



# THE STATUTES OF THE REPUBLIC OF SINGAPORE

## LEGITIMACY ACT 1934

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# Legitimacy Act 1934

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

[18 May 1934]

### **Short title**

1. This Act is the Legitimacy Act 1934.

### **Interpretation**

2. In this Act, unless there is something repugnant in the subject or context —

“court” means the General Division of the High Court or a Family Court;

“date of legitimation” means the date of the marriage leading to the legitimation, or, where the marriage occurred before 18 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”.

*[27/2014; 40/2019]*

### **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 18 May 1934 the marriage shall, if the father or mother of the illegitimate person was or is at the date of the marriage domiciled in Singapore, render that person, if living, legitimate from 18 May 1934 or from the date of the marriage, whichever last happens.

*[16/2013]*

(2) Nothing in this Act shall operate to legitimate a person unless the marriage leading to the legitimation was solemnised and registered in accordance with the provisions of the repealed Christian Marriage Ordinance (Cap. 37, 1955 Revised Edition) or of the Civil Marriage Ordinance (Cap. 38, 1955 Revised Edition) or unless that marriage was registered or deemed to be registered under the Women’s Charter 1961.

(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 to the court by originating summons for a decree declaring that the applicant is the legitimate child of his

parents, or that his parent or remoter ancestor was legitimate, and the 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.

[42/2005; 27/2014]

(2) Every application under this section shall be supported by an 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.

[42/2005]

(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 application under this section and of the affidavit in support thereof shall be served on the Attorney-General, who may apply to intervene in the application if he thinks necessary.

[42/2005]

(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.