

Registration of Birth as Illegitimate of children born whilst a parent was married.

I refer to Supreme Court Practice Direction No. 1 of 1996.

In any application to register, as illegitimate, the birth of a child born or conceived during the subsistence of the marriage of the mother who has since been divorced, the applicant's affidavit must include the grounds upon which the divorce was granted and a declaration whether the child's birth or the pregnancy was disclosed to the Court during the divorce proceedings. A copy of the decree absolute must be exhibited to the affidavit.

In any case where the existence of the child was not disclosed to the Court, the application may be refused or further evidence sought.

In future, any woman wishing to register a birth as illegitimate will be asked to make a written declaration on form VS10 whether or not she was married at the date of the birth or for any part of the previous nine months. If she was so married and in the absence of a Court Order to the contrary, the birth will be registered as legitimate and the name of the husband will be entered as the father.