

**LAWS OF GUYANA**

**LEGITIMACY ACT**

**CHAPTER 46:02**

**Act**

**14 of 1932**

Amended by

12 of 1983

18 of 1985

17 of 1993

O. 19/1990

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## CHAPTER 46:02

## LEGITIMACY ACT

## ARRANGEMENT OF SECTIONS

## SECTION

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## SCHEDULE—Registration of Births of Legitimated Persons

1953 Ed.  
c. 165

14 of 1932

**An Act to amend the Law relating to children born out of wedlock.**

[14<sup>TH</sup> MAY, 1932]

Short title.

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

Interpretation.

2. In this Act—

“date of legitimation” means the date of the marriage leading to the legitimation.

“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 a codicil.

Legitimation by subsequent marriage of parents. [12 of 1983 19 of 1990]

3. (1) Subject to this section, where the parents of a person born out of wedlock marry or have married one another, whether before or after the commencement of this Act, the marriage did or shall, if the father or mother of the person born out of wedlock was or is at the date of the marriage domiciled in Guyana, render that person, if he is or was living, legitimate from the date of the marriage.

(2) 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 is hereinafter in this Act expressly provided.

Schedule.

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

Declarations of legitimacy of legitimated persons. c. 45:02

4. A person claiming that he or his parent or any remoter ancestor became or has become a legitimated person may, whether domiciled in Guyana or elsewhere and whether a natural-born Commonwealth citizen or not, present a petition under Part II of the Matrimonial Causes Act, and that Part, subject to such necessary modifications as may be prescribed by rules of court, shall apply accordingly.

Rights of legitimated persons, etc., to take interests in property.

5. Subject to this Act, a legitimated person and his spouse, children or more remote issue shall be entitled to take any interest in the estate of an intestate or under any disposition in like manner as if the legitimated person had

been born legitimate.

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 all or 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 born legitimate.

Application to person born out of wedlock dying before marriage of parents.  
[12 of 1983]

7. Where a person born out of wedlock dies after the commencement of this Act and before the marriage of his parents leaving any spouse, children or remoter issue living at the date of such 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 interests in property by, or in succession to, the spouse, children and remoter issue of a legitimated person (including those relating to the rate of estate duty) shall apply as if such person as aforesaid had been a legitimated person and the date of the marriage of his parents had been the date of legitimation.

Personal rights and obligations of legitimated persons.

8. A legitimated person shall have the same rights, and shall be under the same obligations in respect of the maintenance and support of himself or of any other person as if he had been born legitimate, and, subject to this Act, the provisions of any Act relating to claims for damages, compensation, allowance, benefit, or otherwise by or in respect of a legitimate child shall apply in like manner in the case of a legitimated person.

Estate duty.

9. Where a legitimated person or any relative of a legitimated person takes any interest in property, any estate duty which becomes leviable after the date of legitimation shall be payable at the same rate as if the legitimated persons had been born legitimate.

Provisions as to persons legitimated by

10. (1) Where the parents of a person born out of wedlock marry or have married one another, whether before or after the commencement of this Act, and the father or

extraneous law.  
[12 of 1983  
19 of 1990]

mother of the person born out of wedlock was or is, at the time of the marriage, domiciled in a country, other than Guyana, by the law of which the person born out of wedlock became legitimated by virtue of such subsequent marriage, that person, if living, shall in Guyana be recognised as having been so legitimated from the commencement of this Act or from the date of the marriage whichever last happens, notwithstanding that his father or mother was not at the time of the birth of such person domiciled in a country in which legitimation by subsequent marriage was permitted by law.

(2) All the provisions of this Act relating to legitimated persons and to the taking of interests in property by or in succession to a legitimated person and the spouse, children and remoter issue of a legitimated person (including those relating to the rate of estate duty) shall apply in the case of a person recognised as having been legitimated under this section, or who would, had he survived the marriage of his parents, have been so recognised; and accordingly, this Act shall have effect as if references therein to a legitimated person, included a person so recognised as having been legitimated.

(3) For the purposes of this section, the expression “country” includes any Commonwealth country as well as a foreign country.

Right of child  
born out of  
wedlock and  
mother of child  
born out of  
wedlock to  
succeed on  
intestacy of the  
other.  
[12 of 1983]

**11.** (1) Where, after the commencement of this Act and before the commencement of the Children Born Out of Wedlock (Removal of Discrimination) Act 1983, the mother of a child born out of wedlock, such child not being a legitimated person, dies intestate as respects all or any of her property, the child born out of wedlock, or, if he is dead, his issue, shall be entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate.

(2) Where, after the commencement of this Act and before the commencement of the Children Born Out of

Wedlock (Removal of Discrimination) Act 1983, a child born out of wedlock, not being a legitimated person, dies intestate in respect of all or any of his property, his mother if surviving shall be entitled to take any interest therein to which she would have been entitled if the child had been born legitimate and she had been the only surviving parent and if his mother does not survive him then such children, whether born in wedlock or out of wedlock, of his mother as survive him and the persons entitled to succeed them on intestacy shall be entitled to take any interest therein to which they would have been entitled if all such children and the child had been born legitimate.

Savings.

12. Nothing in this Act shall affect the operation or construction of any disposition coming into operation before the commencement of this Act, or affect any rights under the intestacy of a person dying before the commencement of this Act.

s. 3(3)

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## SCHEDULE

### REGISTRATION OF BIRTHS OF LEGITIMATED PERSONS

Construction.  
c. 44:01

1. This Schedule shall be construed with the Registration of Births and Deaths Act.

Conditions of  
re-registration.  
c. 44:01.

2. The Registrar General may, on production of such evidence as appears to him to be satisfactory, authorise at any time the re-registration of the birth of a legitimated person whose birth is already registered under the Registration of Births and Deaths Act, and such re-registration shall be effected in such manner and at such place as the Registrar General, with the approval of the Minister, may by regulations prescribe:

Provided that the Registrar General shall not authorise

the re- registration of the birth of any such person in any case where information with a view to obtaining such re- registration is not furnished to him by both parents, unless—

- (a) the name of a person acknowledging himself to be the father of the legitimated person has been entered in the register in pursuance of section 31 of the Registration of Births and Deaths Act; or
- (b) the paternity of the legitimated person has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction; or
- (c) a declaration of the legitimacy of the legitimated person has been made under Part II of the Matrimonial Causes Act, as amended by this Act.

c. 45:02

Fees for registration.  
[18 of 1985  
17 of 1993  
6 of 1997]

**2A.** The fees payable with respect to the re- registration of the birth of a legitimated person shall be sixty dollars.

Parents to furnish information.

**3.** It shall be the duty of the parents of a legitimated person, or, in cases where re-registration can be effected on information furnished by one parent and one of the parents is dead, of the surviving parent, within the time hereinafter specified, to furnish to the Registrar General information with a view to obtaining the re-registration of the birth of that person, that is to say—

- (a) if the marriage took place before the commencement of this Act, within six months of such commencement;



- (b) if the marriage takes place after the commencement of this Act, within three months after the date of the marriage.

Compelling attendance of parents.

4. Where the parents, or either of them, fail to furnish the necessary information within the time limited for the purpose, the Registrar General may at any time after the expiration of that time require the parents of a person whom he believes to have been legitimated by virtue of this Act, or either of them, to give him such information concerning the matter as he may consider necessary, verified in such manner as he may direct, and for that purpose to attend personally either at a Registrar's Office or at any other place appointed by him within such time, not being less than seven days after the receipt of the notice, as may be specified in the notice.

Default of parents not to affect legitimation.

5. The failure of the parents or either of them to furnish information as required by this Schedule in respect of any legitimated person shall not affect the legitimation of that person.

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## SUBSIDIARY LEGISLATION

Reg. 3/9/1934  
20/1950

**RE-REGISTRATION OF BIRTHS  
(LEGITIMATED PERSONS) REGULATIONS**

*made under paragraph 2 of the Schedule to the Act.*

Citation and  
construction.  
c.44:01 Sub.  
Leg.

1. These Regulations may be cited as the Re-registration of Births (Legitimated Persons) Regulations, and shall be construed with the Registration of Births and Deaths Regulations hereinafter referred to as the Principal Regulations.

Meaning of  
"informant."

2. In these Regulations, "informant" means a parent of a legitimated person whose duty it is to give information with a view to the re-registration of the birth of such person.

Information to  
be for forwarded  
by informant.

3. Before the Registrar General authorises the re-registration of the birth of a legitimated person, the informant shall forward to him—

- (a) a certified copy from the register of the entry of the birth of the legitimated person;
- (b) a certified copy from the original marriage register or from the duplicate original marriage register of the entry of the marriage of the parents; and
- (c) a statutory declaration that the copy

from the register of births at (a) relates to the person of the contracting parties in the copy from the marriage register at (b).

Attendance of informant before Registrar.

4. Where re-registration is authorised by the Registrar General, the informant, or, if there are two informants, such one of them as the Registrar General may direct, shall, subject as hereinafter provided, attend personally at the office of the registrar of births and deaths of the division in which the informant resides within such time as the Registrar General may specify.

Manner and form of re-registration.

5. (1) (a) The registrar of the division in which the informant resides, on receiving the Registrar General's written authority to re-register the birth of a legitimated person, shall, in the presence of the informant, enter the birth in the birth register in the manner and form set out in these Regulations, and the informant shall sign the register in column 7 of the entry in the presence of the registrar.
- (b) The registrar shall enter in columns 1 to 6 (inclusive) the particulars stated in the written authority as particulars to be entered in those columns on the information given to the Registrar General.
- (c) The registrar shall append to the signature of the informant in column 7 the description and address of such informant as required by the written authority to be entered in that column.

- (d) The registrar shall enter in column 8 the date on which the entry is made in the manner and form provided in regulation 71 of the Principal Regulations in respect of an entry of the date of registration, followed by the words "On the authority of the Registrar General".
- (e) The registrar shall sign his name in column 9 adding the word "Registrar" after his signature.

Re-registration where no informant is living.

(2) Where re-registration is authorised by the Registrar General and no informant is living, then, if the legitimated person is an infant, his guardian may attend personally at the office of the registrar and sign the register in column 7 of the entry; and if the legitimated person is not an infant the registrar shall, if so directed in the written authority of the Registrar General, enter in column 7 the words "On the authority of the Registrar General," and omit such words from column 8.

c.44:01

(3) In this regulation the columns referred to are the columns in Form 1 in the First Schedule to the Registration of Births and Deaths Act.

Re-registration in case of removal out of Guyana.  
[Reg.20/1950]

6. (1) An informant who has removed before re-registration from the division in which the birth took place to some place out of Guyana may, with the consent of the Registrar General, instead of attending at the office of the registrar to sign the register, make and sign a declaration in writing of the particulars to be entered in the register on the information of such informant.

(2) In the case of an informant who is in any Commonwealth country, the declaration shall be made before

[Subsidiary]

*Re-Registration of Births (Legitimated Persons) Regulations*

a judge, court, notary public or person lawfully authorised to administer oaths in such country, and in the case of an informant who is in any foreign parts out of the Commonwealth, the declaration shall be made before a consular officer of Guyana.

(3) The declaration shall be in such form and shall contain such particulars as the Registrar General may require, being particulars to be entered in the register on the information of such informant.

(4) Upon receipt of the declaration duly attested, the Registrar General may send it, together with his written authority for re-registration to the registrar of the division in which the birth took place.

(5) The registrar of the division in which the birth took place on receiving the Registrar General's written authority for re-registration together with a declaration made and signed in pursuance of this regulation, shall enter the birth in the register in the manner hereinbefore provided, notwithstanding that no informant is present, and in column 7 he shall write the name of the informant as signed in the declaration, followed by the description and address of the informant as stated in the written authority, and append the words as per declaration dated .....” and the date on which the declaration was made and signed.

Copies of entries and authorities to be sent to Registrar General.

7. The registrar on making the entry in the register shall forthwith make and deliver to the Registrar General a certified copy of such entry; and shall, on delivering to the superintendent registrar a certified copy of entries of births registered by him during the preceding three months for transmission to the Registrar General, deliver with such certified copy to the superintendent registrar, all written authorities received from the Registrar General with reference to any re-registered entries contained in such certified copy;

and the superintendent registrar shall deliver such authorities to the Registrar General.

Reference to re-registration to be made in previous entry.

8. (1) The Registrar General having the custody of the register in which the birth was previously entered shall, or the registrar having the custody of such register shall, when so directed by the Registrar General, cause the previous entry of the birth to be marked in the margin with the words "Re-registered under the Legitimacy Act in the.....Division of .....District on ..... and the registrar when he has the custody of such register shall forthwith make a certified copy of such previous entry, including a copy of the marginal note, and deliver such copy to the Registrar General.

c.44:01

(2) The marginal note shall be deemed to be part of the entry and a certified copy of the entry given under the Registration of Births and Deaths Act shall include the marginal note.

Certified copies of entries of re-registration.

9. Where application is made for a certified copy of the entry of the birth of a person whose birth has been re-registered, the Registrar General or the registrar, as the case may be, shall supply a certified copy of the entry of re-registration; and no certified copy of the previous entry shall be given except under the direction of the Registrar General.

