

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]  
*House of Representatives, 16 May 1969.*

Words struck out by the Committee are shown in italics within bold round brackets or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]  
*House of Representatives, 12 June 1969.*

Words struck out by the Committee are shown with double black rule at beginning and after last line; words inserted are shown with triple rule before first line and after last line.

*Hon. Mr Hanan*

## STATUS OF CHILDREN

### ANALYSIS

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### A BILL INTITULED

**An Act to remove the legal disabilities of children born out of wedlock**

BE IT ENACTED by the General Assembly of New Zealand  
5 in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Status of Children Act 1968.

(2) This Act shall come into force on the first day of  
10 January, nineteen hundred and seventy.

**2. Interpretation**—For the purposes of this Act (except the Schedule) “marriage” includes a void marriage; and “married” has a corresponding meaning.

No. 64—3

**3. All children of equal status—**(1) For all the purposes of the law of New Zealand the relationship between every person and his father and mother shall be determined irrespective of whether the father and mother are or have been married to each other, and all other relationships shall be determined accordingly. 5

(2) The rule of construction whereby in any instrument words of relationship signify only legitimate relationship in the absence of a contrary expression of intention is abolished.

*New*

(2A) For the purpose of construing any instrument, the use, with reference to a relationship, of the words legitimate or lawful shall not of itself prevent the relationship from being determined in accordance with subsection (1) of this section. 10

(3) This section shall apply in respect of every person, whether born before or after the commencement of this Act, and whether born in New Zealand or not, and whether or not his father or mother has ever been domiciled in New Zealand. 15

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(4) Notwithstanding anything in subsections (1) to (3) of this section, nothing in those subsections shall— 20

(a) Affect any rule of law relating to the domicile of any person and every such rule of law shall continue to apply as if this section had not been passed:

(b) Limit or affect any of the provisions of the Adoption Act 1955. 25

**4. Wills and other instruments and estate of deceased persons—**(1) The provisions of section 3 of this Act,—

(a) In so far as it affects wills, shall have effect only in relation to the wills of testators who die after the thirty-first day of December, nineteen hundred and seventy-one; and 30

(b) In so far as it affects instruments other than wills, shall have effect only in relation to instruments executed after the commencement of this Act: 35

Provided that, where section 3 of this Act does not have effect in relation to any will or instrument creating a special power of appointment, nothing in this Act shall extend the class of persons in whose favour the appointment may be made, or cause the exercise of such power to be construed so as to include any person who is not a member of that class. 40

(2) All wills of testators who have died before the first day of January, nineteen hundred and seventy-two and all instruments (other than wills) executed before the commencement of this Act, shall be governed by the enactments and rules of law which would have applied to them if this Act had not been passed.

*New*

**4. Instruments executed and intestacies which take place before the commencement of this Act—**(1) All instruments executed before the commencement of this Act shall be governed by the enactments and the rules of construction and law which would have applied to them if this Act had not been passed.

(2) Where any instrument to which subsection (1) of this section applies creates a special power of appointment, nothing in this Act shall extend the class of persons in whose favour the appointment may be made, or cause the exercise of the power to be construed so as to include any person who is not a member of that class.

(3) The estates of all persons who have died intestate as to the whole or any part thereof before the commencement of this Act shall be distributed in accordance with the enactments and rules of law which would have applied to them if this Act had not been passed.

**5. Presumptions as to parenthood—**(1) A child born to a woman during her marriage, or within ten months after the marriage has been dissolved by death or otherwise, shall, in the absence of evidence to the contrary, be presumed to be the child of its mother and her husband, or former husband, as the case may be.

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(2) Subsection (1) of this section shall not apply if, during the whole of the time within which the child must have been conceived, the mother and her husband were living apart under an oral or written agreement for separation, or under a decree or order of separation, or decree nisi of divorce, made by a Court or other authority in New Zealand or elsewhere.

(3) Subsection (1) of this section shall not apply where a child is born within ten months after the dissolution of the marriage of its mother by death or otherwise, and after she has married again, and in such case there shall be no presumption as between the husband of the mother and her former husband that either is the father of the child, and the question shall be determined on the balance of probabilities in each case.

**6. Protection of executors, administrators, and trustees—**  
 (1) For the purposes of the administration or distribution of any estate or of any property held upon trust, or of any application under the Family Protection Act 1955, or for any other purposes,

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every executor, administrator, and trustee shall, whenever it is material in the circumstances, make honest and reasonable inquiries as to the existence of any person who could claim an interest in the estate or property by reason only of any of the provisions of this Act, but shall not be obliged to pursue such inquiries further than he honestly and reasonably believes to be necessary.

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*New*

no executor, administrator, or trustee shall be under any obligation to inquire as to the existence of any person who could claim an interest in the estate or the property by reason only of any of the provisions of this Act.

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(2) No action shall lie against any executor of the will or administrator or trustee of the estate of any person, or the trustee under any instrument, by any person who could claim an interest in the estate or property by reason only of any of the provisions of this Act, to enforce any claim arising by reason of the executor or administrator or trustee having made any distribution of the estate or of property held upon trust or otherwise acted in the administration of the estate or property held on trust disregarding the claims of that person where at the time of making the distribution or otherwise so acting the executor, administrator, or trustee had no notice of the relationship on which the claim is based,

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if the executor or administrator or trustee had made such inquiries as to the existence of beneficiaries as he honestly and reasonably believed to be necessary.

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**7. Recognition of paternity—**(1) The relationship of father and child, and any other relationship traced in any degree through that relationship shall, for any purpose related to succession to property or to the construction of any will or other testamentary disposition or of any instrument creating a trust, or for the purpose of any claim under the Family Protection Act 1955 be recognised only if—

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(a) The father and the mother of the child were married to each other at the time of its conception or at some subsequent time; or

(b) Paternity has been admitted (expressly or by implication) by or established against the father in his lifetime (whether by one or more of the types of evidence specified by section 8 of this Act or otherwise) and, if that purpose is for the benefit of the father, paternity has been so admitted or established while the child was living.

*(2) Nothing in this section shall limit or affect the provisions of the Adoption Act 1955.)*

*New*

(2) In any case where by reason of subsection (1) of this section the relationship of father and child is not recognised for certain purposes at the time the child is born, the occurrence of any act, event, or conduct which enables that relationship, and any other relationship traced in any degree through it, to be recognised shall not affect any estate, right, or interest in any real or personal property to which any person has become absolutely entitled, whether beneficially or otherwise, before the act, event, or conduct occurred.

**8. Evidence and proof of paternity**—(1) If, pursuant to subsection (1) of section 18 of the Births and Deaths Registration Act 1951 or to the corresponding provision of any former enactment, the name of the father of the child to whom the entry relates has been entered in the Register of Births (whether before or after the commencement of this Act), a certified copy of the entry made or given and purporting to be signed or sealed in accordance with section 42 of that Act shall be prima facie evidence that the person named as the father is the father of the child.

(2) Any instrument signed by the mother of a child and by any person acknowledging that he is the father of the child shall, if executed as a deed or by each of those persons in the presence of a solicitor, be prima facie evidence that the person named as the father is the father of the child.

(3) A paternity order within the meaning of the Domestic Proceedings Act 1968 shall be prima facie evidence of paternity in any subsequent proceedings, whether or not between the same parties.

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(4) A declaration of paternity under section 10 of this Act shall be conclusive proof of paternity for all purposes.

*New*

(4) Subject to subsection (1) of section 7 of this Act, a declaration made under section 10 of this Act shall, for all purposes, be conclusive proof of the matters contained in it.

(5) An order made in any country outside New Zealand declaring a person to be the father of a child, being an order to which this subsection applies pursuant to subsection (6) of this section, shall be prima facie evidence that the person declared the father is the father of the child. 5

(6) The Governor-General may from time to time, by Order in Council, declare that subsection (5) of this section applies with respect to orders made by any Court or public authority in any specified country outside New Zealand or by any specified Court or public authority in any such country. For the purposes of this subsection, the Cook Islands, Niue, and the Tokelau Islands shall be deemed to be countries outside New Zealand. 10 15

**9. Instruments of acknowledgment may be filed with Registrar-General—**(1) Any instrument of the kind described in subsection (2) of section 8 of this Act, or a duplicate or attested copy of any such instrument, may in the prescribed manner and on payment of the prescribed fee (if any) be filed in the office of the Registrar-General, but it shall not be necessary to file any such instrument. 20

(2) The Registrar-General shall cause indexes of all instruments and duplicates and copies of instruments filed with him under subsection (1) of this section to be made and kept in his office, and shall, upon the request of any person who, in the opinion of the Registrar-General, has a proper interest in the matter, cause a search of any index to be made, and shall permit any such person to inspect any such instrument or any such duplicate or copy. 25 30

*New*

In any case of dispute as to a person's interest in the matter, the Registrar-General shall, upon that person's request, submit the matter to a Magistrate, whose decision shall be final. 35

(3) Where the Supreme Court makes a declaration of paternity under section 10 of this Act or where a Magistrate's Court makes a paternity order within the meaning of the Domestic Proceedings Act 1968, the Registrar of the Court shall forward a copy of the declaration or order, as the case may require, to the Registrar-General for filing in his office under this section, and on receipt of any such copy the Registrar-General shall file it accordingly as if it were an instrument of the kind described in subsection (2) of section 8 of this Act. 40 45

(4) For the purposes of this section "Registrar-General" means the person for the time being holding office as Registrar-General under the Births and Deaths Registration Act 1951; and includes any person for the time being discharging the  
5 duties of that office.

**10. Declaration as to paternity**—(1) Any person who  
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alleges that the relationship of father and child exists between himself and any other named person and any woman who  
10 alleges that any named person is the father of her child may

*New*

- (a) Being a woman, alleges that any named person is the father of her child; or
- 15 (b) Alleges that the relationship of father and child exists between himself and any other named person; or
- (c) Being a person having a proper interest in the result, wishes to have it determined whether the relationship of father and child exists between two named persons,

20 may

apply to the Supreme Court for a declaration of paternity, and if it is proved to the satisfaction of the Court that the relationship exists the Court may make a declaration of paternity

*New*

25 whether or not the father or the child or both of them are living or dead.

*New*

(1A) Where a declaration of paternity under subsection (1) of this section is made after the death of the father or of the  
30 child, the Court may at the same or any subsequent time make a declaration determining, for the purposes of paragraph (b) of subsection (1) of section 7 of this Act, whether any of the requirements of that paragraph have been satisfied.

(2) The provisions of the Declaratory Judgments Act 1908  
35 shall extend and apply to every application under subsection (1) of this section.

Cf. Matrimonial Causes Act 1950 (U.K.), s. 17 (1);  
1963, No. 71, s. 8 (4)

**11. Regulations**—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing fees and forms for the purposes of this Act: 5
- (b) Providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

(2) Where the Registrar-General (as defined in subsection (4) of section 9 of this Act) is empowered to do any act for which a fee is payable, he may refuse to do the act until the fee is paid. 10

(3) Notwithstanding the provisions of any regulations under this Act, the Registrar-General (as so defined) may dispense with the payment of any fee payable under this Act. 15

**12. Repeals and consequential amendments**—(1) The Legitimation Act 1939 and the Deaths by Accidents Compensation Amendment Act 1956 are hereby repealed.

(2) The enactments specified in the Schedule to this Act are hereby consequentially amended in the manner indicated in that Schedule. 20

*New*

“(3) Except as provided in subsections (1) and (2) of this section, nothing in this Act shall— 25

- (a) Limit or affect any enactment or rule of law relating to the domicile of any person and every such enactment or rule of law shall continue to apply as if this Act had not been passed:
- (b) Limit or affect any of the provisions of the Adoption Act 1955 which determine the relationship to any other person of a person who has been adopted. 30



Section 12 (2)

SCHEDULE

ENACTMENTS AMENDED

Title of Act	Amendment
1908, No. 56—The Evidence Act 1908. (Reprinted 1965 Statutes, Vol. 3, p. 1387)	By omitting from paragraph (a) of subsection (4) of section 5 (as amended by section 2 (3) of the Evidence Amendment Act 1962) the words “, whether the relationship is traced through lawful wedlock or not”.
1925, No. 22—The Child Welfare Act 1925. (1957 Reprint, Vol. 2, p. 4)	<p>By repealing section 41, and substituting the following section:</p> <p>“41. <b>Notification of birth of child to unmarried mother</b>—(1) Where a child is born to a woman who was not married to the father of the child at the time of the birth of the child it shall be the duty of the Registrar of Births and Deaths, unless the mother and the father were married to each other at, or since, the time when the child was conceived, forthwith after the notification of the birth of the child pursuant to section 10 of the Births and Deaths Registration Act 1951 to notify a Child Welfare Officer of the fact of such birth, and of the name and address of the mother.</p> <p>“(2) On receipt of a notice under this section it shall be the duty of the Child Welfare Officer to make such inquiries as may be necessary to ascertain the condition of the child and its mother, and to take such steps, if any, as in the circumstances he considers necessary under this Act.</p> <p>“(3) If the notification of any such birth has not disclosed that the mother was not married to the father of the child at the time of the birth of the child then, unless the mother and the father were married to each other at, or since, the time when the child was conceived, the notice required by subsection (1) of this section shall be given by the Registrar of Births and Deaths forthwith after the registration of the birth of the child pursuant to section 11 of the Births and Deaths Registration Act 1951.”</p>
<i>New</i>	
1945, No. 16—The Evidence Amendment Act 1945. (Reprinted 1965, Vol. 3, p. 1422)	By omitting from subsection (1) of section 15 the word “illegitimate”, and substituting the words “not the child of the husband”.

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
<p>1948, No. 15—The British Nationality and New Zealand Citizenship Act 1948. (Reprinted 1967 Statutes, Vol. 3, p. 1645)</p>	<p>By omitting from subsection (2) of section 2 the words “a legitimate child”, and substituting the words “a child whose parents were married to each other at the time of his conception or at the time of his birth or whose parents married each other subsequent to his conception and before his birth”.</p> <p>By repealing section 7 (as amended by section 3 (1) of the British Nationality and New Zealand Citizenship Amendment Act 1965), and substituting the following section:</p> <p>“7. <b>Citizenship by descent</b>—Subject to the provisions of this section, a person born after the commencement of this Act shall be a New Zealand citizen by descent if—</p> <p>“(a) His father was a New Zealand citizen at the time of his birth; or</p> <p>“(b) In the case of a person born after the thirty-first day of December, nineteen hundred and sixty-nine, who is not a child within the meaning of this Act, his mother was a New Zealand citizen at the time of his birth:</p> <p>“Provided that if the relevant parent was a New Zealand citizen by descent only, that person shall not be a New Zealand citizen by virtue of this section unless—</p> <p>“(i) That person or his relevant parent was born in a protectorate, protected State, mandated territory, or trust territory, or any place in a foreign country where by treaty, capitulation, grant, usage, sufferance, or other lawful means, Her Majesty then had jurisdiction over British subjects; or</p> <p>“(ii) That person’s birth having occurred in a place in a foreign country or in a country mentioned in subsection (3) of section 3 of this Act other than</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1948, No. 15— <i>continued</i>	<p>a place such as is mentioned in <u>subparagraph (i)</u> of this proviso, the birth is registered at a New Zealand consulate with the prior permission of the Minister and before that person has attained the age of sixteen years; or</p> <p>“(iii) The relevant parent of that person was, at the time of his birth, in Crown service under the New Zealand Government.”</p> <p>By repealing section 26, and substituting the following section:</p> <p>“26. <b>Child of parents who marry subsequent to his birth</b>—A person who is not a ‘child’ within the meaning of this Act shall, if his parents marry each other subsequent to his birth, be treated, for the purpose of determining whether he is a New Zealand citizen, or was a British subject immediately before the commencement of this Act, as if his parents had been married to each other at the time of his birth.”</p>
1951, No. 22—The Births and Deaths Registration Act 1951. (1957 Reprint, Vol. 1, p. 591)	<p>By adding to subsection (1) of section 11 the following proviso:</p> <p>“Provided that the father shall have no responsibility under this subsection if he is not married to the mother at the time of the child’s birth and was not married to her at the time of the child’s conception.”</p> <p>By inserting in the proviso to subsection (1) of section 17, after the words “legally separated”, the words “or have never been married”.</p> <p>By repealing paragraph (f) (as substituted by section 3 (1) of the Births and Deaths Registration Amendment Act 1959) of the second proviso to subsection (2) of section 17A, and substituting the following paragraph:</p> <p>“(f) In the case of a child whose parents have never been married, does not include the father of the child if he is not and has never been a guardian of the child.”</p> <p>By repealing section 18 (as amended by section 2 of the Births and Deaths Registration Amendment Act 1961), and substituting the following section:</p>

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1951, No. 22— <i>continued</i>	<p data-bbox="729 435 1219 465">“18. <b>Child of unmarried mother</b>—</p> <p data-bbox="729 465 1219 727">(1) Subject to <u>subsection (2)</u> and <u>subsection (3)</u> of this section, where the parents of a child are not married to each other at the time of the child’s birth and were not married to each other at, or since, the time of its conception, the Registrar shall not enter in the register the name of or any particulars relating to any person as the father of the child except where:</p> <p data-bbox="758 727 1219 909">“(a) The mother and the person acknowledging himself to be the father jointly request at the time of registration that such an entry be made and both the mother and that person together sign the register:</p> <p data-bbox="843 909 1219 1141">“Provided that if the mother is dead or cannot be found it shall be sufficient if the request is made by the father alone, and the signature of any other person required to give information as to the birth may be accepted in place of the mother’s signature; or</p> <p data-bbox="758 1141 1219 1453">“(b) The mother or her authorised agent attends at the Registrar’s office and produces at the time of registration a consent in writing to such an entry being made, signed by the person acknowledging himself to be the father, and the Registrar is satisfied that the mother and that person were living together as man and wife at the time of the birth of the child.”</p> <p data-bbox="729 1453 1219 1697">“(2) If at any time after the registration of the birth of a child whose father’s name or any other particulars relating to him are not, in accordance with the provisions of <u>subsection (1)</u> of this section, entered in the register the Registrar-General is satisfied by statutory declaration or such other evidence as he may deem sufficient that both the mother and the person acknow-</p>

SCHEDULE—continued

ENACTMENTS AMENDED—continued

Title of Act	Amendment
1951, No. 22—continued	<p>leding himself to be the father require the name of or any other particulars relating to the father to be entered in the register, the Registrar-General may authorise the entry in the register of the particulars required to be entered as aforesaid:</p> <p>“Provided that in any such case it shall not be necessary for the person acknowledging himself to be the father to sign the register:</p> <p>“Provided also that if the mother is dead or cannot be found it shall be sufficient if the request is made by the father alone.</p> <p>“(3) If at any time after the registration of the birth of a child whose father’s name is not registered the Registrar-General is satisfied that a declaration of paternity in respect of the child has been made by the Supreme Court or that the father has been appointed a guardian of the child under subsection (3) of section 6 of the <u>Guardianship Act 1968</u>, the Registrar-General shall authorise the entry in the register of the name of the father and such other particulars relating to the father as are supplied to him.”</p> <p>By repealing section 19, and substituting the following section:</p> <p>“19. <b>Father’s particulars</b>—Where the birth of any child whose parents were not married to each other at the time of the child’s birth is registered pursuant to section 14 of this Act, the name of or any other particulars relating to the father shall not be entered in the register unless the Registrar-General is satisfied that:</p> <p>“(a) The parents of the child were married to each other either at the time of his conception or after his conception and before his birth; or</p> <p>“(b) A declaration of paternity in respect of the child has been made by the Supreme Court or the father has been appointed his guardian under <u>subsection</u></p>

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1951, No. 22— <i>continued</i>	<p>(3) of section 6 of the <u>Guardianship Act 1968</u> or both the mother and the person acknowledging himself to be the father of the child consent to the entry:</p> <p>“Provided that, in the last-mentioned case, if the mother is dead or cannot be found, the consent of the father alone shall be sufficient.”</p> <p>By inserting, after section 19 (as substituted by this Schedule), the following section:</p> <p>“19A. <b>Re-registration of birth on subsequent marriage</b>—(1) Where the parents of any person were not married to each other at the time of his birth, and were not married to each other either at the time of his conception or after his conception and before his birth, but subsequently marry each other, those parents, or if one of them is dead the survivor, shall apply within three months after the date of the marriage to the Registrar-General for the registration of particulars of the birth of that person in accordance with this section.</p> <p>“(2) Where the Registrar-General has reason to believe that an application should have been made under <u>subsection (1)</u> of this section and no such application has been made by the parents or the surviving parent within the time specified in <u>subsection (1)</u> of this section, the Registrar-General may by notice in writing require the parents or the surviving parent, as the case may be, to make an application for registration within such time, not being less than seven days after the receipt of the notice, as may be specified in the notice. Any person failing to comply with the notice within the time specified therein commits an offence and is liable on summary conviction to a fine not exceeding forty dollars. No prosecution for an offence against this subsection shall be commenced without the leave of the Registrar-General.</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1951, No. 22— <i>continued</i>	<p>“(3) If no application for registration is made within the time mentioned in <u>subsection (1)</u> of this section or (where a notice is given under <u>subsection (2)</u> of this section) within the time specified in the notice, application for the registration under this section of the particulars of the birth of any person may be made by that person or by one of his parents or by any other person.</p> <p>“(4) If the Registrar-General is satisfied by such evidence as he may require that the parents of the person who is the subject of the application have married each other subsequent to the birth of that person he may direct that particulars of the birth of that person be registered under this Act in such manner as may be prescribed.</p> <p>“(5) If the Registrar-General is not so satisfied he shall refer the matter to a Magistrate, who after giving the applicant an opportunity to be heard and hearing or receiving such evidence as he thinks fit shall either—</p> <p>“(a) Dismiss the application; or</p> <p>“(b) Make a finding that the parents of the person who is the subject of the application have married each other subsequent to the birth of that person.</p> <p>“(6) For the purposes of this section the decision of the Magistrate shall be final, but shall not prejudice the applicant or any other person in any subsequent proceedings of any nature.</p> <p>“(7) If the Magistrate makes a finding in accordance with <u>paragraph (b)</u> of <u>subsection (5)</u> of this section, he shall so advise the Registrar-General, who shall thereupon direct that particulars of the birth of the person be registered under this Act in such manner as may be prescribed.</p> <p>“(8) Whenever a copy of the entry as to the birth of any person particulars of whose birth have been registered pursuant to this section is required for any purpose,</p>

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1951, No. 22— <i>continued</i>	<p>the Registrar or the Registrar-General, as the case may be, shall supply a copy of the entry made pursuant to this section instead of a copy of the original entry (if any), unless the applicant for the copy certifies, and the Registrar or Registrar-General is satisfied, that the copy of the original entry is material for the purpose for which it is required.”</p>
1952, No. 35 — The Deaths by Accidents Compensation Act 1952. (1957 Reprint, Vol. 3, p. 845)	<p>By omitting from subsection (2) of section 40 the words “relating to the birth of an illegitimate child”.</p> <p>By omitting from the definition of the term “child”, and also from the definition of the term “parent”, in subsection (1) of section 2 the words “; and includes a person who bears or is deemed to bear any such relationship to the deceased person illegitimately or under the provisions of the Adoption Act 1955 or in consequence of a legal adoption outside New Zealand either before or after the commencement of this Act”.</p>
1952, No. 56 — The Administration Act 1952. (1957 Reprint, Vol. 1, p. 40)	<p>By repealing subsection (2) of section 2.</p> <p>By repealing subsection (5) of section 30A (as inserted by section 2 of the Administration Amendment Act 1960) and section 58.</p> <p>By repealing the proviso to paragraph (a) of subsection (1) of section 57, and substituting the following proviso:</p> <p>“Provided that if any person capable of taking under this paragraph (including this proviso) dies before taking an absolutely vested interest leaving any child or children who shall be living at the expiration of twenty-one years from the death of the intestate or who shall sooner attain the age of twenty-one years or marry under that age, that child or those children shall take, in equal shares if more than one, the share which his or their parent would have taken if he or she had not so died:”.</p>



SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1954, No. 54—The War Pensions Act 1954. (1957 Reprint, Vol. 16, p. 477)	By omitting from the definition of the term “child” in subsection (1) of section 2 the words “, an adopted child, and an illegitimate child”.
1955, No. 30—The Births and Deaths Registration Amendment Act 1955. (1957 Reprint, Vol. 1, p. 621)	By repealing subsection (2) of section 2.
1955, No. 88—The Family Protection Act 1955. (1957 Reprint, Vol. 4, p. 839)	<p>By inserting in subsection (1) of section 2, after the definition of the term “application”, the following definition:  “‘Child of a marriage’ includes any child whose parents marry each other subsequent to his birth:”.</p> <p>By omitting from the definition of the term “stepchild” in subsection (1) of section 2 the word “illegitimate”.</p> <p>By repealing subsection (3) of section 2.</p> <p>By repealing paragraphs (b) and (c) of subsection (1) of section 3 (as amended by section 3 of the Family Protection Amendment Act 1967), and substituting the following paragraphs:  “(b) The children of the deceased:  “(c) The grandchildren of the deceased living at his death:”.</p> <p>By omitting from paragraph (e) of subsection (1) of section 3 (as so amended) the words “whether their relationship is legitimate or illegitimate”; and by omitting from subparagraph (ii) of that paragraph the words “legitimate child”, and substituting the words “child of a marriage”.</p> <p>By repealing paragraph (a) of subsection (3) of section 4, and substituting the following paragraph:  “(a) The person is the wife or husband or a child of a marriage of the deceased or a child of a marriage of any such child; or”.</p>

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
<p>1955, No. 92—The Marriage Act 1955. (1957 Reprint, Vol. 9, p. 365)</p>	<p>By repealing subsection (2) of section 18, and substituting the following subsection:</p> <p>“(2) Subject to the provisions of this section, consents to the marriage of a minor shall be obtained in accordance with the following provisions:</p> <p>“(a) If both the minor’s parents are alive and living together, consents shall be obtained from both parents:</p> <p>“(b) If the minor’s parents are living apart and he is living with one parent, consent shall be obtained from the parent with whom he is living:</p> <p>“(c) If the parents are living apart and the minor is not living with either, consent shall be obtained:</p> <p>    “(i) From both parents in any case where they are, or have been, married to each other, unless the consent of one parent is dispensed with by a Magistrate:</p> <p>    “(ii) From the mother in any case where the parents have never been married.</p> <p>“(d) If one of the parents is dead and the parents had at any time been married to each other, consent shall be obtained from the surviving parent and any other person who is the legal guardian of the minor:</p> <p>“(e) If both parents are dead and they had at any time been married to each other, consent shall be obtained from any person who is the legal guardian of the minor:</p> <p>“(f) If the minor’s parents had never been married to each other and one or both of them is dead, consent shall be obtained from the mother if she is alive and from any person who is the legal guardian of the minor if she is dead.”</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1955, No. 92— <i>continued</i>	By omitting from clause 3 of the Second Schedule, the words “and whether the relationship is legitimate or illegitimate”.
1955, No. 93—The Adoption Act 1955. (1957 Reprint, Vol. 1, p. 79)	<p>By repealing the definition of the term “father” in section 2.</p> <p>By repealing the definition of the term “relative” in section 2, and substituting the following definition:</p> <p>“‘Relative’, in relation to any child, means a grandparent, brother, sister, uncle, or aunt, whether of the full blood, of the half blood, or by affinity:”.</p> <p>By repealing paragraphs (a) and (b) of subsection (3) of section 7, and substituting the following paragraphs:</p> <p>“(a) If the parents of the child were married to each other either at the time of the child’s birth or at or after the time of his conception or if the father as well as <u>the mother is or was a guardian of the child</u> and there is no adoption order in force in respect of the child, the surviving parents or parent and the surviving guardians or guardian appointed by a deceased parent:</p> <p>“(b) In any other case where there is no adoption order in force in respect of the child, the mother or (if she is dead) the surviving guardians or guardian appointed by (<i>law</i>) her:</p> <p>“Provided that the Court may in any such case require the consent of the father if in the opinion of the Court it is expedient to do so:”.</p>
1955, No. 94—The Wills Amendment Act 1955. (1957 Reprint, Vol. 16, p. 749)	<p>By repealing so much of the First Schedule as relates to the Deaths by Accidents Compensation Act 1952.</p> <p>By repealing the definition of the term “child” in subsection (4) of section 16 (as added by section 3 of the Wills Amendment Act 1958), and substituting the following definition:</p> <p>“‘Child’,—</p> <p>“(a) In relation to a testator, means any child of the testator:</p>

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1955, No. 94— <i>continued</i>	<p>“(b) In relation to any person to whom any property is devised or bequeathed or appointed as aforesaid, means a child of that person:”.</p> <p>By omitting from the definition of the term “issue” in subsection (4) of section 16 (as so added) the words “(whether legitimate or illegitimate in any generation)”.</p> <p>By repealing subsection (5) of section 16 (as so added).</p>
1956, No. 62—The Workers' Compensation Act 1956. (Reprinted 1966 Statutes, Vol. 4, p. 3323)	<p>By omitting from the definition of the term “child” in subsection (1) of section 2 the words “and an illegitimate child”.</p> <p>By omitting from the definition of the term “relative” in subsection (1) of section 2 the words “, and, in respect of an illegitimate worker, includes his mother, and his brothers and sisters, whether legitimate or illegitimate, by the same father and mother”.</p>
1959, No. 25—The Births and Deaths Registration Amendment Act 1959	By repealing subsection (1) of section 3.
1961, No. 23—The Births and Deaths Registration Amendment Act 1961.	By repealing section 3.
1961, No. 43 — The Crimes Act 1961	<p>By omitting from paragraph (b) of subsection (1) of section 130 the words “and whether the relationship is traced through lawful wedlock or not”.</p> <p>By repealing subsection (3) of section 130.</p> <p>By repealing section 8.</p>
1963, No. 71—The Matrimonial Proceedings Act 1963	By repealing section 8.
1963, No. 134 — The Criminal Injuries Compensation Act 1963	<p>By omitting from the definition of the term “child” in subsection (1) of section 2 the words “and an illegitimate child”.</p> <p>By omitting from the definition of the term “relative” in subsection (1) of section 2 the words “; and, in respect of an illegitimate victim or offender, includes his or her mother, father, brother, sister, half-brother, or half-sister”.</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1964, No. 136 — The Social Security Act 1964	<p>By omitting from the definition of the term “child” in subsection (1) of section 3 the words “and an illegitimate child”.</p> <p>By repealing paragraph (a) of subsection (3) of section 21, and substituting the following paragraph:</p> <p>“(a) Any child whose parents were not married to each other (whether or not the marriage was void) at the time the child was conceived or subsequently; or”.</p> <p>By repealing subsection (3) of section 28.</p>
1965, No. 72—The British Nationality and New Zealand Citizenship Amendment Act 1965. (Reprinted 1967 Statutes, Vol. 3, p. 1671)	By repealing subsection (1) of section 3.
1967, No. 43 — The Family Protection Amendment Act 1967	By repealing subsection (1) of section 3.
1967, No. 124 — The Maori Affairs Amendment Act 1967	By repealing the proviso to section 76.
1968, No. 00—The Mental Health Act 1968	By omitting from the definition of the term “child” in section 82 the words “whether the relationship is legitimate or illegitimate”.