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Fifth Session First Parliament Republic of Trinidad  
and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 17 of 1981

[L.S.]

AN ACT to remove the legal disabilities of Children  
born out of wedlock.

[Assented to 24th July, 1981]

ENACTED by the Parliament of Trinidad and Tobago as Enactment  
follows—

*Preliminary*

1. (1) This Act may be cited as the Status of Short title and  
Children Act, 1981. commencement

(2) This Act shall come into operation on such date as the President may, by notice published in the *Gazette*, appoint.

Interpretation

2. (1) In this Act—

“child” includes a person who has attained the age of eighteen years;

“child born in wedlock” means a child whose parents were married to each other when the child was conceived or born or between those times, and “child not born in wedlock” means any other child;

“marriage” includes a void or voidable marriage, and “marriage” has a corresponding meaning;

“Minister” means the member of Cabinet to whom responsibility for the administration of this Act is assigned;

“Registrar General” means the person for the time being holding office as Registrar General under the Births and Deaths Registration Ordinance and includes any person for the time being discharging the duties of that office;

Ch. 29. No. 1

(2) For the purposes of sections 13 to 17 inclusive—

“blood samples” means blood taken for the purpose of blood tests;

“blood tests” means blood tests carried out and includes any test made with the object of ascertaining the inheritable characteristics of blood;

“excluded” means excluded subject to the occurrence of mutation;

“tester” means a medical practitioner designated by the Minister to carry out blood tests.

*Status of Children*

All children of equal status

3. (1) Notwithstanding any other written law or rule of law to the contrary for all the purposes of the law of Trinidad and Tobago—

(a) the status and the rights, privileges and obligations of a child born out of wedlock are identical in all respects to those of a child born in wedlock;

- (b) save as provided in this Act, the status and the rights and obligations of the parents and all kindred of a child born out of wedlock are the same as if the child were born in wedlock; but this provision shall not affect the status, rights or obligations of the parents as between themselves.

(2) The rule of construction whereby in any Will, Deed, or other Instrument words of relationship, in the absence of a contrary expression of intention, signify relationship derived only from wedlock is abolished.

(3) For the purpose of construing any instrument words denoting a family relationship shall, in the absence of a contrary expression of intention, cease to be presumed to refer only to relationship by marriage and for the purpose of construing any instrument, in the absence of a contrary expression of intention, cease to be presumed to refer only to relationship by marriage and for the purpose of construing any instrument, in the absence of a contrary expression of intention, reference to a child or children includes a child or children whether or not born in wedlock.

(4) Subsections (1) to (3) shall apply with respect to every person, whether born before or after the commencement of this Act, and whether born in Trinidad and Tobago or not, and whether or not his father or mother has ever been domiciled in Trinidad and Tobago.

4. (1) This Act does not affect rights which became vested before its commencement. Application of this Act

(2) Save as provided in subsection (1) this Act applies to persons born and instruments executed before as well as after its commencement.

5. For the purposes of the administration OR Protection of distribution of the estate of any deceased person or of personal representatives and trustees any other property held upon trust—

- (a) A person born out of wedlock shall be presumed not to have been survived by his father or any other paternal relative unless the contrary is shown;

(b) a person born in wedlock shall be presumed not to have been survived by a child of his father, father's mother, grand father or mother's mother born out of wedlock unless the contrary is shown, and no trustee or personal representative shall be liable to any such person of whose claim he has not had notice at the time of the conveyance or distribution, but nothing in this section shall prejudice the right of any person to follow the property or any property representing it, into the hands of any person other than a *bona fide* purchaser without notice who may have received it.

### *Evidence as to Parenthood*

Presumptions as to  
parenthood of child  
born during  
marriage

6. (1) Subject to subsections (2) and (3) 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 his mother and her husband, or former husband, as the case may be.

(2) Subsection (1) 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 from each other whether as a matter of fact or under a decree or order of separation, or decree nisi of divorce, made by a competent court or authority in Trinidad and Tobago or elsewhere.

(3) Subsection (1) shall not apply where a child is born within ten months after the dissolution of the marriage of his 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.

Recognition of  
paternity

7. The relationship of father and child, and any other relationship traced in any degree through that relationship shall be recognised only if—

(a) the father and the mother of the child were married to each other at the time of his conception or birth or between those times; or

- (b) paternity has been registered in a register of birth pursuant to the Births and Deaths Registration Ordinance or established by any of the modes specified in section 8 or 10. Ch. 29. No. 1

8. (1) If, pursuant to section 20 of the Births and Deaths Registration Ordinance the name of the father of the child to whom the entry relates has been entered in the register book 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 in accordance with section 45 of that enactment shall be *prima facie* evidence that the person named as the father is the father of the child. Evidence and proof  
of paternity  
Ch. 29. No. 1

(2) A paternity order within the meaning of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, 1981, shall be *prima facie* evidence of the fact of paternity in any subsequent proceedings whether or not between the same parties. Act No. 15  
of 1981

(3) A paternity order made under section 10 shall, for all purposes, be *prima facie* proof of the matters contained in it.

(4) An order made in any country outside Trinidad and Tobago declaring a person to be the father or putative father of a child, being an order to which this section applies shall be *prima facie* evidence that the person declared to be the father or putative father, as the case may be, is the father of the child.

(5) The President may from time to time, by order published in the *Gazette*, declare that subsection (4) applies with respect to orders made by any court or public authority in any specified country outside Trinidad and Tobago or by any specified court or public authority in any such country.

9. (1) Any statutory declaration made by the mother of a child and by any person acknowledging that he is the father of the child and further declaring that such person exhibited evidence of identification together with a statement specifying the nature of such evidence or a duplicate or attested copy of any such statutory declaration may, in the prescribed manner and on payment of the prescribed fee, if any, be filed in the office of the Registrar General. Acknowledgements  
may be filed with  
Registrar General

Ch. 7. No. 10

(2) In the case of a person who is in Trinidad and Tobago the authorities before whom a statutory declaration for the purposes of subsection (1) may be made are a notary public, a magistrate or some other person lawfully authorised under the Oaths Ordinance to administer oaths.

(3) In the case of a person who is not in Trinidad and Tobago the authorities before whom a statutory declaration for the purposes of subsection (1) may be made are a Trinidad and Tobago diplomatic agent or a consular officer or a notary public or some other person lawfully authorised to administer oaths in the country or place where the declaration is made.

(4) The Registrar General shall upon the request of any person who he is satisfied has a proper interest in the matter and, on receipt of the prescribed fee, if any, cause a search of any index of statutory declarations filed with him under subsection (1) to be made, and shall permit any such person to inspect any such declaration or any duplicate or copy thereof.

Act No. 15  
of 1981

(5) Where the High Court makes a paternity order under section 10 or where a Magistrate's Court makes a paternity order within the meaning of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, 1981, the Registrar of the High Court or the Clerk of the Peace, as the case may be, shall forward a copy of such order to the Registrar General for filing in his office under this section, and on his receipt of any such copy the Registrar General shall file it accordingly as if it were an instrument of the kind prescribed in subsection (1).

Power of Court to  
make paternity  
order

10. (1) Any person who—

- (a) being a woman, alleges that any named person is the father of her child; or
- (b) alleges that the relationship of father and child exists between himself and any other person; or
- (c) alleges that he is the father of an unborn child, or
- (d) 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,

may apply in such manner as may be prescribed by rules of court to the High 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 paternity order whether or not the father or child or both of them are living or dead.

(2) An application under this section may be brought on behalf of the child by any person acting of his behalf.

(3) The High Court has jurisdiction under this section if at the date of the making of any application under this section—

- (a) the child to whom the application relates is actually present in Trinidad and Tobago or, if deceased, was born in Trinidad and Tobago or was domiciled in Trinidad and Tobago at the date of his death; or
- (b) the alleged parent of the child against whom the application is brought is actually present in Trinidad and Tobago or, if deceased, was born in Trinidad and Tobago or domiciled in Trinidad and Tobago at the date of his death,

and the High Court also has jurisdiction under this section where—

- (a) the child, though absent from Trinidad and Tobago at the time of the proceedings, is a citizen of Trinidad and Tobago; or
- (b) the alleged parent of the child against whom the application is brought, though absent from Trinidad and Tobago at the time of the proceedings, is a citizen of Trinidad and Tobago.

(4) No proceeding under this section shall affect any final judgment or decree already pronounced or made by a court of competent jurisdiction.

(5) Where on an application to the High Court under this section the Court has made or has refused to make an order there shall be the same rights of appeal as are in force or exist for the time being in

respect of civil proceedings in the High Court and the provisions of the Supreme Court of Judicature Act, 1962 and the Rules of the Supreme Court, 1975 and the Court of Appeal Rules, 1962, shall apply to such appeals.

**Notice of  
application for  
paternity order**

**11. (1)** Unless the Court otherwise directs, notice of an application for a paternity order shall be given to—

- (a) the person claimed to be a child or any person named by law to be served on his behalf, and
  - (b) the person alleged to be the father or mother, as the case may be, of the child, and the person having custody of the child, or
  - (c) the committee of a mentally incompetent person or the committee of a mentally incompetent child or in the absence of such a committee the Attorney General; and
  - (d) any other person claiming to be a parent.
- (2) Upon application the Court shall—
- (a) consider whether or not any other person should receive notice; and
  - (b) direct that notice be given to any person who in its opinion should have an opportunity to be heard.

**Duration of  
paternity order**

**12. (1)** A paternity order remains in force until it is set aside under this section.

(2) An application to set aside a paternity order may be made with leave of the Court to the Court by which the order was made.

(3) Notice of the application shall be given to the person specified in section 11.

(4) The Court may confirm the order or set it aside.

(5) The setting aside of a paternity order shall not, unless the Court otherwise directs, affect rights which vested while the order was in force.



### Blood Tests

13. (1) In any civil proceedings in which the paternity of any person (hereinafter referred to as "the subject") falls to be determined by a court hearing the proceedings, the court may, on an application by any party to the proceedings, give a direction for the use of blood tests to ascertain whether such tests show that a party to the proceedings is or is not thereby excluded from being the father of the subject and for the taking, within a period to be specified in the direction, of blood samples from the subject, the mother of the subject and any party alleged to be the father of the subject or from any, or any two, of those persons.

Power of court to  
require use of  
blood tests

(2) A court may at any time revoke or vary a direction previously given by it under this section.

(3) The person responsible for carrying out blood tests taken for the purpose of giving effect to a direction under this section shall make to the court by which the direction was given a report in which he shall state—

- (a) the results of the tests;
- (b) whether the person to whom the report relates is or is not excluded by the results from being the father of the subject, and
- (c) if that person is not so excluded, the value, if any, of the results in determining whether that person is the subject's father,

and the report shall be received by the court as evidence in the proceedings of the matters stated therein.

(4) Where a report has been made to a court under subsection (3), any party to the proceedings may, with the leave of the court, or shall, if the court so directs, obtain from the person who made the report a written statement explaining or amplifying any statement made in the report, and that statement shall be deemed for the purposes of this section to form part of the report made to the court.

(5) Where a direction is given under this section in any proceedings, a party to the proceedings shall not be entitled to call as a witness the person responsible for carrying out the tests taken for the purpose of

giving effect to the direction, or any person by whom anything necessary for the purpose of enabling those tests to be carried out was done, unless—

(a) within fourteen days after receiving a copy of the report he serves notice on the other parties to the proceedings, or on such of them as the court may direct, of his intention to call that person; or

(b) the court otherwise directs,  
and where any such person is called as a witness the party who called him shall be entitled to cross-examine him.

(6) Where a direction is given under this section the party on whose application the direction is given shall pay the cost of taking and testing blood samples for the purpose of giving effect to the direction (including any expenses reasonably incurred by any person in taking any steps required of him for the purpose), and of making a report to the court under this section, but the amount paid shall be treated as costs incurred by him in the proceedings.

(7) In this section “civil proceedings” include any proceedings under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, 1981.

Act No. 15  
of 1981

Consents, etc. re-  
quired for the  
taking of  
blood samples

14. (1) Subject to the provisions of subsection (3) and (4) a blood sample which is required to be taken from any person for the purpose of giving effect to a direction under section 13 shall not be taken from that person except with his consent.

(2) The consent of a minor who has attained the age of sixteen years to the taking from himself of a blood sample shall be as effective as it would be if he were of full age; and where a minor has by virtue of this subsection given an effective consent to the taking of a blood sample it shall not be necessary to obtain any consent for it from any other person.

(3) A blood sample may be taken from a person under the age of sixteen years, not being such a person as is referred to in subsection (4), if the person who has the care and control of him consents or, in the absence of such consent, or, where that consent is unreasonably withheld, if the court so directs.

(4) A blood sample may be taken from a person who is suffering from mental disorder and is incapable of understanding the nature and purpose of blood tests if the person who has the care and control of him consents and the medical practitioner in whose care he is has certified that the taking of a blood sample from him will not be prejudicial to his proper care and treatment.

(5) The foregoing provisions of this section are without prejudice to section 15.

15. (1) Where a court gives a direction under section 13 and any person fails to take any step required of him for the purpose of giving effect to the direction, the court may draw such inferences, if any, from that fact as appear proper in the circumstances.

Failure to comply  
with direction for  
blood tests

(2) Where in any proceedings in which the paternity of any person falls to be determined by a court hearing the proceedings there is a presumption of law that that person is the child of another, then if—

- (a) a direction is given under section 13 in those proceedings; and
- (b) any party who is claiming relief in the proceedings and who for the purpose of obtaining that relief is entitled to rely on the presumption fails to take any steps required of him for the purpose of giving effect to the direction,

the court may adjourn the hearing for such period as it thinks fit to enable that party to take that step, and if at the end of that period he has failed without reasonable cause to take it the court may, without prejudice to subsection (1), dismiss his claim for relief notwithstanding the absence of evidence to rebut the presumption.

(3) Where any person named in a direction under section 13 fails to consent to the taking of a blood sample from himself or from any person named in the direction of whom he has the care and control, he shall be deemed for the purposes of this section to have failed to take a step required of him for the purposes of giving effect to the direction.

Penalties for  
personating another  
re blood tests and  
for tampering with  
blood sample

16. (1) If for the purpose of providing a blood sample for a test required to give effect to a direction under section 13 any person personates another, or proffers a child knowing that it is not the child named in the direction, he shall be guilty of an offence and liable—

- (a) on conviction on indictment, to imprisonment for two years; or
- (b) on summary conviction, to a fine of one thousand dollars or to imprisonment for six months.

(2) If a person wilfully and maliciously—

- (a) breaks the seal of or opens or causes to be opened any container with a blood sample which is to be delivered to a tester; or
- (b) does any act or thing whereby the due delivery of such container to the tester is prevented or impeded; or
- (c) in any manner tampers with such container,

he shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months.

Regulations re  
blood tests

17. The Minister may by regulations make provision as to the manner for giving effect to directions under section 13 and, in particular, any such regulations may—

- (a) provide that blood samples shall not be taken except by such medical practitioners as may be designated by the Minister;
- (b) regulate the taking, identification and transport of blood samples;
- (c) require the production at the time when a blood sample is to be taken of such evidence of the identity of the person from whom it is to be taken as may be prescribed by the regulations;
- (d) require any person from whom a blood sample is to be taken, or in such cases as may be prescribed by the regulations,

- such other person as may be so prescribed to state in writing whether he or the person from whom the sample is to be taken, as the case may be, has during such period as may be specified in the regulations suffered from any such illness as may be so specified or received a blood transfusion of blood;
- (e) provide that blood tests shall not be carried out except by such persons, and at such places, as may be appointed by the Minister;
  - (f) prescribe the blood tests to be carried out and the manner in which they are to be carried out;
  - (g) regulate the charges that may be made for the taking and testing of blood samples and for the making of a report to a court under section 13;
  - (h) make provision for securing that so far as practicable the blood samples to be tested for the purpose of giving effect to a direction under section 13 are tested by the same person;
  - (i) prescribe the form of the report to be made to a court under section 13.

#### *General*

18. (1) The Minister may, from time to time, make <sup>Regulations</sup> regulations for all or any of the following purposes—

- (a) prescribing fees and forms for the purposes of this Act;
- (b) providing for such other matters as are contemplated by or necessary for giving full effect to this Act, and for its due administration.

(2) Where the Registrar General is empowered to do any act for which a fee is payable, he may refuse to do the act until the fee is paid.

19. (1) The existing laws shall, as from the date of <sup>Existing laws</sup> commencement of this Act, be construed with such adaptations as may be necessary to bring them into conformity with this Act.

(2) The Minister may, from time to time, by Order, make such amendments to any existing law as may appear to him to be necessary for bringing that law into conformity with the provisions of this Act.

(3) For the purposes of this section, the expression "existing law" means any Act, Ordinance, Rule, Regulation, Order or other instrument which has effect as part of the Law of Trinidad and Tobago immediately before the commencement of this Act.

(4) An order made under this section shall be subject to affirmative resolution of both Houses of Parliament.

Repeal and  
consequential  
amendments  
Ch. 5. No. 13

20. (1) The Legitimation Ordinance is hereby repealed.

(2) The Enactments specified in the first column of the Schedule are amended to the extent specified in the second column thereof.

## Section 20(2)

## SCHEDULE

## AMENDMENTS TO ENACTMENTS

FIRST COLUMN	SECOND COLUMN
<i>Enactment</i>	<i>Extent of Amendment</i>
Adoption of Children Ordinance, Ch. 29. No. 7	<p data-bbox="400 409 980 490">A. 9 In section 2 for the definition of the word "relative" there shall be substituted—</p> <p data-bbox="488 494 980 687">"relative" in relation to any child, means father, mother, son, daughter, brother, sister, uncle, aunt, grandfather, grandmother, grandson, granddaughter whether of the full blood, or of the half blood, or by affinity."</p> <p data-bbox="400 691 640 720">B. In section 11—</p> <p data-bbox="457 724 980 778">(i) For subsection (3) there shall be substituted:</p> <p data-bbox="543 782 980 1058">"(3) Before the Court makes any interim order under section 13, or makes any adoption order without first making such interim order, consents to the Adoption Order by all persons (if any) whose consents are required in accordance with subsection 3A of this section shall be filed in the Court."</p> <p data-bbox="448 1062 980 1145">(ii) In section 11 the following subsection shall be inserted after subsection (3)—</p> <p data-bbox="543 1149 980 1319">"(3A) The persons whose consents to any such order in respect of any child are required as aforesaid, unless they are dispensed with by the Court under subsection (4A), shall be—</p> <p data-bbox="570 1323 980 1493">(a) where there is no adoption order in force in respect of the child the parents or the surviving parent or the guardian or guardians, as the case may be.</p> <p data-bbox="570 1497 980 1638">(b) where there is an adoption order in force in respect of the child the adopting parents or parent or the surviving adopting parent.</p>

## Section 20(2)

## SCHEDULE—CONTINUED

## AMENDMENTS TO ENACTMENTS

## FIRST COLUMN

*Enactment*

## SECOND COLUMN

*Extent of Amendment*

(iii) In section 11 the following subsection shall be inserted after subsection (4)—

“(4A) The Court may dispense with any consent required by subsection (3A) if it is satisfied—

- (a) in the case of a parent or guardian of the child, that he has abandoned, neglected or persistently ill-treated the child;
- (b) in the case of a person liable by virtue of an order or agreement to contribute to the maintenance of the child that he has consistently neglected or refused so to contribute;
- (c) in any case, that the person whose consent is required cannot be found or is incapable of giving his consent or that his consent is unreasonably withheld;
- (d) in any other case where the Court sees fit.”.

C. For section 15 there shall be substituted the following section—

“Effect of  
Adoption  
Order

15. (1) For all purposes, as from the date of the making of an adoption order—

- (a) the adopted child becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child; and
- (b) the adopted child ceases to be the child of the person who was his parent before



FIRST COLUMN

SECOND COLUMN

*Enactment*

*Extent of Amendment*

the adoption order was made and that person ceases to be the parent of the adopted child,

as if the adopted child had been born in lawful wedlock to the adopting parent.

(2) The relationship one to another of all persons whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the adopting order was made, the kindred of the former parent or any other person, shall, for all purposes, be determined in accordance with subsection (1).

(3) Subsections (1) and (2) do not apply for the purpose of the law relating to incest and the prohibited degrees of marriage to remove any persons from a relationship in consanguinity that, but for this section, would have existed.

The Age of Majority Act, 1973  
Act No. 28 of 1973

- A. For the words figures and symbols "subsections (3) and (4) occurring in the first line of subsection (2) of section 3 there shall be substituted " subsection (3)".
- B. Subsection (4) of section 3 is repealed.
- C. Subsection (6) of section 5 is repealed.

The Births and Deaths Registration Ordinance, Ch. 29. No. 1

- A. For section 20 there shall be substituted—  

Child of unmarried mother

20. (1) The Registrar shall not enter the name of any person as the father of a child born out of wedlock except—

(a) at the joint request of the mother and the person acknowledging himself to be the father of the child (in which case that person shall

Section 20(2)

## SCHEDULE—CONTINUED

## AMENDMENTS TO ENACTMENTS

## FIRST COLUMN

*Enactment*

## SECOND COLUMN

*Extent of Amendment*

sign the register  
together with the  
mother) or

- (b) at the request of the  
mother on produc-  
tion of—

- (i) a declaration in  
the prescribed  
form made by  
the mother  
stating that  
the said per-  
son is the  
father of the  
child; and

- (ii) a statutory  
declara-  
tion made by  
that person  
acknowl-  
edging him-  
self to be the  
father of the  
child.

(2) If on registration of  
the birth of a child no person  
has been entered in the regis-  
ter as the father, the Regis-  
trar may re-register the birth  
so as to show a person as the  
father—

- (a) at the joint request  
of the mother, and  
of that person (in  
which case the  
mother and that per-  
son shall both sign  
the register) in the  
presence of the  
Registrar; or

- (b) at the request of the  
mother on the pro-  
duction of—

- (i) a declaration in  
the prescribed

## FIRST COLUMN

*Enactment*

## SECOND COLUMN

*Extent of Amendment*

form made by  
the mother  
stating that  
the person in  
question is the  
father of the  
child; and

- (ii) a statutory  
d e c l a r a -  
tion made by  
that person  
a c k n o w l -  
edging him-  
self to be the  
father of the  
child,

but no birth shall be re-  
registered as aforesaid except  
with the authority of the  
Registrar General and any  
such re-registration shall be  
effected in such manner as  
may be prescribed.

(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  
paternity order in respect of  
the child has been made by  
the High Court, or by a Magis-  
trate's Court, or that the  
child's parents were married  
after the registration he shall  
authorise the entry in the  
register of the father and such  
other particulars relating to  
the father as are supplied to  
him."

- B. The following section shall be inserted  
immediately after section 20 as sections  
20A and 20B.

"Father's  
particulars

20A. 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 sec-  
tion 15, the name of or any  
other particulars relating to

## Section 20(2)

## SCHEDULE—CONTINUED

## AMENDMENTS TO ENACTMENTS

## FIRST COLUMN

*Enactment*

## SECOND COLUMN

*Extent of Amendment*

the father shall not thereafter be entered in the register unless the Registrar General is satisfied that—

- (a) the parents of the child were married to each other; or
- (b) a paternity order in respect of the child has been made by the High Court or by a Magistrate's Court or both the mother and the person acknowledging himself to be the father of the child consent to the entry:

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.

"Register of  
Statutory  
Declarations  
and Orders

20B. (1) The Registrar General shall, from the records and registers in his office, make and keep a correct register in respect of—

- (a) all statutory declarations of the kind described in subsection (1) of section 9 of the Status of Children Act, 1981, filed in his office or of the duplicates or attested copies of such instruments;
- (b) all copies of paternity orders made under section 10 of the Status of Children Act, 1981, forwarded

## FIRST COLUMN

*Enactment*

## SECOND COLUMN

*Extent of Amendment*

to him in accordance with section 9 of the said Act, by the Registrar of the High Court;

- (c) all copies of orders made by a Magistrate's Court forwarded to the Registrar General in accordance with section 9 of the Status of Children Act, 1981, by any Clerk of the Peace for filing in the office.

(2) For the purposes of subsection (1) the Registrar General shall cause the registration of all declarations and duplicates and copies of declarations filed in his office to be numbered and otherwise systematically filed according to each calendar year and such register shall contain such other particulars as may be prescribed.

(3) The Registrar General shall cause all such statutory declarations and duplicates and copies of declarations to be indexed according to each calendar year and each index shall contain the number and such other particulars of the registration as may be prescribed.

(4) The Registrar General shall cause any certified copy of any such instrument, declaration or order as is referred to in the register kept in accordance with subsection (1) to be sealed and any such sealed copy shall be received as evidence relating to the birth to which it relates without any further or other

## Section 20(2)

## SCHEDULE—CONTINUED

## AMENDMENTS TO ENACTMENTS

FIRST COLUMN	SECOND COLUMN
<i>Enactment</i>	<i>Extent of Amendment</i>
The Children Ordinance, Ch. 4. No. 21	<p>proof of the instrument, declaration or order, as the case may be, and no certified copy purporting to be given in the said office shall be of any force or effect which is not so sealed.”.</p> <p>A. In section 44—</p> <p>(i) delete from paragraph (c) of subsection (1) the words “or in the case of an illegitimate child his mother”;</p> <p>(ii) delete from paragraph (f) of subsection (1) the words “whether legitimate or illegitimate” wherever they occur.</p> <p>B. In section 65—</p> <p>(i) for the words “the putative father of an illegitimate child” in subsection (1) there shall be substituted the words “the father of a child born out of wedlock;</p> <p>(ii) for the words “an illegitimate child” in subsection (2) there shall be substituted the words “a child born out of wedlock”.</p>
Citizenship of the Republic of Trinidad and Tobago Act 1976 Act No. 11 of 1976	<p>A. In section 2 for the definition of the expression “responsible parent” there shall be substituted—</p> <p>“responsible parent” in relation to any child means the father but—</p> <p>(a) where the father is dead; or</p> <p>(b) where custody of the child has been awarded to the mother; or</p> <p>(c) paternity of the child is not admitted or established in accordance with the Status of Children Act, 1981,</p>
	<p>the expression “responsible parent” means the mother.</p>

## FIRST COLUMN

## SECOND COLUMN

*Enactment**Extent of Amendment*

Compensation  
for Injuries  
Ordinance,  
Ch. 5. No. 5

B. By repealing subsections (3) and (4) of  
section 2.

Marriage  
Ordinance,  
Ch. 29. No. 2

Paragraph (c) of section 2(2) is repealed.  
For sections 22 and 23 there shall be  
substituted—

“Consent to  
marriage of  
minors

22. Consent to the marriage  
of a minor shall be obtained  
in accordance with the follow-  
ing provisions—

- (a) if both the minor's  
parents are alive and  
living together, con-  
sent shall be obtained  
from both parents;
- (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;
- (c) if the parents are  
living apart and the  
minor is not living  
with either, consent  
shall be obtained  
from both parents  
unless the consent of  
one parent is dis-  
pensated with by a  
Judge of the High  
Court;
- (d) if one of the parents  
is dead consent shall  
be obtained from the  
surviving parent and  
any other person  
who is the legal  
guardian of the  
minor;
- (e) if both parents are  
dead consent shall  
be obtained from  
any person who is  
the legal guardian of  
the minor.”.

## Section 20(2)

## SCHEDULE—CONTINUED

## AMENDMENTS TO ENACTMENTS

FIRST COLUMN	SECOND COLUMN
<i>Enactment</i>	<i>Extent of Amendment</i>
Income Tax Ordinance, Ch. 33. No. 1	<p data-bbox="606 432 738 513">Power of Judge to dispense with consent</p> <p data-bbox="738 432 1128 1170">23. In case any person whose consent is required by law to any marriage, is absent from Trinidad and Tobago, or is unable or refuses to give such consent, or is of unsound mind or in any other case where the court sees fit the persons desirous of contracting such marriage may apply by Petition to a Judge of the High Court who may proceed upon the Petition in a summary way, and, in case the marriage proposed shall upon examination appear to him to be proper, the Judge shall judicially declare by order in writing that such marriage may be solemnized and the order shall, for the purposes of this Ordinance, be deemed equivalent to such consent as aforesaid.”.</p>
The Workmen's Compensation Ordinance, No. 24 of 1960	<p data-bbox="545 1186 1128 1267">In section 15 for the definition of “child” in subsection (7) there shall be substituted the following definition—</p> <p data-bbox="606 1277 1128 1358">“child” means any child whether or not born in wedlock, and includes step-child or adopted child.</p> <p data-bbox="545 1373 1128 1454">A. In subsection (1) of section 2 insert next after the definition of “adult” the following—</p> <p data-bbox="606 1464 1128 1632">“child of a workman's family” means any child of a workman and his wife; and includes any other child (whether or not a child of the workman or of the wife) who is a member of the family of the workman;</p>



FIRST COLUMN

SECOND COLUMN

*Enactment*

*Extent of Amendment*

B. For the definition of "dependants" in the said subsection (1) of section 2 there shall be substituted—

"dependants" means such child of a workman's family and such other members of a workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent; and includes a dependant female and any other person whom the workman at the time of his death treated as under a duty by him to support in whole or in part. However a person shall not be considered to be a partial dependant of a workman unless he was dependent partially on contributions from the workman for the provision of the ordinary necessities of life suitable for persons in his class and position;

"dependant female" means a woman who, for not less than twelve months immediately before the date on which the workman died or was incapacitated as a result of the accident, although not legally married to him, lived with him as his wife and was dependent wholly or in part upon his earnings.

Passed in the House of Representatives this 6th day of May, 1981.

R. L. GRIFFITH

*Acting Clerk of the House*

Passed in the Senate this 19th day of May, 1981.

M. CARRINGTON

*Acting Clerk of the Senate*