



# Family Law (Scotland) Act 2006

## 2006 asp 2

### *Abolition of status of illegitimacy*

#### **21 Abolition of status of illegitimacy**

- (1) The Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9) shall be amended in accordance with subsections (2) to (4).
- (2) In section 1 (legal equality of children)—
  - (a) for subsection (1) there shall be substituted—

“(1) No person whose status is governed by Scots law shall be illegitimate; and accordingly the fact that a person’s parents are not or have not been married to each other shall be left out of account in—

    - (a) determining the person’s legal status; or
    - (b) establishing the legal relationship between the person and any other person.”;
  - (b) in subsection (4), in paragraph (a), for the words from “this”, where it first occurs, to the end of that paragraph there shall be substituted “section 21 of the Family Law (Scotland) Act 2006 (asp 2)”; and
  - (c) after that subsection there shall be added—

“(5) In subsection (4), “enactment” includes an Act of the Scottish Parliament.

(6) It shall no longer be competent to bring an action for declarator of legitimacy, legitimation or illegitimacy.”.
- (3) The title of section 1 shall become “Abolition of status of illegitimacy”.
- (4) In subsection (1) of section 9 (savings and supplementary provisions)—
  - (a) in paragraph (c), at the end, there shall be inserted “(including, in particular, the competence of bringing an action of declarator of legitimacy, legitimation or illegitimacy in connection with such succession or devolution)”; and
  - (b) after that paragraph, there shall be inserted—

“(ca) affect the functions of the Lord Lyon King of Arms so far as relating to the granting of arms;”.