

Uniform Legitimacy Act

(1962 Consolidation, page 169)

1. (1) Where, before or after the coming into force of this section and after the birth of a person his parents have intermarried or intermarry, he is legitimate from birth for all purposes of the law of the Province. Legitimation by subsequent marriage

(2) Nothing in subsection (1) affects an interest in property that has vested in a person before the intermarriage of the parents or the day of, 19.....
(*The date of the first enactment of a legitimization statute*).

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

3. Where, before or after the coming into force of this section, a person Void marriages; special cases

(a) in respect of whose spouse an order of presumption of death is made either generally, or, *inter alia*, in relation to remarriage; or

(b) whose spouse was a member of the Canadian Forces in respect of whom official notification that he is dead or is presumed to be dead has been given under the laws of Canada,

enters into a marriage which would be valid if the spouse were in fact dead, then if the person to whom the order of presumption of death relates or in respect of whom the official notification was given was alive when the marriage was entered into, a child of the persons entering into the marriage is legitimate from birth for all purposes of the law of the Province.

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

(a) the marriage was registered or recorded in substantial compliance with the law of the place where it was entered into; and

(b) either of the parties reasonably believed that the marriage was valid.

Application

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

Death of child

6. This Act legitimates a child notwithstanding the death of the child before the intermarriage of the parents.

Saving

7. Nothing in sections 2 to 6 affects an interest in property that has vested in a person before the enactment of this Act (or the day of, 19.....) and, in the case of marriages after the birth of the child, before the intermarriage of the parents.
