

7.- (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, be recognized only if—

Recognition of paternity required in cases of succession, etc.

- (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 by or established during the lifetime of the father (whether by one or more of the types of evidence specified by section 8 or otherwise):

Provided that, if the purpose aforesaid is for the benefit of the father, there shall be the additional requirement that paternity has been so admitted or established during the lifetime of the child or prior to its birth.

(2) In any case where by reason of subsection (1) the relationship of father and child is not recognized 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 recognized 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.—(1) If, pursuant to section 19 of the Registration (Births and Deaths) Act or to the corresponding provisions 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 1st day of November, 1976), a certified copy of the entry made or

Evidence and proof of paternity.

given in accordance with section 55 of that Act or sealed in accordance with section 57 of the said 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 an attorney-at-law or a Justice of the Peace or a Clerk of the Courts or a registered medical practitioner or a minister of religion or a marriage officer or a midwife or the headmaster of any public educational institution as defined in the Education Act be *prima facie* evidence that the person named as the father is the father of the child.

(3) An affiliation order within the meaning of the Affiliation Act shall be *prima facie* evidence of paternity in any subsequent proceedings, whether or not between the same parties.

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

(5) An order made in any country outside Jamaica declaring a person to be the father or putative father of a child, being an order to which this subsection applies pursuant to subsection (6), shall be *prima facie* evidence that the person declared the father or putative father, as the case may be, is the father of the child.

(6) The Minister may from time to time, by order, declare that subsection (5) applies with respect to orders made by any court or public authority in any specified country outside Jamaica or by any specified court or public authority in any such country.

9.—(1) Any instrument of the kind described in subsection (2) of section 8, 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.

Instruments of acknowledgement may be filed with Registrar-General.

(2) The Registrar-General shall cause indices of all instruments and duplicates and copies of instruments filed with him under subsection (1) to be made and kept in his office, and shall upon the request of any person and on receipt of the prescribed fee (if any), 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.

(3) Where the Supreme Court or the Family Court makes a declaration of paternity under section 10 or where a Resident Magistrate's Court or the Family Court makes an affiliation order within the meaning of the Affiliation Act, the Registrar of the Court or the Clerk of the Court, as the case may be, 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.

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) 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,

Power of Court to make declaration of paternity.