

LEGITIMACY ACT

CHAPTER 232

Legitimation by subsequent marriage

1. (1) Where, before or after the coming into force of this section, a person's parents intermarry after his birth, he is legitimate from birth for all purposes of the law of the Province.

(2) Nothing in subsection (1) affects an interest in property that has vested in a person before the intermarriage or December 16, 1922.

RS1960-217-2.

Voidable marriages

2. Where, before or after the coming into force of this section, a decree of nullity is granted for a voidable marriage, a child who would have been the legitimate child of the parties to the marriage if it had been dissolved instead of annulled continues to be legitimate after the annulment.

RS1960-217-3.

Void marriages, special cases

3. Where, before or after the coming into force of this section, a person,
- (a) in respect of whose spouse an order of presumption of death is made that is effective with respect to remarriage; or
 - (b) whose spouse was a member of the Canadian forces of whom official notification that he is dead or is presumed to be dead has been given under the laws of Canada,

enters a marriage which would be valid if the spouse were in fact dead, then, if the spouse was alive when the marriage occurred, a child of the persons entering the marriage is legitimate from birth for all purposes of the law of the Province.

1960-217-4; 1963-42-12.

Void marriages generally

4. Subject to section 3, where, before or after the coming into force of this section a person is born of parents who enter a void marriage, he is legitimate from birth for all the purposes of the law of the Province if

- (a) the marriage was registered or recorded in substantial compliance with the law of the place where it was entered into; and
- (b) either of the parties reasonably believed that the marriage was valid.

RS1960-217-5.

Application

5. (1) Sections 2, 3 and 4 apply whether the child of the persons entering into the marriage was born before or after the marriage, but do not apply where he was born 11 months after the marriage has been annulled or declared to be void by a court or other competent authority under the appropriate law.

(2) The Act legitimates a child notwithstanding the death of the child before the intermarriage of the parents.

RS1960-217-6.

Saving

6. Nothing in section 2, 3, 4 or 5 affects an interest in property that has vested in a person before April 1, 1960, and, in the case of marriages after the birth of the child, before the parents intermarry.

RS1960-217-7.

[Note: see also draft uniform Legitimacy Act to be found as stated in the Guide Notes in the beginning of the volume.]