

LEGITIMATION (AMENDMENT) ACT.

Act No. 25, 1963.

An Act to make provision for the registration or <sup>Elizabeth II,
No. 25, 1963</sup> re-registration of the births of children legitimated by operation of the Marriage Act 1961 of the Parliament of the Commonwealth of Australia; to amend The Legitimation Act of 1902 and certain other Acts; and for purposes connected therewith.
[Assented to, 30th August, 1963.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Legitimation <sup>Short title
and citation.</sup> (Amendment) Act, 1963".

(2) The Legitimation Act of 1902, as amended by this Act, may be cited as the "Legitimation Act, 1902-1963".

No. 25, 1963Amendment
of Act No.
23, 1902.Sec. 3.
(Legitima-
tion of
illegitimate
children.)Sec. 6.
(Limit to
Legitima-
tions.)

New Part II.

2. The Legitimation Act of 1902 is amended—

- (a) by omitting from section three the words “herein-after provided” and by inserting in lieu thereof the words “provided in section seven of this Act”;
- (b) by inserting in section six after the word “in” the words “section seven of”;
- (c) by inserting next after section seven the following new Part :—

PART II.**REGISTRATION OF LEGITIMATIONS.**Interpreta-
tion.**8.** In this Part unless the context or subject matter otherwise indicates or requires—

“Commonwealth Act” means the Marriage Act 1961 of the Parliament of the Commonwealth and includes that Act as amended from time to time and any other Act of the Parliament of the Commonwealth passed in substitution for that Act.

“Commonwealth Regulations” means the Marriage Regulations made under the Commonwealth Act and includes those regulations as amended from time to time.

“Prescribed legitimation information” means such of the information with respect to the legitimation of a child as is required by the Commonwealth Regulations to be furnished to the Registrar-General in relation to that child.

9. Where by operation of the Commonwealth Act the legitimation is effected of any person—

(a) whose birth is registered in any register of births kept in the General Registry for New South Wales established or deemed to have been established under the Registration of Births Deaths and Marriages Act, 1899-1963 (hereinafter called the "State Act"); or

(b) who was born in New South Wales but whose birth is not registered under the State Act,

Re-registra-
tion or
registration
of births of
legitimated
persons.
cf. Act No.
16, 1963
(Tas.),
s. 22B.

and the prescribed legitimation information is furnished to the Registrar-General in accordance with the Commonwealth Regulations, the Registrar-General shall record the fact and shall re-register or (as the case may be) register the birth of such person in accordance with the provisions of the State Act and shall write the words "By Authority" above his signature: Provided that sections twenty and twenty-two of the State Act shall not apply to or in respect of any re-registration or registration made under the authority of this section.

10. Where the birth of any person is re-registered as provided in section nine of this Act the Registrar-General shall make in the register on the page on which the previous entry of the birth was registered a note of the entry of such re-registration and shall forthwith forward to the district registrar (if any) having the custody of the register in which the birth was originally registered, such information as may be necessary and such district registrar shall likewise note the entry made in his register and inform the Registrar-General that such note has been made.

Notation
of previous
entry.

11. Regulations may be made under section two hundred and two of the Conveyancing Act, 1919-1962, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Part.

No. 25, 1963

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Exoneration.

12. No action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person against Her Majesty or the State or the Registrar-General for or in respect of any damage or loss or injury sustained or alleged to be sustained by reason of the acceptance in good faith, by the Registrar-General of the correctness of any prescribed legitimation information furnished to him and the use thereof in the exercise or intended exercise of his powers and duties under that Part.
