

LEGITIMATION.

4° and 5° GEO. VI., No. XXXIX.

No. 39 of 1940.

AN ACT to amend section six of the Legitimation Act, 1909.

[Assented to 30th December, 1940.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Legitimation Act Amendment Act*, 1940, and shall be read as one with the Legitimation Act, 1909 (No. 44 of 1909, as amended by the Act No. 29 of 1926), hereinafter referred to as the principal Act.

Amendment
of s. 6.

2. Section six of the principal Act is amended by deleting subsection (1) thereof and inserting in lieu thereof new subsections as follows:—

(1) If—

(a) any man, who claims to be the father of an illegitimate child whose mother he has married since the birth of such child, produces to a registrar a statutory declaration in the form set out in the schedule to this Act; or

(b) any man, having married the mother of an illegitimate child since the birth of such child, and before he shall have made or produced to a registrar a statutory declaration as provided for in paragraph (a) hereof, dies or becomes insane or of such a condition of mental disability as to render him in the opinion of the Judge hearing an application hereinafter provided for incapable of making such a declaration, and it shall be proved to the satisfaction of a Judge in Chambers, upon the application of the mother of such child that the said man was or is her husband, and that he was or is the father of the said child, or during his lifetime or before he became insane or mentally disabled as aforesaid acknowledged himself as the father of the child, and upon production of a certified copy of the order of the Judge so finding—

it shall be the duty of the registrar to register such child, whether dead or alive, as the lawful issue of such man and his wife; and the registrar shall make a note in the entry to the effect that such registration has been made under the authority of this Act.

(1A) A copy of any application under paragraph (b) of subsection (1) hereof, and of the evidence by affidavit to be used in support thereof, shall be served upon the man alleged to be insane or mentally disabled as aforesaid, or upon the committee (if any) of such man, within the same periods prior to the hearing of the application as are provided by the rules of the Supreme Court, 1909, to be limited in a writ of summons for the appearance of any defendant.

3. The principal Act as amended by the Act No. 29 of 1926 and by this Act may be cited as the Legitimation Act, 1909-1940.

Citation of
principal Act
as amended.