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## AN BILLE UM STÁDAS LEANAÍ, 1986 STATUS OF CHILDREN BILL, 1986

*Mar a tionscnaíodh*

*As initiated*

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43 and 44 Vict., c. 13



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AN BILLE UM STÁDAS LEANAÍ, 1986

STATUS OF CHILDREN BILL, 1986

# BILL

entitled

5 AN ACT TO AMEND THE LAW RELATING TO THE STATUS  
OF CHILDREN AND FOR THAT PURPOSE TO AMEND  
THE LAW RELATING TO LEGITIMACY AND TO  
GUARDIANSHIP OF INFANTS, TO AMEND AND  
EXTEND THE FAMILY LAW (MAINTENANCE OF  
10 SPOUSES AND CHILDREN) ACT, 1976, IN RELATION TO  
CERTAIN CHILDREN AND TO AMEND FURTHER THE  
LAW RELATING TO MAINTENANCE, TO AMEND THE  
LAW RELATING TO SUCCESSION AND OTHER PROP-  
25 ERTY RIGHTS, TO PROVIDE FOR DECLARATIONS OF  
PARENTAGE AND FOR THE USE OF BLOOD TESTS TO  
ASSIST IN THE DETERMINATION OF PARENTAGE, TO  
AMEND THE LAW RELATING TO CERTAIN PRE-  
SUMPTIONS AND EVIDENCE, TO MAKE FURTHER  
30 PROVISION FOR THE REGISTRATION AND RE-  
REGISTRATION OF BIRTHS AND TO PROVIDE FOR  
CONNECTED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

## PART I

### PRELIMINARY AND GENERAL

25 1.—(1) This Act may be cited as the Status of Children Act, 1986.

Short title and  
commencement.

30 (2) This Part (other than *section 2 (1)*) shall come into operation  
on the passing of this Act, and the said *section 2 (1)* and the other  
Parts shall come into operation six months after such passing or on  
such earlier day or days as may be fixed therefor by order or orders  
of the Minister for Justice, either generally or with reference to the  
said *section 2 (1)* or any particular Part or Parts.

35 2.—(1) In this Act—

Interpretation  
generally.

“marital child” means a person—

40 (a) whose parents were married to each other at the time of his  
birth or at some time during the period of ten months  
preceding his birth, or

(b) who is or has been rendered legitimate by virtue of section



1 (as amended by section 5 of this Act) of the Legitimacy Act, 1931, or

(c) who is deemed to be legitimate by virtue of section 1A or 1B (inserted by section 6 of this Act) of the Legitimacy Act, 1931, or

(d) who is recognised by virtue of section 8 of the Legitimacy Act, 1931, as legitimated, or

(e) in respect of whom an adoption order is or has been made under the Adoption Acts, 1952 to 1976, or

(f) who is otherwise treated in law as a legitimate person or a legitimated person;

“non-marital child” means a person who is not a marital child.

(2) In this Act, a reference to a Part is to a Part of this Act unless the context requires that a reference to some other enactment is intended.

Meaning of father, mother, parent in Irish Nationality and Citizenship Act, 1956.

3.—It is hereby declared that, in relation to a child, any reference to “father”, “mother” or “parent” in the Irish Nationality and Citizenship Act, 1956, includes and shall be deemed always to have included the father, mother or parent, as the case may require, who was not married to the child’s other parent at the time of the child’s birth or at any time during the period of ten months preceding the birth.

## PART II AMENDMENT OF THE ACT OF 1931

Definition (Part II).

4.—In this Part “the Act of 1931” means the Legitimacy Act, 1931.

Amendment of section 1 of the Act of 1931.

5.—(1) Section 1(2) of the Act of 1931 (which precludes the operation of that Act in the case of a person whose father and mother could not have been lawfully married to one another at the time of his birth or at some time during the period of ten months preceding such birth) is hereby repealed.

(2) In the case of a person to whom this section relates, the Act of 1931 shall have effect as if for the references in sections 1(1) and 5 of that Act to the commencement of that Act there were substituted a reference to the commencement of this Part.

Additional provisions to the Act of 1931.

6.—The Act of 1931 is hereby amended by the insertion after section 1 of the following sections:

“Legitimacy of children of certain void marriages.

1A.—(1) Subject to the other provisions of this section, the child of a void marriage shall be deemed to be the legitimate child of his parents from the commencement of Part II of the Status of Children Act, 1986, the date of the ceremony of marriage or the date of his birth, whichever is the latest, if either or both of his parents reasonably believed (whether or not any such belief was due to a mistake of law or of fact) that the ceremony of marriage resulted in a valid marriage—



(a) where that ceremony occurs before the birth of the child, at some time during the period of ten months preceding the child's birth, or

(b) where that ceremony occurs after the birth of the child, at the time of that ceremony.

(2) It shall be presumed for the purposes of subsection (1) of this section, unless the contrary is shown, that one of the parties to the void marriage reasonably believed that the ceremony of marriage to which that subsection relates resulted in a valid marriage.

(3) This section applies only where the father of the child was domiciled in the State at the time of the ceremony of marriage or of the birth, whichever is the later, or, if he died before the birth, was so domiciled immediately before his death:

Provided that this section shall not affect any rule of law which recognises as legitimated, by virtue of the law of any foreign jurisdiction, a child to whom this section does not otherwise relate.

Legitimacy of children of voidable marriages.

1B.—(1) Subject to subsection (2) of this section, where a decree of nullity is or has been granted in respect of a voidable marriage, any child who would have been the legitimate child of the parties to the marriage if it had not been annulled by the decree shall be deemed, notwithstanding the annulment, to be their legitimate child from the commencement of *Part II* of the *Status of Children Act, 1986*, or the date of the voidable marriage or the date of the child's birth, whichever is the latest.

(2) This section applies only where the father of the child was domiciled in the State at the time of the voidable marriage or of the birth, whichever is the later, or, if he died before the birth, was so domiciled immediately before his death:

Provided that this section shall not affect any rule of law which recognises as legitimated, by virtue of the law of any foreign jurisdiction, a child to whom this section does not otherwise relate."

### PART III

#### GUARDIANSHIP

7.—In this Part "the Act of 1964" means the *Guardianship of Infants Act, 1964*.

8.—The Act of 1964 is hereby amended by the substitution for section 2 of the following section:

"2.—In this Act, except where the context otherwise requires—

'adoption order' means an adoption order made under the *Adoption Acts, 1952 to 1976*, and for the time being in force;



'the Act of 1986' means the *Status of Children Act, 1986*;

'father' includes a male adopter under an adoption order, but does not include the natural father of a non-marital infant in respect of whom no order under section 6A (inserted by the Act of 1986) of this Act is in force; 5

'infant' shall be construed in accordance with section 2 of the Age of Majority Act, 1985;

'maintenance' includes education;

'marital child' has the meaning assigned to it by section 2 (1) of the Act of 1986; 10

'marital infant' means a marital child who is an infant;

'mother' includes a female adopter under an adoption order;

'non-marital child' has the meaning assigned to it by section 2 (1) of the Act of 1986;

'non-marital infant' means a non-marital child who is an infant; 15

'parent' means a father or mother as defined by this section;

'testamentary guardian' means a guardian appointed by deed or will;

'welfare', in relation to an infant, comprises the religious and moral, intellectual, physical and social welfare of the infant." 20

Meaning of father, mother, parent in Irish Nationality and Citizenship Act, 1956.

Proof of paternity in certain proceedings.

9.—The Act of 1964 is hereby amended by the insertion after section 3 of the following section:

"3A.—Where in any proceedings before any court on an application for an order under this Act in respect of a non-marital infant (other than so much of any proceedings as section 14 of the Act of 1986 relates to), a person (being a party to the proceedings) is alleged to be, or alleges that he is, the father of the child but that allegation is not admitted by a party to the proceedings, the court shall not on that application make any order which imposes any obligation or confers any right on that person unless it is proved on the balance of probabilities that he is the father of the child: 25

Provided that this section applies only where the fact that that person is or is not the father of the child is material to the proceedings." 30

35

Amendment of section 6 of the Act of 1964.

10.—Section 6 of the Act of 1964 is hereby amended by the substitution of the following subsection for subsection (4):

"(4) The mother, if living, of a non-marital infant shall alone be the guardian of the infant unless there is in force an order under section 6A (inserted by the Act of 1986) of this Act or a guardian has otherwise been appointed in accordance with this Act." 40

Appointment of natural father as guardian.

11.—The Act of 1964 is hereby amended by the insertion after section 6 of the following section:



“6A.—(1) In the case of a non-marital infant, the court may, on the application of the natural father of the infant, by order appoint such father to be a guardian of the infant.

(2) Without prejudice to the provisions of sections 5(3) (inserted by the Courts Act, 1981), 8 (4) and 12 of this Act, in the case of a non-marital infant, the appointment of the natural father of the infant as his guardian by the court under this section shall not affect the prior appointment of any person as a guardian of the infant under section 8 (1) of this Act unless the court otherwise orders.

(3) Rules of court shall provide a special procedure for determining an application under this section where—

(a) the mother consents in writing to the appointment of the natural father as guardian, and

(b) the natural father is registered as the father in a register maintained under the *Births and Deaths Registration Acts, 1863 to 1986*.”

12.—Section 11 of the Act of 1964 is hereby amended by the substitution of the following subsection for subsection (4):

Amendment of section 11 of the Act of 1964.

“(4) In the case of a non-marital infant the right to make an application under this section regarding the custody of the infant and the right of access thereto of his father or mother shall extend to the natural father who is not a guardian of the infant, and for this purpose references in this section to the father or parent of an infant shall be construed as including him; but no order shall, on such application, be made under paragraph (b) of subsection (2).”

Amendment of section 2 of the Act of 1964.

## PART IV

### MAINTENANCE

13.—In this Part “the Act of 1976” means the Family Law (Maintenance of Spouses and Children) Act, 1976.

Definition (Part IV).

14.—Where, in any proceedings before a court relating to the maintenance of a child or the payment of a lump sum in respect of the expenses for the birth or funeral of a child, the making of an order for the purpose of granting such maintenance or the payment of such a lump sum, as the case may be, depends on a finding that a person is a parent of the child, the court shall not in those proceedings make any such order unless it is proved on the balance of probabilities that that person is a parent of the child.

Disputed parentage in maintenance proceedings, etc.

15.—Section 3 of the Act of 1976 is hereby amended—

Amendment of section 3 of the Act of 1976.

(a) by the insertion after the definition of “dependent child of the family” of the following definition:

“‘dependent non-marital child’, in relation to a parent or parents, means any non-marital child (within the meaning

Maintenance orders (additional provisions)



of the *Status of Children Act, 1986*) who is under the age of sixteen years or, if he has attained that age—

(a) is or will be or, if an order were made under this Act providing for periodical payments for his support, would be receiving full-time education or instruction at any university, college, school or other educational establishment and is under the age of twenty-one years, or

(b) is suffering from mental or physical disability to such extent that it is not reasonably possible for him to maintain himself fully;”,

(b) by the insertion after the definition of “interim order” of the following definition:

“‘lump sum order’ means an order under section 21A of this Act;”,  
and

(c) by the substitution of the following definition for the definition of “maintenance order”:

“‘maintenance order’ means, where the context requires, an order under either section 5 or section 5A (including an order under that section to which section 5B of this Act relates) of this Act;”.

Amendment of section 5 of the Act of 1976.

**16.**—Section 5 of the Act of 1976 is hereby amended by the substitution of the following subsection for subsection (4):

“(4) The Court, in deciding whether to make a maintenance order under this section and, if it decides to do so, in determining the amount of any payment, shall have regard to all the circumstances of the case and, in particular, to the following matters—

(a) the income, earning capacity (if any), property and other financial resources of—

(i) the spouses and any dependent children of the family, and

(ii) any dependent non-marital children of which either spouse is a parent,

including income or benefits to which either spouse or any such children are entitled by or under statute, and

(b) the financial and other responsibilities of—

(i) the spouses towards each other and towards any dependent children of the family, and

(ii) each spouse as a parent towards any dependent non-marital children,

and the needs of any such children, including the need for care and attention.”.

Maintenance orders (additional provisions).

**17.**—The Act of 1976 is hereby amended by the insertion after section 5 of the following sections:



"Maintenance order (dependent non-marital child).

5A.—(1) Subject to subsection (3) of this section, where it appears to the Court, on application to it by either parent of a dependent non-marital child, that the other parent has failed to provide such maintenance for the child as is proper in the circumstances, the Court may make an order (in this Act referred to as a maintenance order) that the other parent make to the applicant parent periodical payments, for the support of the dependent non-marital child, for such period during the lifetime of the applicant parent, of such amount and at such times, as the Court may consider proper.

(2) Subject to subsections (3) and (4) of this section, where it appears to the Court, on application to it by any person other than a parent to whom subsection (1) of this section relates, that a parent of a dependent non-marital child (not being a child who is being fully maintained by the other parent) has failed to provide such maintenance for the child as is proper in the circumstances, the Court may make an order (in this Act referred to as a maintenance order) that the parent make to that person periodical payments for the support of the child for such period during the lifetime of that person, of such amount and at such times as the Court may consider proper.

(3) The Court, in deciding whether to make a maintenance order under this section and, if it decides to do so, in determining the amount of any payment, shall have regard to all the circumstances of the case and, in particular, to the following matters—

(a) the income, earning capacity (if any), property and other financial resources of—

(i) each parent,

(ii) the dependent non-marital child in respect of whom the order is sought, and

(iii) any other dependent children, whether dependent children of the family or dependent non-marital children,

including income or benefits to which either parent, the dependent non-marital child as aforesaid or such other dependent children are entitled by or under statute, and

(b) the financial and other responsibilities of each parent towards—

(i) a spouse,

(ii) the dependent non-marital child in



respect of whom the order is sought, and  
 (iii) any other dependent children, whether dependent children of the family or dependent non-marital children, and the needs of any dependent non-marital child as aforesaid or of any such other dependent children, including the need for care and attention.

(4) The Court shall not make a maintenance order under subsection (2) of this section in relation to a parent of a dependent non-marital child if a maintenance order under subsection (1) of this section requiring that parent to make periodical payments for the support of the child is in force or that parent has made provision for the child by an agreement under which, at or after the time of the hearing of the application for the order under the said subsection (2), payments fall to be made and in relation to which an order under section 8A of this Act has been made unless—

(a) the parent is not complying with the order under the said subsection (1) or the agreement, as the case may be, and

(b) the Court, having regard to all the circumstances, thinks it proper to do so,

but, if the Court makes the order under the said subsection (2), any amounts falling due for payment under the order under the said subsection (1) or the agreement, as the case may be, on or after the date of the making of the order under the said subsection (2) shall not be payable.

Maintenance order (other dependent children).

5B.—(1) The provisions of this Act relating to a dependent non-marital child (other than the definition of a dependent non-marital child in section 3) shall apply to a dependent child who is deemed to be legitimate as if the references in those provisions to a dependent non-marital child were or, where appropriate, included a reference to a dependent child who is so deemed.

(2) In this section 'dependent child who is deemed to be legitimate', in relation to a parent or parents, means any child who is deemed to be legitimate by virtue of section 1A or 1B (inserted by the *Status of Children Act, 1986*) of the *Legitimacy Act, 1931*, and is under the age of sixteen years or, if he has attained that age—

(a) is or will be or, if an order were made under this Act providing for periodical payments for his support, would be receiving full-time education or instruction at any university, college, school or other educational establishment and is under the age of twenty-one years, or

Amendment of section 5 of the Act of 1976.

Maintenance orders (additional provisions)

17.—The Act of 1976 is amended by section 5 of the following Act



(b) is suffering from mental or physical disability to such extent that it is not reasonably possible for him to maintain himself fully.”.

5 **18.—Section 6 of the Act of 1976 is hereby amended—**

Amendment of section 6 of the Act of 1976.

(a) by the insertion in subsection (3) of “under section 5 of this Act” after “maintenance order”,

(b) by the insertion after subsection (3) of the following subsection:

10 “(3A) That part of a maintenance order under section 5A of this Act which provides for the support of a dependent non-marital child shall stand discharged when the child ceases to be a dependent non-marital child by reason of his attainment of the age of sixteen years or twenty-one years, as the case may be, and shall be discharged by the Court, on application to it under subsection (1) of this section, if it is satisfied that the child has for any reason ceased to be a dependent non-marital child.”.

20 and the said subsection (3), as so amended, is set out in the Table to this section.

**TABLE**

25 (3) That part of a maintenance order under section 5 of this Act which provides for the support of a dependent child shall stand discharged when the child ceases to be a dependent child of the family by reason of his attainment of the age of sixteen years or twenty-one years, as the case may be, and shall be discharged by the Court, on application to it under subsection (1) of this section, if it is satisfied that the child has for any reason ceased to be a dependent child of the family.

30 **19.—The Act of 1976 is hereby amended by the insertion after section 8 of the following section:**

Orders in respect of certain other agreements.

“8A.—Where—

35 (a) the parents of a dependent non-marital child enter into an agreement in writing after the commencement of *Part IV* of the *Status of Children Act, 1986*, that includes either or both of the following provisions, that is to say—

(i) a provision whereby a parent undertakes to make periodical payments towards the maintenance of the child,

40 (ii) a provision affecting the interests of the child which governs the rights and liabilities of the parents towards one another in respect of the making or securing of payments (other than payments specified in paragraph (a)(i) of this section), or the disposition or use of any property,

and

45 (b) an application is made by one or both of the parents to the High Court or the Circuit Court for an order making the agreement a rule of court,

Repeal of the Act of 1930 and consequential provisions.



that Court may make such an order if it is satisfied that the agreement is a fair and reasonable one which in all the circumstances adequately protects the interests of the child and such order shall, in so far as it relates to a provision specified in paragraph (a)(i) of this section, be deemed, for the purposes of section 9 and Part III of this Act, to be a maintenance order.”

Birth and funeral expenses of dependent child.

20.—(1) The Act of 1976 is hereby amended by the insertion after section 21 of the following section:

“21A.—(1) The Court may make an order (in this Act referred to as a lump sum order) where it appears to the Court on application by—

(a) in relation to a dependent child of the family, a spouse, or

(b) in relation to a dependent non-marital child, a parent,

that the other spouse or parent, as the case may be, has failed to make such contribution as is proper in the circumstances towards the expenses incidental to either or both—

(i) the birth of a child who is a dependent child of the family or a dependent non-marital child, as the case may be, or who would have been such a child were he alive at the time of the application for a lump sum order,

(ii) the funeral of a child who was a dependent child of the family or a dependent non-marital child, as the case may be, or who would have been such a child had he been born alive,

and any lump sum order shall direct the respondent spouse or parent, as the case may be, to pay to the applicant a lump sum not exceeding £1,000, but no such order shall direct the payment of an amount exceeding £500 in respect of the birth of a child to whom this section relates or £500 in respect of the funeral of such a child.

(2) Section 5 (4) (as amended by the *Status of Children Act, 1986*) or 5A (3) (inserted by the said Act) of this Act, as may be appropriate, shall apply for the purpose of determining the amount of any lump sum under this section as it applies for the purpose of determining the amount of any payment under section 5 or 5A of this Act, as appropriate.

(3) (a) Nothing in this section, apart from this subsection, shall prejudice any right of a person otherwise to recover moneys expended in relation to the birth or funeral of a child.

(b) Where an application for a lump sum order has been determined, the applicant shall not be entitled otherwise to recover from the respondent moneys in relation to matters so determined.”

(2) Section 64 of the Health Act, 1970, is hereby amended by the substitution of the following subsection for subsection (3):

“(3) In deciding whether or not to make an order under section 21A of the Family Law (Maintenance of Spouses and Children) Act, 1976 (inserted by the *Status of Children Act, 1986*), in so far



as any such order relates to the payment of expenses incidental to the birth of a child, the Circuit Court or the District Court, as the case may be, shall not take into consideration the fact that the mother of the child is entitled to a grant under this section.”.

(3) Section 28 of the Social Welfare (Consolidation) Act, 1981, is hereby amended by the substitution of the following subsection for subsection (2):

“(2) In deciding whether or not to make an order under section 21A of the Family Law (Maintenance of Spouses and Children) Act, 1976 (inserted by the *Status of Children Act, 1986*), in so far as any such order relates to the payment of expenses incidental to the birth of a child, the Circuit Court or the District Court, as the case may be, shall not take into consideration the fact that the mother of the child is entitled to maternity allowance.”.

21.—Section 23 of the Act of 1976 is hereby amended by the substitution in subsection (1) (inserted by the Courts Act, 1981) of “sections 5, 5A, 6, 7, 9 and 21A” for “sections 5, 6, 7 and 9”, and the said subsection (1), as so amended, is set out in the Table to this section.

Amendment of section 23 of the Act of 1976.

#### TABLE

(1) Subject to subsection (2) of this section, the Circuit Court and the District Court shall have jurisdiction to hear and determine proceedings under sections 5, 5A, 6, 7, 9 and 21A of this Act.

22.—Section 24 of the Act of 1976 is hereby amended by the insertion of “or 8A” after “section 8” and by the substitution of “either of those sections” for “that section”, and the said section, as so amended, is set out in the Table to this section.

Amendment of section 24 of the Act of 1976.

#### TABLE

24.—A periodical payment of money pursuant to a maintenance order, a variation order, an interim order, an order under section 8 or 8A of this Act (in so far as it is deemed under either of those sections to be a maintenance order), or an attachment of earnings order shall be made without deduction of income tax.

23.—(1) The reference in section 98(1)(d) of the Defence Act, 1954, to an order made by a civil court under section 3, 6 or 7 of the Illegitimate Children (Affiliation Orders) Act, 1930, shall be construed as a reference to an order under section 5A, 6, 7 or 21A of the Act of 1976 (as amended by this Part) or an order under section 8A (inserted by this Part) of the Act of 1976 (in so far as it is deemed under that section to be a maintenance order).

Amendment of Defence Act, 1954.

(2) Section 99 (as extended to women by virtue of sections 2 and 5 of the Defence (Amendment) (No. 2) Act, 1979) of the Defence Act, 1954 (which relates to deductions from the pay of certain members of the Permanent Defence Force in respect of maintenance of a spouse or legitimate children) is hereby amended by the substitution in subsection (1) of “his spouse or any of his marital children or non-marital children (within the meaning of the *Status of Children Act, 1986*)” for “his wife or any of his legitimate children” and of “the spouse or any such children” for “the wife or such legitimate children”.

24.—(1) The Illegitimate Children (Affiliation Orders) Act, 1930

Repeal of the Act of 1930 and consequential provisions.



(hereafter in this section referred to as "the Act of 1930") is hereby repealed.

(2) Any order made by a court under the provisions of the Act of 1930 and in force immediately before the commencement of this Part shall, in so far as such order could have been made under section 5A (inserted by this Part) of the Act of 1976 had it been in operation when that order was made, be deemed for all purposes to be an order made under the said section 5A.

(3) Any proceedings initiated under the provisions of the Act of 1930 and not completed before the commencement of this Part shall, in so far as such proceedings could have been initiated under section 5A of the Act of 1976 had it been in operation at such initiation, be deemed for all purposes to be proceedings under the said section 5A and may be continued accordingly.

(4) Subsections (2) and (3) of this section are without prejudice to any proceedings initiated, or any order or part of such order made, under the Act of 1930 to which those subsections do not relate.

## PART V

### PROPERTY RIGHTS

Definition (Part V). 25.—In this Part "the Act of 1965" means the Succession Act, 1965.

Construction of dispositions.

26.—(1) In deducing any relationship for the purpose of any disposition (including a disposition creating an entailed estate) made after the commencement of this Part, the relationship between a person and his father and mother shall, unless the contrary intention appears, be determined irrespective of whether the father and mother are or have been married to each other, and all other relationships shall be determined accordingly.

(2) The following provisions of section 3 of the Legitimacy Act, 1931, namely—

(a) subsection (1) (b) (which relates to the effect of dispositions where a person has been legitimated),

(b) subsection (1) (c) (which relates to the effect of legitimation on entailed estates), and

(c) subsection (2) (which provides that, where the right to any property depends on the relative seniority of the children of any person, legitimated persons shall rank as if born on the date of legitimation),

shall not apply—

(i) in the case of the said subsection (1) (b), to a disposition made after the commencement of this Part,

(ii) in the case of the said subsection (1) (c), in relation to any entitlement under an entailed estate created by a disposition made after the commencement of this Part, and

(iii) in the case of the said subsection (2), in relation to any right



conferred by a disposition made after the commencement of this Part,  
except as respects any interest in relation to which the disposition refers only to persons who are, or whose relationship is deduced through, legitimate persons.

(3) (a) Subject to paragraph (b) of this subsection, this section is without prejudice to section 26 of the Adoption Act, 1952 (which relates to the property rights of adopted persons).

(b) An adopted person shall, unless the contrary intention appears, be entitled to take under a disposition made after the commencement of this Part in the same manner as he would have been entitled to so take if, at the date of the adoption order, he had been born in lawful wedlock to the person or persons who so adopted him.

(4) Any rule of law that a disposition in favour of illegitimate children not in being when the disposition takes effect is void as contrary to public policy is hereby abrogated as respects such dispositions made after the commencement of this Part.

(5) In relation to any disposition made before the commencement of this Part—

(a) nothing in this section shall affect the operation or construction of, or any entitlement under, any disposition so made, and

(b) where such a disposition creates a special power of appointment, nothing in this section shall be interpreted as extending the class of persons in whose favour the appointment may be made so as to include any person who is not a member of that class.

(6) (a) In this section “disposition” means a disposition, including an oral disposition, of real or personal property whether *inter vivos* or by will.

(b) Notwithstanding any rule of law, a disposition made by will or codicil executed before the commencement of this Part shall not be treated for the purposes of this section as made on or after that date by reason only that the will is confirmed by a codicil executed on or after that date.

27.—(1) Notwithstanding section 26 of this Act or section 4A of the Act of 1965 (inserted by this Part), personal representatives or trustees may, in relation to any real or personal estate or any trust property respectively, convey or distribute to or among the persons entitled thereto without having ascertained that there is no other person who, in so far as the said section 26 or the said section 4A confers—

Protection of personal representatives and trustees.

(a) any interest on non-marital children or their issue, or

(b) any interest on the father of, or any person related through the father to, a non-marital child,

is or may be entitled to an interest therein by virtue of either of the said sections, and shall not be liable to any such other person of whose claim they have not had notice at the time of the conveyance or distribution.



(2) Subsection (1) of this section shall not prejudice the right of any person to follow any real or personal estate or any trust property, or any property representing either, into the hands of any person other than a person who in good faith acquires an estate or interest in property for valuable consideration. 5

Amendment of  
section 3 of the Act  
of 1965.

28.—Section 3 of the Act of 1965 is hereby amended—

(a) by the insertion after the definition of “an intestate” of the following:

“‘issue’ shall be construed in accordance with section 4A (inserted by the *Status of Children Act, 1986*);”, 10

(b) by the insertion after the definition of “legal right” of the following definition:

“‘marital child’ has the meaning assigned to it by section 2 (1) of the *Status of Children Act, 1986*;”, 15  
and

(c) by the insertion after the definition of “the Minister” of the following definition:

“‘non-marital child’ has the meaning assigned to it by section 2 (1) of the *Status of Children Act, 1986*;”.

Succession rights.

29.—The Act of 1965 is hereby amended by the insertion after section 4 of the following section: 20

“4A.—(1) In deducing any relationship for the purposes of this Act, the relationship between every person and his father and mother shall, subject to section 27A of this Act (inserted by the Act of 1986), be determined irrespective of whether the father and mother are or have been married to each other, and all other relationships shall be determined accordingly. 25

(2) Where a non-marital child dies intestate, he shall be presumed not to have been survived by his father, or by any person related to him through his father, unless the contrary is shown. 30

(3) The reference in section 75(1) to Part VI and the reference in the said section 75(1) to the foregoing provisions of the said Part VI shall, in relation to an instrument *inter vivos* made, or a will coming into operation, after the commencement of Part V of the Act of 1986, be construed as including references to this section. 35

(4) This section is without prejudice to section 26 of the Adoption Act, 1952 (which relates to the property rights of adopted persons). 40

(5) This section shall not affect any rights under the intestacy of a person dying before the commencement of Part V of the Act of 1986. 45

(6) In this section ‘the Act of 1986’ means the *Status of Children Act, 1986*.”.

Amendment of  
section 6 of the Act  
of 1965.

30.—Section 6 of the Act of 1965 is hereby amended by the 45



substitution in subsection (2) (which relates to the jurisdiction of the Circuit Court under that Act) of the following paragraph for paragraph (c):

5 “(c) any proceedings under section 56, 67A, 115, 117, 120A or 121.”.

31.—The Act of 1965 is hereby amended by the insertion after section 27 of the following section:

Entitlement to grant of probate or administration.

10 “27A.—For the purpose of the application of section 26 or 27 in respect of the estate of a deceased person, the deceased shall be presumed, unless the contrary is shown, not to have been survived by any person related to him who is a non-marital child or by any person whose relationship with the deceased is deduced through a person who is or would have been (if alive) a non-marital child.”.

15 32.—The Act of 1965 is hereby amended by the insertion after section 67 of the following section:

Application to court in case of injustice.

“67A.—(1) This section applies in a case where an intestate dies leaving one or more children who are non-marital children and—

20 (a) a spouse and no children who are marital children, or

(b) a spouse and one or more children who are marital children, or

(c) one or more children who are marital children and no spouse.

25 (2) Where, on application by the spouse or any child of an intestate in a case to which this section applies, the court is of opinion that the spouse or any such child, as the case may be, has made a contribution of a substantial nature to the accumulation of the intestate's estate and that injustice would be caused by the application of the rules for distribution on intestacy contained in this Act (as amended by the *Status of Children Act, 1986*), the court shall, subject to subsection (5), order—

30 (a) that such provision be made (in addition to what an applicant under this section is entitled to under this Part on the intestacy or partial intestacy, as the case may be) out of so much of the estate as has not been disposed of by will as the court thinks just in such circumstances, and

35 (b) that the entitlement of any person (other than the applicant) under this Part on that intestacy or partial intestacy be reduced to such extent as the court thinks just in the circumstances for the purpose of giving effect to paragraph (a).

40 (3) Where an intestate has died partially intestate the court in making an order under this section shall, where appropriate, have regard to the provisions of section 117.



(4) The court in making an order under this section shall have regard to any provision made by the intestate for the applicant, whether by his will or otherwise.

(5) An order under this section shall not affect the legal right of a surviving spouse.

(6) An application under this section may be made in a summary manner and rules of court may provide for the conduct of proceedings under this section.

(7) All proceedings in relation to this section shall be heard in chambers.

(8) The costs in the proceedings shall be at the discretion of the court.

(9) An order under this section shall not be made except on an application made within twelve months from the first taking out of representation of the deceased's estate."

Amendment of  
section 117 of the  
Act of 1965.

33.—Section 117 of the Act of 1965 is hereby amended—

(a) by the insertion of the following subsection after subsection (1):

"(1A)(a) An application made under this section by virtue of *Part V* of the *Status of Children Act, 1986*, shall be considered in accordance with subsection (2) irrespective of whether the testator executed his will before or after the commencement of the said *Part V*."

(b) Nothing in paragraph (a) shall be construed as conferring a right to apply under this section in respect of a testator who dies before the commencement of the said *Part V*."

and

(b) by the insertion of the following subsection after subsection (2):

"(2A) Where a testator has died partially intestate the court in making an order under this section shall, where appropriate, have regard to the provisions of section 67A."

Amendment of  
section 120 of the  
Act of 1965.

34.—Section 120 of the Act of 1965 is hereby amended by the insertion in subsections (1) and (4) of "under section 67A or" before "under section 117" in each place it occurs, and the said subsections (1) and (4), as so amended, are set out in the Table to this section.

#### TABLE

(1) A sane person who has been guilty of the murder, attempted murder or manslaughter of another shall be precluded from taking any share in the estate of that other, except a share arising under a will made after the act constituting the offence, and shall not be entitled to make an application under section 67A or under section 117.

(4) A person who has been found guilty of an offence against the deceased, or against the spouse or any child of the deceased (including a child adopted under the *Adoption Acts, 1952 and 1964*, and a person to whom the deceased was *in loco parentis* at the time of the offence), punishable by imprisonment for a



maximum period of at least two years or by a more severe penalty, shall be precluded from taking any share in the estate as a legal right or from making an application under section 67A or under section 117.

35.—The Act of 1965 is hereby amended by the insertion after  
5 section 120 of the following section:

Exclusion of  
unworthy father to  
succeed on  
intestacy of non-  
marital child.

“120A.—(1) Where a non-marital child dies intestate, an  
application may be made to the court in a summary manner for  
a declaration that the father of that child—

(a) if still living, is, or

10 (b) if he dies after the death of that child, was,

unworthy to share in the estate to which that child died intestate,  
and the court may make the declaration sought if it considers it  
just, having regard to any circumstances it considers appropriate  
and if it is satisfied that the father did not make a contribution  
15 of a substantial nature towards the upbringing of that child.

(2) Where a declaration is made under this section, the father  
shall not be entitled to take a share in the estate to which  
his non-marital child died intestate, and that estate shall be  
distributed as if the father had died before the deceased.

20 (3) Rules of court may provide for the conduct of proceedings  
under this section.

(4) The costs in the proceedings shall be at the discretion of  
the court.

25 (5) An application under this section may be made by any  
other person who is entitled, or who would be entitled if a  
declaration under this section were made, to a share on intestacy.

(6) A declaration under this section shall not be made except  
on an application made within twelve months from the first taking  
out of representation of the deceased's estate.”

30 36.—The provisions of the following enactments are hereby  
repealed to the extent specified:

Repeals relating to  
property rights.

(a) in the Provident Nominations and Small Intestacies Act,  
1883, section 8;

35 (b) in the Savings Banks Act, 1887, the words “, or in case of  
any illegitimacy of the deceased person or his children, to  
or among such person or persons as may be directed by  
the said regulations,” in section 3 (2);

40 (c) in the Superannuation Act, 1887, the words “, or in case of  
the illegitimacy of the deceased person or his children, to  
or among such persons as the department may think fit,”  
in section 8;

(d) in the Industrial and Provident Societies Act, 1893, section  
27 (2);

(e) in the Friendly Societies Act, 1896, section 58 (2);

45 (f) in the Legitimacy Act, 1931, sections 1(3) and 9;

(g) in the Local Government (Superannuation) Act, 1956, the



words "or, in the case of the illegitimacy of the deceased, to or among such persons as the local authority think fit," in section 61 (1) (e);

(h) in the Act of 1965, section 110.

## PART VI

### DECLARATIONS OF PARENTAGE

Definitions (Part VI).

37.—In this Part—

"the Court" means the Circuit Court;

"prescribed" means prescribed by rules of court.

Jurisdiction and venue (Part VI).

38.—(1) The Court shall have jurisdiction to grant a declaration under this Part.

(2) The jurisdiction conferred on the Court by this section shall be exercised by the judge of the circuit where any party to the proceedings ordinarily resides or carries on any profession, business or occupation.

(3) The jurisdiction conferred by this section is in addition to any other jurisdiction to grant a declaration of parentage or to make an order which has the effect of such a declaration.

Declaration of parentage.

39.—(1) (a) A person (other than an adopted person) born in the State, or

(b) any other person (other than an adopted person),

may apply to the Court in such manner as may be prescribed for a declaration under this section that a person named in the application is his father or mother, as the case may be, or that both the persons so named are his parents.

(2) Where a person makes an application for a declaration by virtue of subsection (1)(b) of this section, he shall specify in the application the reasons for seeking the declaration from the Court, and the Court shall refuse to hear or refuse to continue hearing, as the case may be, the application if at any stage it considers that there are no good and proper reasons for seeking the declaration.

(3) Where a person makes an application for a declaration under this section by his next friend the Court shall refuse to hear or refuse to continue hearing, as the case may be, the application if at any stage the Court considers that it would be against the interests of the applicant to determine the application.

(4) On an application under this section the Court may at any stage of the proceedings, of its own motion or on the application of any party to the proceedings, direct that all necessary papers in the matter be sent to the Attorney General.

(5) Where on an application under this section the Attorney General requests to be made a party to the proceedings, the Court shall order that he shall be added as a party, and, whether or not he so requests, the Attorney General may argue before the Court any



question in relation to the application which the Court considers necessary to have fully argued and take such other steps in relation thereto as he thinks necessary or expedient.

(6) The Court may direct that notice of any application under this section shall be given in the prescribed manner to such other persons as the Court thinks fit and where notice is so given to any person the Court may, either of its own motion or on the application of that person or any party to the proceedings, order that that person shall be added as a party to those proceedings.

(7) Where on an application under this section it is proved on the balance of probabilities that—

(a) a person named in the application is the father, or

(b) a person so named is the mother, or

(c) persons so named are the parents,

of the applicant, the Court shall make the declaration accordingly.

(8) Any declaration made under this section shall be in a form to be prescribed and shall be binding on the parties to the proceedings and any person claiming through a party to the proceedings, and where the Attorney General is made a party to the proceedings the declaration shall also be binding on the State.

40.—(1) Rules of court may provide that any application for a declaration under section 39 of this Act shall contain such information as may be prescribed. Supplementary provisions to section 39.

(2) Where any costs are incurred by the Attorney General in connection with any application for a declaration under section 39 of this Act, the Court may make such order as it considers just as to the payment of those costs by other parties to the proceedings.

(3) No proceedings on an application under section 39 of this Act shall affect any final judgment or decree already pronounced or made by any court of competent jurisdiction.

(4) On the hearing of an application under section 39 of this Act the Court may direct that the whole or any part of the proceedings shall be heard otherwise than in public, and an application for a direction under this subsection shall be so heard unless the Court otherwise directs.

(5) Where a declaration is made by the Court under section 39 of this Act, notification of that decision shall be given to an tArd-Chláraitheoir and shall be given in such manner as may be prescribed.

## PART VII

### 40 BLOOD TESTS IN DETERMINING PARENTAGE IN CIVIL PROCEEDINGS

41.—In this Part—

“blood samples” means blood taken for the purpose of blood tests;

“blood test” means any test carried out under this Part and made with the object of ascertaining inheritable characteristics;

Definitions (Part VII).



"excluded" means excluded subject to the occurrence of mutation;

"the Minister" means the Minister for Justice.

Direction by court  
on blood tests.

42.—(1) In any civil proceedings before a court in which the parentage of any person is in question, the court may, either of its own motion or on an application by any party to the proceedings, give a direction for the use of blood tests for the purpose of assisting the court to determine whether a person named in the application or a party to the proceedings, as the case may be, is or is not a parent of the person whose parentage is in question, and for the taking, within a period to be specified in the direction, of blood samples from the person whose parentage is so questioned, from any person alleged to be a parent of that person and from any other person who is a party to the proceedings, or from any of those persons.

(2) Where, on the application of any party to proceedings—

(a) a direction is given under *subsection (1)* of this section, such party shall pay the costs of taking and testing blood samples for the purpose of giving effect to the direction (including any expenses reasonably incurred by any person in taking any steps required of him for that purpose) and of making a report to the court under *section 44(2)* of this Act,

(b) such party obtains, under *section 44(4)* of this Act, a written statement explaining or supplementing any statement made in a report under the said *section 44(2)*, that party shall, subject to any direction by the court, pay the costs (if any) of obtaining the written statement (including any expenses reasonably incurred by any person in taking any steps required by him for that purpose),

but any amount paid or to be paid by virtue of this subsection shall be treated as costs incurred by such party in the proceedings.

(3) The court may at any time revoke or vary a direction previously given by it under this section.

Consent to, and  
taking of, blood  
samples.

43.—(1) Subject to *subsection (3)* of this section, a blood sample which is required to be taken from any person for the purpose of giving effect to a direction under *section 42* of this Act shall not be taken from that person except with his consent.

(2) Where for the purpose of giving effect to a direction under *section 42* of this Act a blood sample is required to be taken from a person who is not of full age and the court considers that he is in the circumstances capable of giving or refusing the necessary consent, any consent given or refused by him shall be as effective as it would be if he were of full age.

(3) For the purpose of giving effect to a direction under *section 42* of this Act—

(a) a blood sample may be taken from a minor, other than one to whom *subsection (2)* of this section relates, if the person having charge of or control over the minor consents:

Provided that where more than one person has charge of



or control over the minor and they disagree as to whether consent should be given, the minor shall be treated as not having consented;

(b) a blood sample may be taken from a person of full age who is, in the opinion of the court, incapable of understanding the nature and purpose of blood tests if the person having charge of or control over him consents and any medical practitioner in whose care he may be has certified that the taking of a blood sample from him will not be prejudicial to his proper care and treatment:

Provided that where more than one person has charge of or control over the person concerned and they disagree as to whether consent should be given, the person concerned shall be treated as not having consented.

44.—(1) Where blood samples are taken for the purpose of giving effect to a direction of a court under *section 42(1)* of this Act, they shall be tested—

Blood tests and reports.

(a) under the control of such person (including a person to whom *subsection (6)* of this section relates) as all the parties to the proceedings before the court agree to, or

(b) where the parties are not in agreement,

(i) under the control of such person to whom *subsection (6)* of this section relates, or

(ii) under the control of such other person,

as the court shall direct.

(2) The person under whose control blood samples are to be tested by virtue of *subsection (1)* of this section shall make to the court by which the direction was given a report in which he shall state—

(a) in relation to each person from whom blood samples were so taken, the results of the tests, and

(b) in relation to each person (other than the person whose parentage is in question) from whom blood samples were so taken—

(i) whether the person to whom the report relates is or is not excluded by the results from being a parent of the person whose parentage is in question, and

(ii) if the person to whom the report relates is not so excluded, the value, if any, of the results in determining whether that person is a parent of the person whose parentage is in question,

and the report shall be received by the court as evidence in the proceedings of the matters stated therein.

(3) A report under *subsection (2)* of this section shall be in the form prescribed by regulations made under *section 45* of this Act.

(4) Where a report has been made to a court under *subsection (2)* of this section, any party may, with the leave of the court, or shall, if the court so directs, obtain from the person who made the report a



written statement explaining or supplementing any statement made in the report, and that statement shall be deemed for the purposes of this section (other than subsections (3) and (6)) to form part of the report made to the court.

(5) Where a direction is given under section 42(1) of this Act in any proceedings and the blood samples to which the direction relates have been tested by virtue of this section, a party to the proceedings, unless the court otherwise directs, shall not be entitled to call as a witness the person under whose control the blood samples were tested for the purpose of giving effect to that direction, or any person by whom any thing necessary for the purpose of enabling those tests to be carried out was done, unless within 14 days after receiving a copy of the report he serves notice on the other parties to the proceedings, or on such of them as the court may direct, of his intention to call that person as a witness and, where that person is so called, the party who called him shall be entitled to cross-examine him.

(6) (a) The Minister may, for the purpose of subsection (1) of this section, appoint a person or category of persons under whose control blood tests may be carried out.

(b) The Minister may at any time amend or revoke an appointment under this subsection but such amendment or revocation shall not affect any blood test carried out, or the testing of any blood sample for the purpose of this Part which was submitted for testing, before such amendment or revocation.

(c) Notice of an appointment, or the amendment or revocation of any appointment, shall be published by the Minister in the *Iris Oifigiúil*.

Regulations for purpose of giving effect to this Part.

45.—(1) The Minister may make regulations for the purpose of giving effect to this Part.

(2) Without prejudice to the generality of subsection (1) of this section, regulations made under this section may in particular—

(a) regulate the taking, identification and transport of blood samples;

(b) require the production at the time when a blood sample is to be taken of such evidence of the identity of the person from whom it is to be taken as may be prescribed by the regulations;

(c) require any person from whom a blood sample is to be taken, or, in such cases as may be prescribed by the regulations, such other person as may be so prescribed, to state in writing whether he or the person from whom the sample is to be taken, as the case may be, had during such period as may be specified in the regulations suffered from any such illness as may be so specified or received a transfusion of blood;

(d) prescribe the form of any report to be made to a court under this Part.

(3) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation



is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

46.—(1) Where a court gives a direction under section 42 of this Act and any person fails to take any step required of him for the purpose of giving effect to the direction, the court may draw such inferences, if any, from that fact as appear proper in the circumstances.

(2) Where in proceedings on an application under section 39 of this Act a court gives a direction under section 42 of this Act for the taking of blood samples then, if any person named in the direction fails, within such period as may be specified by the court, to take any step required of him for the purpose of giving effect to the direction, the court may dismiss the application.

(3) Where in any civil proceedings in which the parentage of any person falls to be determined by the court hearing those proceedings there is a presumption of law that that person is legitimate, then if—

(a) a direction is given under section 42 of this Act in those proceedings, and

(b) any party who is claiming any relief in the proceedings and who for the purpose of obtaining that relief is entitled to rely on the presumption fails to take any step required of him for the purpose of giving effect to the direction,

the court may adjourn the hearing for such period as it thinks fit to enable that party to take that step, and if at the end of that period he has failed without reasonable cause to take it the court may, without prejudice to subsection (1) of this section, dismiss his claim for relief notwithstanding the absence of evidence to rebut the presumption.

(4) Where any person named in a direction under section 42 of this Act fails to consent to the taking of a blood sample from himself or from any person named in the direction whom he has charge of or control over, he shall be deemed for the purposes of this section to have failed to take a step required of him for the purpose of giving effect to the direction.

47.—If, for the purpose of providing a blood sample for a test under section 44 of this Act, any person personates another or proffers another knowing him not to be the person named in the direction, he shall be liable—

(a) on summary conviction, to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months, or to both;

(b) on conviction on indictment, to a fine not exceeding £2,500 or to imprisonment for a term not exceeding two years, or to both.

## PART VIII

### 45 PRESUMPTIONS AND EVIDENTIAL PROVISIONS

48.—Any presumption of law as to the legitimacy or illegitimacy of any person may be rebutted in civil proceedings before a court on the balance of probabilities.

Failure to comply with direction on blood tests.

Penalty for personation for blood test purposes.

Rebuttal of presumption of legitimacy and illegitimacy.



Finding of parentage as evidence in other proceedings.

49.—(1) Where, either before or after the commencement of this Part, a person has been found or adjudged to be a parent of a child in any civil proceedings before a court relating to guardianship of infants or maintenance (including affiliation) or under section 215 of the Social Welfare (Consolidation) Act, 1981, such a finding or adjudication shall, notwithstanding the fact that that person did or did not offer any defence to the allegation of parentage or was or was not a party to those proceedings, be admissible in evidence in any subsequent civil proceedings for the purpose of proving that that person is or, where not alive, was a parent of that child:

Provided that no finding or adjudication as aforesaid other than a subsisting one shall be admissible in evidence by virtue of this section.

(2) Where evidence that a person has been found or adjudged to be a parent of a child has been submitted in subsequent proceedings by virtue of subsection (1) of this section, then—

(a) that person shall be taken to be or, where he is not alive, to have been a parent of that child, unless the contrary is proved on the balance of probabilities, and

(b) in relation to the prior court proceedings the contents of any document which was before that court, or which contains any pronouncement of that court, shall, without prejudice to the submission of any other admissible evidence for the purpose of identifying the facts on which the finding or adjudication was based, be admissible for that purpose.

(3) Where in subsequent civil proceedings the contents of any document are admissible in evidence by virtue of subsection (2) of this section, a copy of that document, or of the material part thereof, purporting to be certified or otherwise authenticated by or on behalf of the court or authority having custody of that document shall be admissible in evidence and shall be taken to be a true copy of that document or part unless the contrary is shown.

Presumption of paternity of person named as father in certain registers.

50.—Where—

(a) the birth of a child is registered in a register maintained under the *Births and Deaths Registration Acts, 1863 to 1986*, and

(b) the name of a person is entered as the father of the child on the register so maintained,

then, the person whose name is so entered shall be presumed to be the father of the child unless the contrary is proved on the balance of probabilities.

Admissibility of certain evidence.

51.—(1) The evidence of a husband or wife shall be admissible in any proceedings to prove that marital intercourse did or did not take place between them during any period.

(2) The proviso to section 3 of the Evidence Further Amendment Act, 1869, is hereby repealed.



## PART IX

### REGISTRATION AND RE-REGISTRATION OF BIRTHS

52.—The Minister for Health may, in relation to declarations of parentage made under section 39 of this Act which render births registrable, or affect births registered, under the *Births and Deaths Registration Acts, 1863 to 1986*, by regulations prescribe the place where, and the form and the manner in which, any such birth is to be registered or re-registered, as the case may be.

Re-registration of birth after declaration of parentage.

53.—The Births and Deaths Registration Act (Ireland), 1880, is hereby amended by the substitution for section 7 of the following sections:

Amendment of Births and Deaths Registration Act (Ireland), 1880.

“Registration of father of non-marital child.”

7.—(1) In the case of a non-marital child no person shall as father of the child be required to give information concerning the birth of the child.

(2) The registrar shall not enter in the register the name of a person as father of a non-marital child except—

(a) at the joint request of the mother and the person acknowledging himself to be the father of the child, or

(b) at the request of the mother on production of—

(i) a declaration in the prescribed form made by the mother stating that that person is the father of the child, and

(ii) a statutory declaration made by that person acknowledging himself to be the father of the child.

or

(c) at the request of that person on production of—

(i) a declaration in the prescribed form by that person acknowledging himself to be the father of the child, and

(ii) a statutory declaration made by the mother stating that that person is the father of the child,

or

(d) at the request of the mother or that person, which shall in either case be made in writing, on production of a certified copy of any court order in respect of proceedings to which section 49 of the *Status of Children Act, 1986*, relates, naming that person as the father of the child.



(3) On registration of the birth of a child under this section, the register shall be signed by—

(a) the registrar,

(b) the mother of the child, where she has made a request for registration in accordance with subsection (2) of this section, and 5

(c) the person acknowledging himself to be the father of the child, where he has made a request for registration in accordance with subsection (2) of this section. 10

(4) Where a person acknowledging himself to be the father of a non-marital child makes a request to the registrar in accordance with subsection (2) (c) or (2) (d) of this section, he shall be treated as a qualified informant concerning the birth of the child for the purposes of this Act. 15

(5) In this section 'non-marital child' has the meaning assigned to it by section 2 (1) of the *Status of Children Act, 1986*. 20

Re-registration of birth of non-marital child.

7A.—(1) Where the birth of a non-marital child has been registered under this Act, but no person has been registered as the child's father, the registrar shall re-register the birth so as to show a person as the father— 25

(a) at the joint request of the mother and that person (being a person who acknowledges himself to be the father of the child), or 30

(b) at the request of the mother on production of—

(i) a declaration in the prescribed form made by the mother stating that that person is the father of the child, and 35

(ii) a statutory declaration made by that person acknowledging himself to be the father of the child, 40

or

(c) at the request of that person on production of—

(i) a declaration in the prescribed form by that person acknowledging himself to be the father of the child, and 45

(ii) a statutory declaration made by the mother stating that that person is the father of the child,



(d) at the request of the mother or that person, which shall in either case be made in writing, on production of a certified copy of any court order in respect of proceedings to which section 49 of the *Status of Children Act, 1986*, relates, naming that person as the father of the child,

but no birth shall be re-registered under this section except in the prescribed manner and with the authority of an tArd-Chláraitheoir.

(2) On re-registration of the birth of a child under this section, the register shall be signed by—

(a) the registrar,

(b) the mother of the child, where she has made a request for re-registration in accordance with subsection (1) of this section, and

(c) the person acknowledging himself to be the father of the child, where he has made a request for re-registration in accordance with subsection (1) of this section.

(3) In this section 'non-marital child' has the meaning assigned to it by section 2 (1) of the *Status of Children Act, 1986*."

54.—The Births and Deaths Registration Acts, 1863 to 1972, and this Part shall be construed together as one and may be cited together as the Births and Deaths Registration Acts, 1863 to 1986.

Construction and collective citation (Part IX).



**BILLE***(mar a tionscnaíodh)**dá ngairtear*

Acht do leasú an dlí a bhaineann le stádas leanaí agus chun na críche sin do leasú an dlí a bhaineann le dlisteanacht agus caomhnóir-eacht naíon, do leasú agus do leathnú an Achta um an Dlí Teaghlaigh (Cothabháil Céilí agus Leanaí), 1976, i ndáil le leanaí áirithe agus do leasú tuilleadh an dlí a bhaineann le cothabháil, do leasú an dlí a bhaineann le cearta comharbais agus maoiné eile, do dhéanamh socrú i dtaobh dearbhuithe tuismíochta agus i dtaobh úsáid tástálacha fola d'fhonn cuidiú le cinneadh tuismíochta, do leasú an dlí a bhaineann le toimhdí agus fianaise áirithe, do dhéanamh socrú breise do chlárú agus d'athchlárú breitheanna agus do dhéanamh socrú i dtaobh nithe comhghaolmhara.

*Na Seanadóirí Séamas Ó Dubhaigh agus Mícheál Ó Fearais a thíolaic,  
9 Bealtaine, 1986*

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An Act to amend the law relating to the status of children and for that purpose to amend the law relating to legitimacy and to guardianship of infants, to amend and extend the Family Law (Maintenance of Spouses and Children) Act, 1976, in relation to certain children and to amend further the law relating to maintenance, to amend the law relating to succession and other property rights, to provide for declarations of parentage and for the use of blood tests to assist in the determination of parentage, to amend the law relating to certain presumptions and evidence, to make further provision for the registration and re-registration of births and to provide for connected matters.

*Presented by Senators James Dooge and Michael Ferris,  
9th May, 1986*

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