

Subsidiary Legislation made under para 1 of the Sch.

Legitimacy Rules

1932.09.16

Commencement **17.9.1932**

Amending enactments	Relevant current provisions	Commencement date
LN.1989/083 r. 10		1.1.1989
2023/215 r. 10		1.8.2023

1927-05

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Legitimacy Rules

ARRANGEMENT OF RULES

Rule

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Title.

1. These Rules may be cited as the Legitimacy Rules.

Interpretation.

2. In these Rules—

“informant” means a parent of a legitimated person whose duty it is to give information with a view to the re-registration of the birth of such person.

Attendance of informant and manner of re-registration.

3.(1) Where re-registration is authorized by the Governor, the informant, or if there are two informants, such one of them as the Registrar may direct, shall, subject as hereinafter provided, attend personally at the Registry Office of Births and Deaths within such time as the Registrar may specify, and sign the register in the presence of the Registrar.

(2) The Registrar shall enter in the appropriate column of the register the several particulars required to be entered as in the case of a birth.

(3) The Registrar shall enter in the column “When registered” the date on which the entry is made followed by the words “On the authority of the Governor.”

Procedure where informant has left Gibraltar.

4.(1) An informant who has removed from Gibraltar before re-registration may, with the consent of the Registrar, instead of attending at the Registry Office to sign the register, make and sign a declaration in writing of the particulars to be entered in the register on the information of such informant.

(2) In the case of an informant who is in Great Britain or Northern Ireland or the Channel Islands, or in any Commonwealth country, the declaration shall be made before a judge, court, notary public or person lawfully authorized to administer oaths in such country or place, and in the case of an informant who is in any foreign country, the declaration shall be made before one of Her Majesty’s Consuls or Vice-Consuls.

(3) The Declaration shall be in such form and shall contain such particulars as the Registrar may require, being particulars to be entered in the register on the information of such informant.

(4) Upon receipt of the declaration duly attested, the Registrar may obtain the Governor’s authorization for re-registration of the birth to which it relates.

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Entries where informant has left Gibraltar.

5. The Registrar on receiving the Governor's authority for re-registration, shall enter the birth in the register in the manner hereinbefore provided notwithstanding that no informant is present, and in the column "Signature, Description and Residence of Informant" he shall write the name of the informant as signed in the declaration, followed by the description and address of the informant as stated therein, and append the words "as per declaration dated " and the date on which the declaration was made and signed.

Re-registration where no informant living.

6. Where re-registration is authorized by the Governor and no informant is living, then, if the legitimated person is a minor, his guardian may attend personally at the Registry Office and sign the register in the appropriate column of the entry: and if the legitimated person is not a minor the Registrar shall enter in the said column the words "On the authority of the Governor" and omit such words from the column "When registered. "

Entry not evidence unless made on authority of the Governor.

7. An entry or a certified copy of an entry of a re-registered birth under the Act shall not be evidence of such birth or legitimation unless such entry purports to be made on the authority of the Governor.

Reference to re-registration to be made against previous entry.

8.(1) The Registrar shall cause the previous entry of the birth to be marked in the margin with the words "Re-registered under the Legitimacy Act on " and add the date of the re-registration.

(2) Such marginal note shall be deemed to be part of such entry; and a certified copy of such entry shall include such marginal note.

Certified copies of entries of re-registration.

9. Where application is made for a certified copy of the entry of the birth of a person whose birth has been re-registered, the Registrar shall supply a certified copy of the entry of re-registration ; and no certified copy of the previous entry shall be given except under the direction of the Governor.

Fees for re-registration.

10. The fee for re-registration of a birth not effected within the time specified in the Act shall be £5.50.