

CYPRUS

ILLEGITIMATE CHILDREN

CHAPTER 278 OF THE LAWS

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CHAPTER 278. ILLEGITIMATE CHILDREN.

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A LAW TO CONSOLIDATE AND AMEND THE LAW RELATING TO ILLEGITIMATE CHILDREN.

15 of 55.

[22nd April, 1955.]

PART I.

PRELIMINARY.

- Short title. 1. This Law may be cited as the Illegitimate Children Law.
- Interpretation. 2. In this Law, unless the context otherwise requires—
 “affiliation order” means an order made by the Court under the provisions of this Law whereby the putative father of an illegitimate child is required to pay

sums of money towards the maintenance and education of the child and to make such other payments in connection with the child as may be directed by the order;

"Court" means a judicial officer of the District Court of competent jurisdiction of the District where the child has his ordinary residence;

"legitimated person" means a person legitimated under this Law;

"illegitimate child" means a child born out of lawful wedlock;

"putative father" means, in relation to an illegitimate child, a person adjudged by the Court to be the father of the child;

"will" includes codicil.

3. An illegitimate child shall have the legal status of a legitimate child in respect of his mother and her relatives by blood. Legal status of illegitimate child.

PART II.

LEGITIMATION.

Legitimation by subsequent marriage.

4. Where the parents of an illegitimate child marry one another such child shall acquire, as from the date of his birth, the legal status of a legitimate child in respect of both his father and mother and their relatives by blood. Legitimation by subsequent marriage.

5. Where an illegitimate child dies after the commencement of this Law and before the marriage of his parents leaving any spouse, children or remoter issues living at the date of such marriage then, if that child would, if living at the time of the marriage of his parents, have become a legitimated person, the provisions of this Law shall apply as if such child had been a legitimate child as from the date of his birth. Application of Law to illegitimate child dying before marriage of parents.

Legitimation by order of Court.

6. (1) An illegitimate child may be declared legitimate by an order of a Court under the provisions of this section. Legitimation by order of Court.

(2) An order under subsection (1) may be made on application to the Court by or on behalf of the father:

Provided that where the father is dead such application

may be made by the child himself if the father has recognized by his will the child as his.

(3) No order shall be made under subsection (2) unless—

(a) at the time of the conception of the child a marriage between the parents would not be forbidden, on account of relationship by blood or by marriage, by the family law of the religious community to which the person, who claims or is alleged to be the father, belongs;

Cap. 274.

(b) the father cannot adopt the child under the provisions of the Adoption Law;

(c) the legitimation by subsequent marriage under section 4 became impossible owing to the death of the mother or for any other reason;

(d) where the father is married, his wife consents to such an order being made;

(e) where the child is not the applicant, such child, or in case of his incapacity his guardian or the person appointed by the Court to represent the child in this respect, consents to such an order being made.

Legal effects
of legiti-
mation by
order of
Court.

7. A legitimated person by an order of the Court under section 6 shall, as from the date of the birth, have the legal status of a legitimate child in respect of both his father and mother and their relatives by blood.

PART III.

AFFILIATION.

Application
and
summons
for an
affiliation
order.

8. Subject to any Rules of Court—

(a) (i) the mother of an illegitimate child, at any time before the birth of the child or at any time within five years from such birth; or

(ii) when the mother is dead the person having the custody of the child, or where the child is a charge on public funds a welfare officer, at any time within five years from the birth of the child,

may apply to the Court for an affiliation order:

Provided that, where such mother is a married woman, no such application shall be