

**Legitimacy Act  
(CHAPTER 162)**

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# **LEGITIMACY ACT**

## **(CHAPTER 162)**

(Original Enactment: Ordinance 20 of 1934)

REVISED EDITION 1985

(30th March 1987)

An Act to provide for the legitimation of children born out of wedlock.

[18th May 1934]

### **Short title**

1. This Act may be cited as the Legitimacy Act.

### **Interpretation**

2. In this Act, unless there is something repugnant in the subject or context —
  - “date of legitimation” means the date of the marriage leading to the legitimation, or, where the marriage occurred before 18th May 1934, that day;
  - “disposition” means an assurance of any interest in property by any instrument whether inter vivos or by will;
  - “intestate” includes a person who leaves a will but dies intestate as to some beneficial interest in his estate;
  - “legitimated person” means a person legitimated by this Act;
  - “will” includes “codicil”.

### **Legitimation by subsequent marriage of parents**

3.—(1) Subject to this section, where the parents of an illegitimate person marry or have married one another, whether before, on or after 18th May 1934 the marriage shall, if the father of the illegitimate person was or is at the date of the marriage domiciled in Singapore, render that person, if living, legitimate from 18th May 1934 or from the date of the marriage, whichever last happens.

(2) Nothing in this Act shall operate to legitimate a person unless the marriage leading to the legitimation was solemnized and registered in accordance with the provisions of the repealed Christian Marriage Ordinance [Cap. 37, 1955 Ed.] or of the Civil Marriage Ordinance [Cap. 38, 1955 Ed.] or unless that marriage was registered or

deemed to be registered under the Women's Charter [Cap. 353].

(3) The legitimation of a person under this Act does not enable him or his spouse, children or remoter issue to take any interest in property save as hereinafter expressly provided in this Act.

(4) The provisions contained in the Schedule shall have effect with respect of the re-registration of the births of legitimated persons.

### **Declarations of legitimacy of legitimated persons**

4.—(1) A person claiming that he or his parent or any remoter ancestor became or has become a legitimated person may, whether domiciled in Singapore or elsewhere, and whether a citizen of Singapore or not, apply by petition to the High Court praying the court for a decree declaring that the petitioner is the legitimate child of his parents, or that his parent or remoter ancestor was legitimate, and the High Court shall have jurisdiction to hear and determine that application and to make such decree declaratory of the legitimacy or illegitimacy of such person as to the court may seem just; and that decree shall be binding to all intents and purposes on the Government and on all persons whomsoever.

(2) Every petition under this section shall be accompanied by such affidavit verifying the facts alleged in the same, and by such proof of the absence of fraud and collusion, as the court may by any general rule direct.

(3) In all proceedings under this section the court shall have full power to award and enforce payment of costs to any person cited, whether that person does or does not oppose the declaration applied for, in case the court considers it reasonable that the costs should be paid.

(4) A copy of every petition under this section, and of the affidavit accompanying the same, shall, one month at least prior to the presentation or filing of the petition, be delivered to the Attorney-General, who shall be a respondent upon the hearing of the petition and upon every subsequent proceeding relating thereto.

(5) Where any application is made under this section to the court, the person or persons, if any, besides the Attorney-General as the court thinks fit shall, subject to the rules made under this section, be cited to the proceedings or otherwise summoned in such manner as the court directs, and may be permitted to become parties to the proceedings, and oppose the application.

(6) The decree of the court shall not in any case prejudice any person —

- (a) if it is subsequently proved to have been obtained by fraud or collusion; or
- (b) unless that person has been cited or made a party to the proceedings or is

the heir at law, next of kin, or other real or personal representative of, or derives title under or through, a person so cited or made a party.

(7) No proceedings to be had under this section shall affect any final judgment or decree already pronounced or made by any court of competent jurisdiction.

### **Power to make rules**

(8) The Judges of the Supreme Court or any 3 of them, of whom the Chief Justice shall be one, may make rules for carrying the provisions of this section into effect.

### **Rights of legitimated persons to take interests in property**

5.—(1) Subject to the provisions of this Act a legitimated person and his spouse, children or remoter issue shall be entitled to take any interest —

(a) in the estate of an intestate dying after the date of legitimation;

(b) under any disposition coming into operation after the date of legitimation,

in the like manner as if the legitimated person had been born legitimate.

(2) Where the right to any property depends on the relative seniority of the children of any person, and those children include one or more legitimated persons, the legitimated person or persons shall rank as if he or they had been born on the day when he or they became legitimated by virtue of this Act, and if more than one such legitimated person became legitimated at the same time they shall rank as between themselves in order of seniority.

(3) This section applies only if and so far as a contrary intention is not expressed in the disposition, and shall have effect subject to the terms of the disposition and to the provisions therein contained.

### **Succession on intestacy of legitimated persons and their issue**

6. Where a legitimated person or a child or remoter issue of a legitimated person dies intestate in respect of any of his property, the same persons shall be entitled to take the same interests therein as they would have been entitled to take if the legitimated person had been legitimate.

### **Application to illegitimate person dying before marriage of parents**

7. Where an illegitimate person dies on or after 18th May 1934 and before the marriage of his parents leaving any spouse, children or remoter issue living at the date of the marriage, then if that person would, if living at the time of the marriage of his parents, have become a legitimated person, the provisions of this Act with respect to the taking of