



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

Mar a ritheadh ag Seanad Éireann
As passed by Seanad Éireann

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ACTS REFERRED TO

| | |
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| Adoption Act, 1952 | 1952, No. 25 |
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| Age of Majority Act, 1985 | 1985, No. 2 |
| Births and Deaths Registration Act (Ireland), 1880 | 43 and 44 Vict., c. 13 |
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| Courts Act, 1981 | 1981, No. 11 |
| Defence Act, 1954 | 1954, No. 18 |
| Defence (Amendment) (No. 2) Act, 1979 | 1979, No. 28 |
| Evidence Further Amendment Act, 1869 | 32 and 33 Vict., c. 68 |
| Family Law (Maintenance of Spouses and Children) Act, 1976. | 1976, No. 11 |
| Friendly Societies Act, 1896 | 59 and 60 Vict., c. 25 |
| Guardianship of Infants Act, 1964 | 1964, No. 7 |

| | |
|---|------------------------|
| Health Act, 1970 | 1970, No. 1 |
| Illegitimate Children (Affiliation Orders) Act, 1930 | 1930, No. 17 |
| Industrial and Provident Societies Act, 1893 | 56 and 57 Vict., c. 39 |
| Irish Nationality and Citizenship Act, 1956 | 1956, No. 26 |
| Legitimacy Act, 1931 | 1931, No. 13 |
| Local Government (Superannuation) Act, 1956 | 1956, No. 10 |
| Provident Nominations and Small Intestacies Act, 1883 | 46 and 47 Vict., c. 47 |
| Savings Banks Act, 1887 | 50 and 51 Vict., c. 40 |
| Social Welfare (Consolidation) Act, 1981 | 1981, No. 1 |
| Succession Act, 1965 | 1965, No. 27 |
| Superannuation Act, 1887 | 50 and 51 Vict., c. 67 |



AN BILLE UM STÁDAS LEANAÍ, 1986

STATUS OF CHILDREN BILL, 1986

BILL

entitled

- 5 AN ACT TO EQUALISE THE RIGHTS OF CHILDREN AND
15 AMEND THE LAW RELATING TO THEIR STATUS AND
20 FOR THOSE PURPOSES TO AMEND THE LAW RELAT-
ING TO LEGITIMACY AND TO GUARDIANSHIP OF
10 INFANTS, TO AMEND AND EXTEND THE FAMILY LAW
(MAINTENANCE OF SPOUSES AND CHILDREN) ACT,
1976, IN RELATION TO CERTAIN CHILDREN AND TO
20 AMEND FURTHER THE LAW RELATING TO MAIN-
TENANCE, TO AMEND THE LAW RELATING TO SUC-
CESSION AND OTHER PROPERTY RIGHTS, TO
15 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
25 EVIDENCE, TO MAKE FURTHER 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, 1987.
- (2) (a) This Part (other than *sections 3 and 4*) shall come into
operation on the passing of this Act and the said *sections*
3 and 4 shall come into operation one month after such
passing.
- 30 (b) *Parts II to IX* shall come into operation six months after
the passing of this Act or on such earlier day or days (not
being earlier than one month after such passing) as may
be fixed therefor by order or orders of the Minister for
Justice, either generally or with reference to any particular
35 Part or Parts.

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.

Marital status of
parents to be of no
effect on
relationships.

3.—(1) In deducing any relationship for the purposes of this Act or of any Act of the Oireachtas passed after the commencement of this section, the relationship between every person and his father and mother (or either of them) shall, unless the contrary intention appears, be determined irrespective of whether his father and mother are or have been married to each other, and all other relationships shall be determined accordingly. 5

(2) (a) An adopted person shall, for the purposes of subsection (1) of this section, be deemed from the date of the adoption to be the child of the adopter or adopters and not the child of any other person or persons. 10

(b) In this subsection “adopted person” means a person who has been adopted under the Adoption Acts, 1952 to 1976, or, where the person has been adopted outside the State, whose adoption is recognised by virtue of the law for the time being in force in the State. 15

Construction of
references to
persons whose
parents have or have
not married each
other, etc.

4.—In this Act and in every Act of the Oireachtas passed after the commencement of this section—

(a) a reference, however expressed, to a person whose parents have not married each other shall, unless the contrary intention appears, be construed as including a reference to a person whose parents are or have been married to each other but between whom there has been no subsisting marriage at any time during the period of ten months before the person's birth, or during the persons's lifetime, and 20

(b) a reference, however expressed, to a person whose parents have married each other shall, unless the contrary intention appears, be construed as excluding a reference to a person in respect of whom paragraph (a) of this section applies. 25

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

5.—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. 30

PART II

AMENDMENT OF THE ACT OF 1931 40

Definition (Part II).

6.—In this Part “the Act of 1931” means the Legitimacy Act, 1931. 30

Amendment of
section 1 of the Act
of 1931.

7.—(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. 35

(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.

Power of court to appoint certain fathers as guardians.

PART III

GUARDIANSHIP

8.—In this Part “the Act of 1964” means the Guardianship of Infants Act, 1964. Definition (Part III).

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

10 “Interpretation. 2.—(1) 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;

15 ‘the Act of 1987’ means the *Status of Children Act, 1987*;

20 ‘father’ includes a male adopter under an adoption order, but, subject to subsection (3) of this section and section 11 (4) of this Act, does not include the father of an infant who has not married that infant’s mother and in respect of whom no order under section 6A (inserted by the Act of 1987) of this Act is in force;

Amendment of section 11 of the Act of 1964.

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

‘maintenance’ includes education;

‘mother’ includes a female adopter under an adoption order;

30 ‘parent’ means a father or mother as defined by this subsection;

‘testamentary guardian’ means a guardian appointed by deed or will;

35 ‘welfare’, in relation to an infant, comprises the religious and moral, intellectual, physical and social welfare of the infant.

Definition (Part IV).

(2) A reference, however expressed, in this Act to an infant whose father and mother have not married each other shall, except in a case to which subsection (3) of this section relates, be construed in accordance with section 4 of the Act of 1987.

Disputed parentage in maintenance proceedings, etc.

40 (3) (a) Where the father and mother of an infant have at any time gone through a ceremony of marriage and the ceremony resulted in—

Amendment of section 6 of the Act of 1964.

45 (i) a voidable marriage in respect of which a decree of nullity was

Amendment of section 3 of the Act of 1976.

Marital status of
parents to be of no
effect on
relationships

Definition (i) of
the Act

Amendment of
section 2 of the Act
of 1964

Construction of
references to
persons whose
parents have or have
not married each
other, etc.

Proof of paternity in
certain
proceedings.

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

Definition (Part II)

Amendment of
section 6 of the Act
of 1964.

granted after, or at some time
during the period of ten months
before, the birth of the infant, or

(ii) a void marriage which the father
reasonably believed (whether or
not such belief was due to a mis-
take of law or of fact) resulted in
a valid marriage—

(I) where the ceremony occurred
before the birth of the infant,
at some time during the
period of ten months before
that birth, or

(II) where the ceremony occurred
after the birth of the infant,
at the time of that ceremony,

then the father and mother shall, for
the purposes of this Act, be treated as
if they had married each other on the
commencement of *Part III* of the Act
of 1987 or the date of the ceremony of
marriage, whichever is the later.

(b) It shall be presumed for the purposes
of paragraph (a) (ii) of this subsection,
unless the contrary is shown, that the
ceremony of marriage to which that
paragraph relates resulted in a valid
marriage.”.

10.—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 (other than so much of
any proceedings as *section 15* of the Act of 1987 relates to) in
respect of an infant whose father and mother have not married
each other, a person (being a party to the proceedings) is alleged
to be, or alleges that he is, the father of the infant but that
allegation is not admitted by a party to the proceedings, the court
shall not on that application make any final 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
infant:

Provided that this section applies only where the fact that that
person is or is not the father of the infant is material to the
proceedings.”.

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

“(4) Where the mother of an infant has not married the infant’s
father, she, while living, shall alone be the guardian of the infant
unless there is in force an order under section 6A (inserted by
the Act of 1987) of this Act or a guardian has otherwise been
appointed in accordance with this Act.”.

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

Power of court to appoint certain fathers as guardians.

“6A.—(1) Where the father and mother of an infant have not married each other, the court may, on the application of the father, by order appoint him 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, the appointment by the court under this section of the father of an infant as his guardian 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 father as guardian, and

(b) the father is registered as the father in a register maintained under the *Births and Deaths Registration Acts, 1863 to 1987*,

and such procedure shall be as informal as is practicable and consistent with the administration of justice.”.

13.—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 an infant whose father and mother have not married each other, 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 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.”.

PART IV

MAINTENANCE

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

Definition (Part IV).

15.—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.

16.—Section 3 of the Act of 1976 is hereby amended in subsection (1)—

Amendment of section 3 of the Act of 1976.

Power of court to
appoint certain
factors as
guardians.

(a) by the insertion after the definition of "Court" of the following definition:

"dependent child" means any child (including a child whose parents are not married to each other) who is under the age of sixteen years, or, if he has attained that age—

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(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

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(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 substitution for the definition of "dependent child of the family" of the following definition:

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"dependent child of the family", in relation to a spouse or spouses, means any dependent child—

(a) of both spouses, or adopted by both spouses under the Adoption Acts, 1952 to 1976, or in relation to whom both spouses are *in loco parentis*, or

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(b) of either spouse, or adopted by either spouse under the Adoption Acts, 1952 to 1976, or in relation to whom either spouse is *in loco parentis*, where the other spouse, being aware that he is not the parent of the child, has treated the child as a member of the family;"

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(c) 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;"

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(d) 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 5A of this Act;"

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(e) by the insertion before the definition of "variation order" of the following definition:

"parent", in relation to a dependent child, includes a person who has adopted the child under the Adoption Acts, 1952 to 1976, but does not include a person who is a parent of the child adopted under those Acts where the person is not an adopter of the child;"

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Amendment of
section 5 of the Act
of 1976.

17.—Section 5 of the Act of 1976 is hereby amended—

(a) by the insertion in subsection (1) (c)—

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(i) of "under this section" after "maintenance order", and

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(ii) of "of the family" after "dependent child" in each place it occurs,

and

(b) 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 other dependent 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 other dependent children,

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

and the said subsection (1) (c), as so amended, is set out in the Table to this section.

TABLE

(c) A maintenance order under this section or a variation order shall specify each part of a payment under the order that is for the support of a dependent child of the family and may specify the period during the lifetime of the person applying for the order for which so much of a payment under the order as is for the support of a dependent child of the family shall be made.

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

Maintenance order (provision for certain dependent children).

"5A.—(1) Subject to subsection (3) of this section, where, in respect of a dependent child whose parents are not married to each other, it appears to the Court on application to it by either parent of the 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 child as aforesaid, for such period during the lifetime of the applicant parent, of such amount and at such times, as the Court may consider proper.

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(2) Subject to subsections (3) and (4) of this section, where in respect of a dependent child whose parents are not married to each other it appears to the Court, on application to it by any person other than a parent, that a parent of the 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.

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(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—

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

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(i) each parent,

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

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(iii) any other dependent children of either parent,

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

30

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

35

(i) a spouse,

30

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

35

(iii) any other dependent children of either parent,

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and the needs of any dependent 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 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

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(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.”.

19.—Section 6 of the Act of 1976 is hereby amended in subsection (3)—

Amendment of section 6 of the Act of 1976.

(a) by the deletion of “of the family” where it first occurs, and

(b) by the substitution of “for the purposes of the order” for “of the family” where it last occurs,

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

TABLE

(3) That part of a maintenance order which provides for the support of a dependent child shall stand discharged when the child ceases to be a dependent 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 child for the purposes of the order.

Amendment of section 24 of the Act of 1976.

20.—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—

(a) the parents of a dependent child who are not married to each other enter into an agreement in writing after the commencement of *Part IV* of the *Status of Children Act, 1987*, that includes either or both of the following provisions, that is to say—

Amendment of *Defence Act, 1954*.

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

(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

(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,

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.

21.—(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 child whose parents are not married to each other, 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 or who would have been a dependent 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 or who would have been a dependent 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, 1987*) 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."

subsection (1) of "his spouse or any of his children (including any of his children in respect of whom his spouse is not a parent and any children he has adopted under the Adoption Acts, 1952 to 1976)" for "his wife or any of his legitimate children" and of "the spouse or any such children" for "the wife or such legitimate children".

Repeal of the Act of 1930 and consequential provisions.

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

26.—In this Part "the Act of 1965" means the Succession Act, 1965.

Construction of dispositions, etc.

27.—(1) In any disposition (including a disposition creating an entailed estate) made after the commencement of this Part, references, however expressed, to relationships between persons shall be construed in accordance with section 3 of this Act.

(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) For the purpose of any property right to which this section or section 4A (inserted by this Act) of the Act of 1965 relates, the provisions of section 26 of the Adoption Act, 1952 (which relates to the property rights of persons adopted under the Adoption Acts, 1952 to 1976) shall be construed as applying also to any person adopted outside the State whose adoption is recognised by virtue of the law for the time being in force in the State.

(4) (a) Subject to paragraph (b) of this subsection, this section is without prejudice to section 26 (as construed in accordance with subsection (3) of this section) of the Adoption Act, 1952.

(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.

(5) 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.

(6) 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.

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

(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.

28.—(1) Notwithstanding section 27 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

Protection of personal representatives and trustees.

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 27* or the said *section 4A* confers—

(a) any interest on any person whose parents have not married each other or the issue of such person, or

(b) any interest on the father of any person who has not married such person's mother or anybody related through the father to such person,

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.

Amendment of
section 3 of the Act
of 1965.

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

(a) by the insertion in subsection (1) 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, 1987*);”,

and

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

“(1A) In this Act a reference, however expressed, to a person whose parents have married or have not married each other shall be construed in accordance with *section 4* of the *Status of Children Act, 1987*.”.

Succession rights.

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

“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 1987), be determined in accordance with *section 3* of the Act of 1987, and all other relationships shall be determined accordingly.

(2) Where a person whose father and mother have not married each other 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.

(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 1987, be construed as including references to this section.

(4) This section is without prejudice to section 26 (which, as construed in accordance with section 27 (3) of the Act of 1987, relates to the property rights of adopted persons) of the Adoption Act, 1952.

5 (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 1987.

(6) In this section 'the Act of 1987' means the *Status of Children Act, 1987*."

10 31.—Section 6 of the Act of 1965 is hereby amended by the substitution in subsection (2) (which relates to the jurisdiction of the Circuit Court under that Act) of the following paragraph for paragraph (c):

Amendment of section 6 of the Act of 1965.

15 "(c) any proceedings under section 56, 115, 117, 120A or 121."

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

Entitlement to grant of probate or administration.

20 "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 whose parents have not married each other or by any person whose relationship with the deceased is deduced through a person whose parents have not married each other."

25 33.—Section 117 of the Act of 1965 is hereby amended by the insertion of the following subsection after subsection (1):

Amendment of section 117 of the Act of 1965.

30 "(1A) (a) An application made under this section by virtue of Part V of the *Status of Children Act, 1987*, 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.

35 (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."

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

Exclusion of certain fathers to succeed on intestacy.

40 "120A.—(1) Where a person (in this section referred to as 'the deceased') whose parents have not married each other dies intestate, an application may be made to the court in a summary manner for a declaration that the father of the deceased—

(a) if still living, is, or

(b) if he dies after the death of the deceased, was,

45 unworthy to share in the estate to which the deceased 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 of a substantial nature towards the upbringing of the deceased.

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

(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.

(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."

Repeals relating to property rights.

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

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

(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);

(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);

(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).

36.—In this Part—

"the Court" means the Circuit Court;

"prescribed" means prescribed by rules of court.

37.—(1) The Court shall have jurisdiction to grant a declaration under this Part. Jurisdiction and venue (Part VI).

5 (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 or, where no party to the proceedings ordinarily resides or carries on any profession, business or occupation in the State, by a judge assigned to the Dublin Circuit.

10 (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.

15 38.—(1) (a) A person (other than an adopted person) born in the State, or Declaration of parentage.

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

15 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.

20 (2) An application may be made under *subsection (1)* of this section notwithstanding the fact that any person named in the application as the father or the mother or a parent, as the case may be, is not, or may not be, alive.

25 (3) 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.

30 (4) 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.

35 (5) 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.

40 (6) 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.

45 (7) 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.
- (8) Where on an application under this section it is proved on the balance of probabilities that— 5
- (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.
- (9) 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. 10
- Supplementary provisions to section 38.** 39.—(1) Rules of court may provide that any application for a declaration under section 38 of this Act shall contain such information as may be prescribed. 15
- (2) Where any costs are incurred by the Attorney General in connection with any application for a declaration under section 38 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. 20
- (3) No proceedings on an application under section 38 of this Act shall affect any final judgment or decree already pronounced or made by any court of competent jurisdiction. 25
- (4) On the hearing of an application under section 38 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. 30
- (5) Where a declaration is made by the Court under section 38 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. 35

PART VII

BLOOD TESTS IN DETERMINING PARENTAGE IN CIVIL PROCEEDINGS

- Definitions (Part VII).** 40.—In this Part— 35
- “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;
- “excluded” means excluded subject to the occurrence of mutation;
- “the Minister” means the Minister for Justice. 40

- Direction by court on blood tests.** 41.—(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 43 (2)* of this Act,

(b) such party obtains, under *section 43 (4)* of this Act, a written statement explaining or supplementing any statement made in a report under the said *section 43 (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.

42.—(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 41* of this Act shall not be taken from that person except with his consent.

Consent to, and taking of, blood samples.

(2) Where for the purpose of giving effect to a direction under *section 41* 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 41* 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

Failure to comply with direction on blood tests.

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.

Blood tests and reports.

43.—(1) Where blood samples are taken for the purpose of giving effect to a direction of a court under *section 41 (1)* of this Act, they shall be tested—

(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 44* 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 41 (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*.

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

Regulations for 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.

45.—(1) Where a court gives a direction under section 41 of this

Failure to comply with direction on blood tests.

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 38* of this Act a court gives a direction under *section 41* 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, by virtue of *section 49* of this Act, a presumption of paternity relating to such person, then if—

(a) a direction is given under *section 41* 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 41* 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.

Penalty for personation for blood test purposes.

46.—If, for the purpose of providing a blood sample for a test under *section 43* 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

PRESUMPTIONS AND EVIDENTIAL PROVISIONS

Abrogation of presumption of legitimacy or illegitimacy.

47.—Any presumption of law as to the legitimacy or illegitimacy of any person is hereby abrogated.

Finding of parentage as evidence in other proceedings.

48.—(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.

49.—(1) Where a woman gives birth to a child—

(a) during a subsisting marriage to which she is a party, or
(b) within the period of ten months after the termination, by death or otherwise, of a marriage to which she is a party, then the husband of the marriage shall be presumed to be the father of the child unless the contrary is proved on the balance of probabilities.

(2) Notwithstanding *subsection (1)* of this section, where a married woman who is living apart from her husband under a decree of divorce *a mensa et thoro* gives birth to a child more than ten months after the decree was granted, then her husband shall be presumed not to be the father of the child unless the contrary is proved on the balance of probabilities.

(3) Notwithstanding *subsection (1)* of this section, where—

(a) the birth of a child is registered in a register maintained under the *Births and Deaths Registration Acts, 1863 to 1987*, 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.

(4) For the purposes of *subsection (1)* of this section “subsisting

Admissibility of
certain evidence

Registration of
birth after
declaration of
parentage

Amendment of
Births and Deaths
Registration Act
(Ireland), 1980

Presumptions of
paternity and non-
paternity.

marriage" shall be construed as including a voidable marriage and the expression "the termination, by death or otherwise, of a marriage" shall be construed as including the annulment of a voidable marriage.

Admissibility of certain evidence.

50.—(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

Re-registration of birth after declaration of parentage.

51.—The Minister for Health may, in relation to declarations of parentage made under section 38 of this Act which render births registrable, or affect births registered, under the *Births and Deaths Registration Acts, 1863 to 1987*, 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.

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

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

"Registration of father where parents not married.

7.—(1) In the case of a child whose parents were not married to each other at the date of his birth or at any time during the period of ten months before his birth, no person shall as father of the child be required to give information concerning the birth.

(2) The registrar shall not enter in the register the name of a person as father of a child to whom subsection (1) of this section relates 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

5 (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 48 of the *Status of Children Act, 1987*, relates, naming that person as the father of the child.

10 (3) Where the mother of a child to whom subsection (1) of this section relates was married at the date of the birth of the child or at some time during the period of ten months before that birth, the registrar shall not, in respect of a request made by virtue of paragraph (a), (b) or (c) of subsection (2) of this section, register the name of a person as father except, in addition to the said paragraph (a), (b) or (c) being complied with, on production of—

15 (a) a statutory declaration by the husband of the mother stating that he is not the father of the child, or

20 (b) a statutory declaration by the mother stating that she has been living apart from her husband under a decree of divorce *a mensa et thoro* for more than ten months before the birth of the child.

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

(a) the registrar,

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

35 (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.

40 (5) Where a person acknowledging himself to be the father of a child (being a child to whom subsection (1) of this section relates) 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.

45 7A.—(1) Where the birth of a child (being a child whose parents were not married to each other at the date of his birth or at any time during

50 Re-registration of birth so as to show who is father.

- (a) a statutory declaration by the husband of the mother stating that he is not the father of the child, or
- 5 (b) a statutory declaration by the mother stating that she has been living apart from her husband under a decree of divorce *a mensa et thoro* for more than ten months before the birth of the child.

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

- (a) the registrar,
- 15 (b) the mother of the child, where she has made a request for re-registration in accordance with subsection (1) of this section, and
- 20 (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."

53.—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 1987*.

Construction and collective citation (Part IX).

PART I

BAILE ÁTHA CLATH: ARNA FHOILSIÚ AG OIFIG AN SOLATHAIR
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BILLE*dá ngairtear*

Acht do chothromú cearta leanaí agus do leasú an dlí a bhaineann lena stádas agus chun na gcríoch sin do leasú an dlí a bhaineann le dlisteanacht agus le caomhnóireacht 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 maoinne 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 thólaic,

*Ritheadh ag Seanad Éireann,
21 Eanáir, 1987*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath
2, nó trí aon díoltóir leabhar.

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BILL*entitled*

An Act to equalise the rights of children and amend the law relating to their status and for those purposes 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,

*Passed by Seanad Éireann,
21st January, 1987*

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