CHAPTER 9.

An Act to amend the Bastardy Laws. [24th April 1873.]

WHEREAS an Act was passed in the thirty-fifth and thirty-sixth years of the reign of Her Majesty, chapter sixty-five, intituled "The Bastardy Laws Amendment Act, 1872:"

And whereas it is expedient to amend the said recited Act:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Bastardy Laws Amendment Act, 1873."

Repeal of sections 6 and 8 of recited Act and Second Schedule thereto.

2. The sixth and eighth sections of the said recited Act and the Second Schedule thereto are hereby repealed, except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceeding taken before the passing of this Act.

Revival of rights under repealed enactments.

3. Any woman delivered of a bastard child on or before the tenth day of August one thousand eight hundred and seventy-two, who, but for the repeal by the said recited Act of the enactments specified in the First Schedule hereto would have been entitled to apply for a summons against the putative father of such child, shall be entitled to apply for such summons as follows:

In any case in which she would have been entitled to apply at any time within twelve months from the birth of the child, she shall be entitled to apply at any time within six months next after the passing of this Act;

And in any case in which she would have been entitled to apply at any time after twelve months from the birth of the child, upon proof that the man alleged to be the father of the child had within the twelve months next after the birth of the child paid money for its maintenance, she shall be entitled to apply at any time after the passing of this Act upon the like proof;

And upon any such application the same proceedings shall or may be taken, and the same consequences, including all rights of appeal, shall or may ensue as should or might have been taken or have ensued if the said enactments had not been repealed by the said recited Act.

Proof of service of summons in certain cases.

4. In cases where the putative father of any bastard child resides out of the petty sessional district where the mother applies for a summons or order of maintenance, it shall be lawful to prove by affidavit in the form referred to in the Second Schedule to this Act, or to the like effect, that such summons or order has been duly served. Any affidavit purporting to be so made and attested shall be received in evidence, and shall be deemed to be duly made and attested until the contrary be shown,

Guardians may recover cost of relief of bastard child in certain cases.

5. When a bastard child becomes chargeable to a union or parish, the guardians may apply to two justices having jurisdiction in the union or parish, in petty sessions, and thereupon such justices may summon the man alleged to be the father of the child to appear before any two justices having the like jurisdiction, to show cause why an order should not be made upon him to contribute towards the relief of the child, and upon his appearance, or on proof that the summons was duly served on him, or left at his last place of abode, six days at least before the petty session, the justices in such petty session shall hear the evidence of the mother, and such other evidence as she or the said guardians may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father, and if the evidence of the mother be corroborated in some material particular by other evidence to the satisfaction of the said justices, they may adjudge the man to be the putative father of such bastard child, and they may proceed to make an order upon such putative father to pay to the guardians or one of their officers such sum, weekly or otherwise, towards the relief of the child during such time as the child shall continue or afterwards be chargeable, as shall appear to them to be proper; and any payment so ordered to be made shall be recoverable by the relieving officer, or other officer appointed to receive it, in the manner provided by the said recited Act for the recovery of payments under an order obtained by the mother: Provided as follows:

1. That no payments shall be recoverable under such order except in respect of the time during which the child is actually in receipt of relief;

2. That an order under this section shall not be made, and if made shall cease except for the recovery of arrears, when the mother of the child has obtained an order under the said recited Act or this Act;
3. That nothing in this section shall be deemed to relieve the mother of a bastard child from her liability to maintain such child;
4. That any person upon whom an order is made under this section shall have the same right of appeal against such order as in the case of an order obtained on the application of the mother;
5. That if after an order has been made under this section the mother should apply for an order under the said recited Act or this Act, the order made under this section shall be primâ facie evidence that the man upon whom the order is made is the father of the child.

Issue of new or altered forms of proceedings.

6. The Local Government Board may issue such new or altered forms of proceedings in matters of bastardy as they shall deem necessary or expedient for giving effect to the provisions of the said recited Act and of this Act.

Adjournment of proceedings where two justices not present.

7. If at the time appointed for the hearing of any case in and by any summons issued under the said recited Act or this Act two justices having jurisdiction to hear the same shall not be present, it shall be lawful for any one justice then present to adjourn the hearing to a certain time and place to be then appointed in the presence of the party or parties or their respective counsel, attorneys, or agents then present; and in the meantime the said justice may suffer the defendant to go at large upon his entering into a recognizance with or without surety or sureties, at the discretion of the said justice, conditioned for his appearance at the time and place to which such hearing shall be adjourned.

Orders made by justices before passing of this Act valid.

8. All orders made by any justices of the peace before the passing of this Act upon the putative father of any bastard child born before the tenth day of August one thousand eight hundred and seveny-two, for any payment to be made by such putative father in respect of such child, which would have been valid if the "Bastardy Laws Amendment Act, 1872," had not passed, and which shall not have been appealed against before the passing of this Act, shall be, and be deemed to have been, valid and effectual in law, to all intents and purposes whatsoever.

This and recited Act to be construed as one Act.

9. This Act shall be deemed to be incorporated with the said recited Act, and shall be construed as if the said recited Act (except such parts thereof as have been repealed or amended by this Act) and this Act were one Act.

Not to extend to Scotland or Ireland.

10. This Act shall not extend to Scotland or Ireland.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

7 & 8 Vict. c. 101.	An Act for the further Amendment of the Laws relating to the Poor in England.	Sections 2. and 3. Section 5. from "Provided always," to end of section; and section 7 to "Provided always".

SECOND SCHEDULE.

Affidavit of Service.

I, *A.B.*, one of the officers of the constabulary of the county of , make oath and say, that I did, on the day of 18 , duly serve the defendant with a summons [*or* order], a true copy whereof is herewith annexed, marked A, by delivering the same personally to the defendant [*or* by leaving the same with at the place of abode of the defendant].

[I endorse the copy summons (*or* order) thus . This paper, marked A, is the paper referred to in the annexed affidavit.]

Sworn at , in the county of , this day of 18 , before me,

J.B.,
Justice of the Peace for the said county.