { was a divorced person. }

\*Strike out unnecessary words.

