

SCHEDULE 1

Consequential Amendments to Primary Legislation

Legitimacy Act 1976

15.—(1) The Legitimacy Act 1976⁽¹⁾ is amended as follows.

(2) For section 1(2) (legitimacy of children of certain void marriages) substitute—

“(2) This section only applies where—

- (a) the father of the child was domiciled in England and Wales at the time of the birth, or if he died before the birth, was so domiciled immediately before his death, or
- (b) if a woman is treated as the female parent of a child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008, that female parent was domiciled in England and Wales at the time of the birth, or if she died before the birth, was so domiciled immediately before her death.”.

(3) In section 2 (subsequent legitimation of child), in the heading and in the section, for “parents” in both places it occurs, substitute “mother and father”.

(4) In section 2A⁽²⁾(subsequent legitimation of child)—

- (a) in the heading after “subsequent” insert “marriage or”,
- (b) in paragraph (b) for “not” substitute “neither married nor”,
- (c) in paragraph (c) after “subsequently” insert “marry or”,
- (d) in paragraph (d) after “date of” insert “the marriage or”, and
- (e) in the closing words—

- (i) at the beginning insert “the marriage or”, and
- (ii) after “date of” insert “the marriage or”.

(5) In section 3⁽³⁾ (legitimation by extraneous law)—

- (a) in subsection (1) for “parents” substitute “mother and father”, and
- (b) in subsection (2)—
 - (i) in paragraph (b) for “not” substitute “neither married nor”,
 - (ii) in paragraph (c) after “subsequently” insert “marry or”,
 - (iii) in paragraph (d)—
 - (aa) after “time of” insert “the marriage or”, and
 - (bb) before the second “civil partnership” insert “marriage or”, and
 - (iv) in the closing words—
 - (aa) after “date of the” insert “marriage or”, and
 - (bb) after “subsequent” insert “marriage or”.

(1) 1976 c. 31.

(2) Section 2A was inserted by the Human Fertilisation and Embryology Act 2008 (c. 22), Schedule 6, paragraph 16.

(3) Section 3(1) was numbered as such and subsection (2) was inserted by the Human Fertilisation and Embryology Act 2008, Schedule 6, paragraph 17.