



Jersey

# LEGITIMACY RULES 1974

## **Official Consolidated Version**

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Showing the law from 14 April 2025 to Current



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**LEGITIMACY RULES 1974**

**Contents**

<b>Rule</b>		
1	3	
2	3	
3	4	
4	4	
5	5	
6	5	
7	6	
8	6	
9	6	
10	6	
11	6	
12	7	
13	7	
<b>ENDNOTES</b>		<b>8</b>
Table of Legislation History.....		8
Table of Endnote References.....		8



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## LEGITIMACY RULES 1974

**THE SUPERIOR NUMBER OF THE ROYAL COURT**, in pursuance of Article 13 of the [Royal Court \(Jersey\) Law 1948](#) of Articles 6 and 7 of the [Legitimacy \(Jersey\) Law 1973](#) and of all other powers enabling it in this behalf, has made the following Rules –

Commencement [\[see endnotes\]](#)

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### 1

In these Rules, unless the context otherwise requires –

“Court” means the Inferior Number of the Royal Court;

“Law” means the [Legitimacy \(Jersey\) Law 1973](#);

“legitimated child” has the same meaning as in the Law.<sup>1</sup>

### 2

A petition presented to the Court under Article 6 of the Law for a decree declaring that the petitioner is the legitimate child of the petitioner’s parents shall state –

- (a) the full name of the petitioner and, if the petitioner be known by a name other than that which appears in the certificate of the petitioner’s birth, the name by which the petitioner is so known;
- (b) the capacity of the petitioner in accordance with the provisions of Article 6(1) of the Law;
- (c) the full maiden name of the petitioner’s mother;
- (d) the date and place of birth of the petitioner; and
- (e) the grounds on which the petition is founded,

and shall, except by leave of the Court, be accompanied by –

- (i) a certified copy of the birth certificate of the petitioner; and

- (ii) an affidavit by the petitioner verifying the petition so far as the petitioner is able to do so and giving particulars of every person whose interest may be affected by the making of the decree and the person's relationship to the petitioner.

### 3

A petition presented to the Court under Article 6 of the Law for a decree declaring that the petitioner's own marriage, or that of the petitioner's father and mother, or that of the petitioner's grandfather and grandmother, as the case may be, was a valid marriage, shall state –

- (a) the full name of the petitioner and, if the petitioner be known by a name other than that which appears in the certificate of the petitioner's birth, the name by which the petitioner is so known;
- (b) the capacity of the petitioner in accordance with the provisions of Article 6(1) of the Law;
- (c) the date and place of birth of the petitioner;
- (d) the full name of the parties to the marriage the validity of which is in question and the date and place of such marriage; and
- (e) the grounds on which the petition is founded,

and shall, except by leave of the Court, be accompanied by –

- (i) a certified copy of the birth certificate of the petitioner;
- (ii) a certified copy of the certificate of the marriage the validity of which is in question; and
- (iii) an affidavit by the petitioner verifying the petition so far as the petitioner is able to do so and giving particulars of every person whose interest may be affected by the making of the decree and the person's relationship to the petitioner.

### 4

A petition presented to the Court under Article 6 of the Law for a decree declaring that the petitioner became or has become a legitimated child or that the petitioner's parent or remoter ancestor became or has become a legitimated child shall state –

- (a) the full name of the petitioner and, if the petitioner be known by a name other than that which appears in the certificate of the petitioner's birth, the name by which the petitioner is so known;
- (b) the capacity of the petitioner in accordance with the provisions of Article 6(2) of the Law;
- (c) the date and place of birth of the petitioner; and
- (d) the grounds on which the petition is founded,

and shall, except by leave of the Court, be accompanied by –

- (i) a certified copy of the birth certificate of the petitioner;
- (ii) such documentary evidence in support of the petition as may be available; and

- (iii) an affidavit by the petitioner verifying the petition so far as the petitioner is able to do so and giving particulars of every person whose interest may be affected by the making of the decree and the person's relationship to the petitioner.

## 5

- (1) A petition presented to the Court under Article 7 of the Law shall state –
  - (a) the full name of the petitioner and, if the petitioner be known by a name other than that which appears in the certificate of the petitioner's birth, the name by which the petitioner is so known;
  - (b) the capacity of the petitioner in accordance with the provisions of Article 7(1) or (1A) of the Law;
  - (c) the full name of the husband if he is not the petitioner;
  - (d) the full maiden name of the mother of the child and the place and date of the marriage;
  - (e) the full name and date of birth of the child;
  - (f) the grounds relied upon to rebut the presumption that the child is legitimate, and shall, except by leave of the Court, be accompanied by –
    - (i) a certified copy of the birth certificate of the child;
    - (ii) a certified copy of the marriage certificate of the husband and the mother; and
    - (iii) an affidavit by the petitioner verifying the petition so far as the petitioner is able to do so and giving particulars of every person whose interest may be affected by the making of the decree and the person's relationship to the child.<sup>2</sup>
- (2) Upon a petition being presented to the Court, if the child be living, the Court shall appoint a guardian *ad litem* of the child, unless the child is of full age and otherwise capable of acting on the child's own behalf,
- (3) In appointing a guardian *ad litem*, the Court shall proceed of its own motion and shall have an absolute discretion as to the person or body to be appointed.
- (4) Where a guardian *ad litem* has been appointed, such guardian shall be made a respondent in the cause and the Court shall order that a copy of the petition be served on the guardian.
- (5) In this Rule –
  - “husband” means the husband of the mother at the time of the birth of the child;
  - “marriage” means the marriage of the mother of the child to the man to whom she was joined in wedlock at the time of the birth of the child.

## 6

The personal attendance of the petitioner shall not be necessary for the purpose of presenting a petition under the Law.

**7**

An affidavit for the purpose of these Rules may contain statements of information or belief with the sources and grounds thereof.

**8**

Where a petitioner applying for a decree under Article 6 of the Law or decrees under Articles 6 and 7 of the Law is not of full age, the petition shall, unless otherwise directed, be presented, and the affidavit required by these Rules to accompany it made, by a guardian *ad litem* appointed for the purpose under Rule 4/3 of the Royal Court Rules 1992.

**9**

When a petition is delivered to the Attorney General in accordance with Article 6(6) or 7(4) of the Law, the Attorney General shall be notified of the date when the petition is to be presented to the Court.

**10**

- (1) Upon a petition being presented to the Court under the Law, the Court, upon hearing the Attorney General, shall fix a day for the hearing of the petition, being a day not earlier than one month from the day on which the petition is presented, and shall determine what persons shall be given notice of the application, and such persons shall be made respondents to the petition.
- (2) Such notice, together with a copy of the relevant Act of the Court, shall be served on any such person within Jersey personally through the medium of the Viscount's Department at the instance of the petitioner or the petitioner's guardian *ad litem*, as the case may be, in order that such person may appear in Court on the day so fixed and show cause, if such person so desire, why the decree applied for should not be made.
- (3) Where any such person is out of Jersey or the person's whereabouts are unknown, application shall be made *ex parte* to the Court for directions with respect to the service of such notice upon the person, and the Court shall give such directions as it may deem necessary.<sup>3</sup>
- (4) Every notice to a respondent under this Rule shall be served at least 10 clear days before the day fixed for the hearing of the petition.
- (5) In paragraph (3) "the Court" includes a Family Judge or the Judicial Greffier.<sup>4</sup>

**11**

All petitions under the Law may be presented to the Court and heard in term or in vacation.

**12**

Where the Court has made a decree declaring that a child is illegitimate and that child has acquired by way of inheritance any rights or interests in immovable estate situate in Jersey prior to the pronouncement of the decree, the Court shall order that the Act containing the decree be registered in the Public Registry of Contracts.

**13**

These Rules may be cited as the Legitimacy Rules 1974.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Legitimacy (Jersey) Rules 1974	<a href="#">R&amp;O.5996</a>	17 June 1974
Legitimacy (Amendment) Rules 2008	<a href="#">R&amp;O.139/2008</a>	31 October 2008
Royal Court (Family Division) Amendment Rules 2025	<a href="#">R&amp;O.19/2025</a>	14 April 2025 ( <a href="#">L.1/2025</a> ( <a href="#">R&amp;O.20/2025</a> ))

### Table of Endnote References

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<sup>1</sup> Rule 1	<i>amended by R&amp;O.19/2025</i>
<sup>2</sup> Rule 5(1)	<i>amended by R&amp;O.139/2008</i>
<sup>3</sup> Rule 10(3)	<i>amended by R&amp;O.19/2025</i>
<sup>4</sup> Rule 10(5)	<i>inserted by R&amp;O.19/2025</i>