

THE BASTARDY LAWS AMENDMENT ACT, 1872.

(35 & 36 Vict, c. 65.)

An Act to amend the Bastardy Laws

{ 10th August, 1872. }

1. This Act may be cited as “The Bastardy Laws Amendment Act, 1872.” Short title.
2. [Section 2 repealed by 46 & 47 vict.c.39]
3. **Putative father to be summoned to petty sessions on application of mother of bastard child.** – Any single woman who may be with child or who may be delivered of a bastard child may either before the birth or at any time within twelve months from the birth of such child, or at any time thereafter, upon proof that the man alleged to be the father of such child has within the twelve months next after the birth of such child paid money for its maintenance, or at any time within the twelve months next after the return to England or the man alleged to be the father of such child, upon proof that he ceased to reside in England within the twelve months next after the birth of such child, make application to any one justice of the peace acting for the petty sessional division of the county, or for the city, borough, or place in which she may reside, for a summons to be served on the man alleged by her to be the father of the child, and if such application be made before the birth of the child the woman shall make a deposition upon oath stating who is the father of such child, and such justice of the peace shall thereupon issue his summons to the person alleged to be the father of such child to appear at a petty session to be holden {upon a day specified in such summons} for the petty sessional division, city, borough, or other place in which such justice usually acts.
4. **Justices in petty session may make an order on the putative father for maintenance, education, etc, of bastard child, and enforce the same by distress and commitment (Amended by Act. 12/1988).**-
(1) After the birth of such bastard child, on the appearance of the person so summoned, or on proof that the summoned, or on proof that the summons was duly served on such person, or left at his last place of abode {a reasonable time} before the petty session, the justices in such petty session shall hear the evidence of such woman and such other evidence as she 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 also, if they see fit, having regard to all the circumstances of the case, proceed to make an order on the putative father for the payment to the mother of the bastard child, or to any person who may be appointed to have the custody of such child, under the provisions of the said recited Act, of a sum of money weekly, not exceeding

one hundred leones a week, for the maintenance and education of the child, and of the expenses incidental to the birth of such child, and of the funeral expenses of the child, provided it has died before the making of such order, and of such costs as may have been incurred in the obtaining of such order, and of such the application be made before the birth of the child, or within two calendar months after the birth of the child, such weekly sum may, if the said justices think fit, be calculated from the birth of the child; and at any time after the expiration, of (fourteen clear days) from the making of such order as aforesaid it be made to appear to any one justice, upon oath or affirmation, that any sum to be paid in pursuance of such order has not been paid, such justice may, by warrant under his hand and seal, cause such putative father to be brought before any two justices, and in case such putative father neglect or refuse to make payment that any sums due from him under such order, or since any commitment for disobedience to such order as herein-after provided, together with the costs attending such warrant, apprehension, and bringing up of such putative father, such two justices may, by warrant under their hands and seals, direct the sum so appearing to be due, together with such costs, to be recovered by distress and sale of the goods and chattels of such putative father, and may order such putative father to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless he give sufficient security, by ways of recognizance or otherwise, to the satisfaction of such justices, for his appearance before two justices on the day which may be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security, but if upon the return of such warrant, or if by the admission of such putative father, it appear that no sufficient distress can be had, then any such two justices may, if they see fit, by warrant under their hands and seals, cause such putative father to be committed to the common goal or house of correction of the country, city, borough, or place where they have jurisdiction, there to remain, without bail or mainprize, for any term, not exceeding three calendar months unless such sum and costs, and all reasonable charges attending the said distress, together with the costs and charges attending the commitment and conveying to goal or to the house of correction, and of the persons employed to convey him thither, be sooner paid and satisfied.

[Subsection 2 added by Act. 12/1988]

(2) Where any order under the said section 4 for the payment of a weekly sum is in force at the date of the commencement of this Act, either the court which made the order or a court of summary jurisdiction for the place where the person who is entitled under the order to receive the payment resides may, on the application of the person so entitled, by order, vary the existing order by increasing the amount payable there under to such a sum not exceeding one hundred leones a week as the court having regard to all the circumstance of the case, thinks proper. '

5. **Time of cessation of order.**- No order for the maintenance and education or for

contribution towards the relief of any such child made in pursuance of this Act shall, except for the purpose of recovering money previously due under such order, be of any force or validity after the child in respect of whom it was made has attained the age of thirteen years, or after the death of such child: provided that the justices may in the order direct that the payments to be made under it in respect of the child shall continue until the child attains the age of sixteen years, in which case such order shall be in force until that period.

6. [Section 6 repealed by 36 & 37 Vict. c.9, s.2]

7. **Payments for bastard children.**- When and so often as any bastard child for whose maintenance an order has been made by justice on the application of the mother shall become chargeable to any parish or union, any two justices having jurisdiction in the parish or union in petty sessions may, if they shall see fit, by order under their hands and seals, from time to time appoint some relieving or other officer of the parish or union to which such bastard child shall be so chargeable to receive on account of such parish or union or union such proportion of the payments then due or becoming due under the said order as may accrue during the period for which such child is chargeable, and such appointment shall remain in force for the period of one whole year whenever the bastard child shall be or have become chargeable, as aforesaid, and may afterwards from time to time be renewed by endorsement under the hand of any one justice for the like period; 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 for recovery of payments under an order obtained by the mother.

8. [Section 8 repealed by 36 & 37 Vict. c.9, s.2]

9. **Appeals:**- The court of quarter sessions, on appeal to them against any order made pursuant to the provisions of this Act, may, if they think fit, reduce the amount directed to be paid for the maintenance and education or on account of this relief, of the child named in such order, and they shall thereupon alter the order accordingly.

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

11. **Extent:**- This Act shall not extend to Scotland or Ireland.

[Schedule 1. repealed by 46 & 47 Vict. c. 39 (SLR.). Schedule 2 repealed by 36 & 37 Vict. c.9, s.2]