



Legitimacy Act 1959

1959 CHAPTER 73

3 Custody and guardianship of illegitimate infants.

- (1) Subject to the provisions of this section, the following enactments relating to the custody of infants, that is to say—
- (a) section five of the Guardianship of Infants Act, 1886 (which enables the court to make, on the application of the mother of an infant, orders regarding the custody of the infant and the right of access thereto of either parent); and
 - (b) section sixteen of the Administration of Justice Act, 1928 (which enables the court to make orders under the said section five on the application of the father of an infant),

shall apply in relation to an infant who is illegitimate as they apply in relation to an infant who is legitimate, and references in those enactments, and in any other enactment so far as it relates to proceedings under the said section five, to the father or mother or parent of an infant shall be construed accordingly.

- (2) No order shall be made by virtue of this section under subsection (2) of section three of the Guardianship of Infants Act, 1925 (which enables the court, upon making an order in respect of an infant under section five of the Guardianship of Infants Act, 1886, to order the payment of money towards the maintenance or education of the infant).
- (3) For the purposes of sections four and five of the Guardianship of Infants Act, 1925 (which relate to the guardianship of infants after the death of their father or mother), a person being the natural father of an illegitimate infant and being entitled to his custody by virtue of an order in force under section five of the Guardianship of Infants Act, 1886, as applied by this section, shall be treated as if he were the lawful father of the infant; but any appointment of a guardian made by virtue of this subsection under subsection (1) of section five of the said Act of 1925 shall be of no effect unless the appointor is entitled to the custody of the infant as aforesaid immediately before his death.