



Family Law Reform Act 1969

1969 CHAPTER 46

PART I

REDUCTION OF AGE OF MAJORITY AND RELATED PROVISIONS

1 Reduction of age of majority from 21 to 18

- (1) As from the date on which this section comes into force a person shall attain full age on attaining the age of eighteen instead of on attaining the age of twenty-one; and a person shall attain full age on that date if he has then already attained the age of eighteen but not the age of twenty-one.
- (2) The foregoing subsection applies for the purposes of any rule of law, and, in the absence of a definition or of any indication of a contrary intention, for the construction of "full age", "infant", "infancy", "minor", "minority" and similar expressions in—
 - (a) any statutory provision, whether passed or made before, on or after the date on which this section comes into force; and
 - (b) any deed, will or other instrument of whatever nature (not being a statutory provision) made on or after that date.
- (3) In the statutory provisions specified in Schedule 1 to this Act for any reference to the age of twenty-one years there shall be substituted a reference to the age of eighteen years; but the amendment by this subsection of the provisions specified in Part II of that Schedule shall be without prejudice to any power of amending or revoking those provisions.
- (4) This section does not affect the construction of any such expression as is referred to in subsection (2) of this section in any of the statutory provisions described in Schedule 2 to this Act, and the transitional provisions and savings contained in Schedule 3 to this Act shall have effect in relation to this section.
- (5) The Lord Chancellor may by order made by statutory instrument amend any provision in any local enactment passed on or before the date on which this section comes into force (not being a provision described in paragraph 2 of Schedule 2 to this Act) by substituting a reference to the age of eighteen years for any reference therein to the

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age of twenty-one years; and any statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (6) In this section "statutory provision " means any enactment (including, except where the context otherwise requires, this Act) and any order, rule, regulation, byelaw or other instrument made in the exercise of a power conferred by any enactment.
- (7) Notwithstanding any rule of law, a will or codicil executed before the date on which this section comes into force shall not be treated for the purposes of this section as made on or after that date by reason only that the will or codicil is confirmed by a codicil executed on or after that date.

2 Provisions relating to marriage

- (1) In the following enactments, that is to say—
 - (a) section 7(c) of the Foreign Marriage Act 1892 (persons under 21 intending to be married by a marriage officer to swear that necessary consents have been obtained);
 - (b) paragraph 2(c) of Part I of the Schedule to the Marriage with Foreigners Act 1906 (persons under 21 seeking certificate to swear that necessary consents have been obtained);
 - (c) section 78(1) of the Marriage Act 1949 (definition of " infant" as person under the age of 21),for the words " twenty-one years " there shall be substituted the words " eighteen years "
".
- (2) In subsection (5) of section 3 of the said Act of 1949 (which defines the courts having jurisdiction to consent to the marriage of an infant)—
 - (a) for the words " the county court of the district in which any respondent resides " there shall be substituted the words " the county court of the district in which any applicant or respondent resides "; and
 - (b) after the words " or a court of summary jurisdiction " there shall be inserted the words " having jurisdiction in the place in which any applicant or respondent resides "
".
- (3) Where for the purpose of obtaining a certificate or licence for marriage under Part III of the said Act of 1949 a person declares that the consent of any person or persons whose consent to the marriage is required under the said section 3 has been obtained, the superintendent registrar may refuse to issue the certificate or licence for marriage unless satisfied by the production of written evidence that the consent of that person or of those persons has in fact been obtained.
- (4) In this section any expression which is also used in the said Act of 1949 has the same meaning as in that Act.

3 Provisions relating to wills and intestacy

- (1) In the following enactments, that is to say—
 - (a) section 7 of the Wills Act 1837 (invalidity of wills made by persons under 21);
 - (b) sections 1 and 3(1) of the Wills (Soldiers and Sailors) Act 1918 (soldier etc. eligible to make will and dispose of real property although under 21),

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in their application to wills made after the coming into force of this section, for the words " twenty-one years " there shall be substituted the words " eighteen years ".

- (2) In section 47(1)(i) of the Administration of Estates Act 1925 (statutory trusts on intestacy), in its application to the estate of an intestate dying after the coming into force of this section, for the words " twenty-one years " in both places where they occur there shall be substituted the words " eighteen years ".
- (3) Any will which—
 - (a) has been made, whether before or after the coming into force of this section, by a person under the age of eighteen; and
 - (b) is valid by virtue of the provisions of section 11 of the said Act of 1837 and the said Act of 1918,may be revoked by that person notwithstanding that he is still under that age whether or not the circumstances are then such that he would be entitled to make a valid will under those provisions.
- (4) In this section " will" has the same meaning as in the said Act of 1837 and "intestate" has the same meaning as in the said Act of 1925.

4 Maintenance for children under Guardianship or Infants Acts to continue to age of 21

- (1) An order under section 3(2), 5(4) or 6 of the Guardianship of Infants Act 1925 for the payment of sums towards the maintenance or education of a minor may require such sums to continue to be paid in respect of any period after the date on which he ceases to be a minor but not extending beyond the date on which he attains the age of twenty-one; and any order which is made as aforesaid may provide that any sum which is payable thereunder for the benefit of a person who has ceased to be a minor shall be paid to that person himself.
- (2) Subject to subsections (3) and (4) of this section, where a person who has ceased to be a minor but has not attained the age of twenty-one has, while a minor, been the subject of an order under any of the provisions of the Guardianship of Infants Acts 1886 and 1925, the court may, on the application of either parent of that person or of that person himself, make an order requiring either parent to pay to the other parent, to anyone else for the benefit of that person or to that person himself, in respect of any period not extending beyond the date when he attains the said age, such weekly or other periodical sums towards his maintenance or education as the court thinks reasonable having regard to the means of the person on whom the requirement is imposed.
- (3) No order shall be made under subsection (2) of this section, and no liability under such an order shall accrue, at a time when the parents of the person in question are residing together, and if they so reside for a period of three months after such an order has been made it shall cease to have effect.
- (4) No order shall be made under subsection (2) of this section requiring any person to pay any sum towards the maintenance or education of an illegitimate child of that person.
- (5) Subsection (2) of this section shall be construed as one with the said Acts of 1886 and 1925, and—
 - (a) any order under that subsection, or under any corresponding enactment of the Parliament of Northern Ireland, shall be included among the orders to which section 16 of the Maintenance Orders Act 1950 applies;

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- (b) any order under that subsection shall be included among the orders mentioned in section 2(1)(d) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 and be deemed to be a maintenance order within the meaning of the Maintenance Orders Act 1958.

5 Modifications of other enactments relating to maintenance of children so as to preserve benefits up to age of 21

- (1) For the purposes of the Inheritance (Family Provision) Act 1938, the dependants of a deceased person shall continue to include any son who has not attained the age of twenty-one ; and accordingly—
 - (a) in subsection (1)(c) of that Act for the words " infant son " there shall be substituted the words " a son who has not attained the age of twenty-one years ";
 - (b) in subsection (2)(c) of that Act for the words " in the case of an infant son, his attaining the age of twenty-one years " there shall be substituted the words " in the case of a son who has not attained the age of twenty-one years, his attaining that age ".
- (2) Where a child in respect of whom an affiliation order has been made under the Affiliation Proceedings Act 1957 has attained the age of eighteen and his mother is dead, of unsound mind or in prison—
 - (a) any application for an order under subsection (2) or (3) of section 7 of that Act directing that payments shall be made under the affiliation order for any period after he has attained that age may be made by the child himself; and
 - (b) the child himself shall be the person entitled to any payments directed by an order under that section to be so made for any such period as aforesaid.
- (3) Section 22 of the Matrimonial Causes Act 1965 (power to order maintenance for infant children in cases of wilful neglect) shall continue to apply to children up to the age of twenty-one, but not so as to enable an order for custody to be made under section 35(1) of that Act (custody of children where maintenance is ordered under section 22) in respect of any child who has attained the age of eighteen; and accordingly—
 - (a) in subsection (2) of the said section 22 for the words " any infant child of the marriage in question and any infant illegitimate child of both parties to the marriage " there shall be substituted the words " any child of the marriage who is under twenty-one and any illegitimate child of both parties to the marriage who is under that age ";
 - (b) in the said section 35(1) after the words " any child to whom that subsection applies " there shall be inserted the words " who is under eighteen ", and at the end there shall be added the words " and the child is under that age ".

6 Maintenance for wards of court

- (1) In this section " the court " means any of the following courts in the exercise of its jurisdiction relating to the wardship of children, that is to say, the High Court, the Court of Chancery of the County Palatine of Lancaster and the Court of Chancery of the County Palatine of Durham, and " ward of court " means a ward of the court in question.
- (2) Subject to the provisions of this section, the court may make an order—
 - (a) requiring either parent of a ward of court to pay to the other parent; or

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- (b) requiring either parent or both parents of a ward of court to pay to any other person having the care and control of the ward, such weekly or other periodical sums towards the maintenance and education of the ward as the court thinks reasonable having regard to the means of the person or persons on whom the requirement is imposed.
- (3) An order under subsection (2) of this section may require such sums as are mentioned in that subsection to continue to be paid in respect of any period after the date on which the person for whose benefit the payments are to be made ceases to be a minor but not beyond the date on which he attains the age of twenty-one, and any order made as aforesaid may provide that any sum which is payable thereunder for the benefit of that person after he has ceased to be a minor shall be paid to that person himself.
- (4) Subject to the provisions of this section, where a person who has ceased to be a minor but has not attained the age of twenty-one has at any time been the subject of an order making him a ward of court, the court may, on the application of either parent of that person or of that person himself, make an order requiring either parent to pay to the other parent, to anyone else for the benefit of that person or to that person himself, in respect of any period not extending beyond the date when he attains the said age, such weekly or other periodical sums towards his maintenance or education as the court thinks reasonable having regard to the means of the person on whom the requirement in question is imposed.
- (5) No order shall be made under this section, and no liability under such an order shall accrue, at a time when the parents of the ward or former ward, as the case may be, are residing together, and if they so reside for a period of three months after such an order has been made it shall cease to have effect; but the foregoing provisions of this subsection shall not apply to any order made by virtue of subsection (2)(b) of this section.
- (6) No order shall be made under this section requiring any person to pay any sum towards the maintenance or education of an illegitimate child of that person.
- (7) Any order under this section, or under any corresponding enactment of the Parliament of Northern Ireland, shall be included among the orders to which section 16 of the Maintenance Orders Act 1950 applies; and any order under this section shall be included among the orders mentioned in section 2(1)(d) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 and be deemed to be a maintenance order within the meaning of the Maintenance Orders Act 1958.
- (8) The court shall have power from time to time by an order under this section to vary or discharge any previous order thereunder.

7 Committal of wards of court to care of local authority and supervision of wards of court

- (1) In this section " the court " means any of the following courts in the exercise of its jurisdiction relating to the wardship of children, that is to say, the High Court, the Court of Chancery of the County Palatine of Lancaster and the Court of Chancery of the County Palatine of Durham, and " ward of court " means a ward of the court in question.
- (2) Where it appears to the court that there are exceptional circumstances making it impracticable or undesirable for a ward of court to be, or to continue to be, under the care of either of his parents or of any other individual the court may, if it thinks fit,

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make an order committing the care of the ward to a local authority; and thereupon Part II of the Children Act 1948 (which relates to the treatment of children in the care of a local authority) shall, subject to the next following subsection, apply as if the child had been received by the local authority into their care under section 1 of that Act.

- (3) In subsection (2) of this section " local authority " means one of the local authorities referred to in subsection (1) of section 36 of the Matrimonial Causes Act 1965 (under which a child may be committed to the care of a local authority by a court having jurisdiction to make an order for its custody); and subsections (2) to (6) of that section (ancillary provisions) shall have effect as if any reference therein to that section included a reference to subsection (2) of this section.
- (4) Where it appears to the court that there are exceptional circumstances making it desirable that a ward of court (not being a ward who in pursuance of an order under subsection (2) of this section is in the care of a local authority) should be under the supervision of an independent person, the court may, as respects such period as the court thinks fit, order that the ward be under the supervision of a welfare officer or of a local authority; and subsections (2) and (3) of section 37 of the said Act of 1965 (ancillary provisions where a child is placed under supervision by a court having jurisdiction to make an order for its custody) shall have effect as if any reference therein to that section included a reference to this subsection.
- (5) The court shall have power from time to time by an order under this section to vary or discharge any previous order thereunder.

8 Consent by persons over 16 to surgical, medical and dental treatment

- (1) The consent of a minor who has attained the age of sixteen years to any surgical, medical or dental treatment which, in the absence of consent, would constitute a trespass to his person, shall be as effective as it would be if he were of full age; and where a minor has by virtue of this section given an effective consent to any treatment it shall not be necessary to obtain any consent for it from his parent or guardian.
- (2) In this section "surgical, medical or dental treatment" includes any procedure undertaken for the purposes of diagnosis, and this section applies to any procedure (including, in particular, the administration of an anaesthetic) which is ancillary to any treatment as it applies to that treatment.
- (3) Nothing in this section shall be construed as making ineffective any consent which would have been effective if this section had not been enacted.

9 Time at which a person attains a particular age

- (1) The time at which a person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.
- (2) This section applies only where the relevant anniversary falls on a date after that on which this section comes into force, and, in relation to any enactment, deed, will or other instrument, has effect subject to any provision therein.

10 Modification of enactments relating to Duke of Cornwall and other children of Her Majesty

- (1) Section 1(1) of this Act shall apply for the construction of the expression " minor " in section 2(2) of the Civil List Act 1952 (which relates to the amount payable for the Queen's Civil List while the Duke of Cornwall is for the time being a minor) and accordingly—
- (a) section 2(2)(b) of that Act (which relates to the three years during which the Duke is over 18 but under 21); and
 - (b) in section 2(2)(a) of that Act the words " for each year whilst he is under the age of eighteen years",
- are hereby repealed except in relation to any period falling before section 1 of this Act comes into force.
- (2) In section 4(1)(a) of the said Act of 1952 (under which benefits are provided for the children of Her Majesty, other than the Duke of Cornwall, who attain the age of 21 or marry) for the words " twenty-one years " there shall be substituted the words " eighteen years " but no sum shall be payable by virtue of this subsection in respect of any period falling before section 1 of this Act comes into force.
- (3) In section 38 of the Duchy of Cornwall Management Act 1863 (under which certain rights and powers of the Duke of Cornwall may, while he is under 21, be exercised on his behalf by the Sovereign or persons acting under Her authority) for the words " twenty-one years " wherever they occur there shall be substituted the words " eighteen years ".

11 Repeal of certain enactments relating to minors

The following enactments are hereby repealed—

- (a) the Infant Settlements Act 1855 (which enables a male infant over 20 and a female infant over 17 to make a marriage settlement), together with section 27(3) of the Settled Land Act 1925, except in relation to anything done before the coming into force of this section ;
- (b) in section 6 of the Employers and Workmen Act 1875 (powers of justices in respect of apprentices)—
 - (i) the paragraph numbered (1) (power to direct apprentice to perform his duties), and
 - (ii) the sentence following the paragraph numbered (2) (power to order imprisonment of an apprentice who fails to comply with direction);
- (c) in the Sexual Offences Act 1956, section 18 and paragraph 5 of Schedule 2 (fraudulent abduction of heiress).

12 Persons under full age may be described as minors instead of infants

A person who is not of full age may be described minor instead of as an infant, and accordingly in this " minor " means such a person as aforesaid.

13 Powers of Parliament of Northern Ireland

Notwithstanding anything in the Government of Ireland Act 1920 the Parliament of Northern Ireland shall have power to make laws for purposes similar to any of the purposes of this Part of this Act.

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PART II

PROPERTY RIGHTS OF ILLEGITIMATE CHILDREN

14 Right of illegitimate child to succeed on intestacy of parents, and of parents to succeed on intestacy of illegitimate child

- (1) Where either parent of an illegitimate child dies intestate as respects all or any of his or her real or personal property, the illegitimate child or, if he is dead, his issue, shall be entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate.
- (2) Where an illegitimate child dies intestate in respect of all or any of his real or personal property, each of his parents, if surviving, shall be entitled to take any interest therein to which that parent would have been entitled if the child had been born legitimate.
- (3) In accordance with the foregoing provisions of this section, Part IV of the Administration of Estates Act 1925 (which deals with the distribution of the estate of an intestate) shall have effect as if—
 - (a) any reference to the issue of the intestate included a reference to any illegitimate child of his and to the issue of any such child ;
 - (b) any reference to the child or children of the intestate included a reference to any illegitimate child or children of his ; and
 - (c) in relation to an intestate who is an illegitimate child, any reference to the parent, parents, father or mother of the intestate were a reference to his natural parent, parents, father or mother.
- (4) For the purposes of subsection (2) of this section and of the provisions amended by subsection (3)(c) thereof, an illegitimate child shall be presumed not to have been survived by his father unless the contrary is shown.
- (5) This section does not apply to or affect the right of any person to take any entailed interest in real or personal property.
- (6) The reference in section 50(1) of the said Act of 1925 (which relates to the construction of documents) to Part IV of that Act, or to the foregoing provisions of that Part, shall in relation to an instrument inter vivos made, or a will or codicil coming into operation, after the coming into force of this section (but not in relation to instruments inter vivos made or wills or codicils coming into operation earlier) be construed as including references to this section.
- (7) Section 9 of the Legitimacy Act 1926 (under which an illegitimate child and his issue are entitled to succeed on the intestacy of his mother if she leaves no legitimate issue, and the mother of an illegitimate child is entitled to succeed on his intestacy as if she were the only surviving parent) is hereby repealed.
- (8) In this section " illegitimate child " does not include an illegitimate child who is—
 - (a) a legitimated person within the meaning of the said Act of 1926 or a person recognised by virtue of that Act or at common law as having been legitimated; or
 - (b) an adopted person under an adoption order made in any part of the United Kingdom, the Isle of Man or the Channel Islands or under an overseas adoption as defined in section 4(3) of the Adoption Act 1968.

- (9) This section does not affect any rights under the intestacy of a person dying before the coming into force of this section.

15 Presumption that in dispositions of property references to children and other relatives include references to, and to persons related through, illegitimate children

- (1) In any disposition made after the coming into force of this section—
- (a) any reference (whether express or implied) to the child or children of any person shall, unless the contrary intention appears, be construed as, or as including, a reference to any illegitimate child of that person; and
 - (b) any reference (whether express or implied) to a person or persons related in some other manner to any person shall, unless the contrary intention appears, be construed as, or as including, a reference to anyone who would be so related if he, or some other person through whom the relationship is deduced, had been born legitimate.
- (2) The foregoing subsection applies only where the reference in question is to a person who is to benefit or to be capable of benefiting under the disposition or, for the purpose of designating such a person, to someone else to or through whom that person is related; but that subsection does not affect the construction of the word " heir " or " heirs " or of any expression which is used to create an entailed interest in real or personal property.
- (3) In relation to any disposition made after the coming into force of this section, section 33 of the Trustee Act 1925 (which specifies the trusts implied by a direction that income is to be held on protective trusts for the benefit of any person) shall have effect as if—
- (a) the reference to the children or more remote issue of the principal beneficiary included a reference to any illegitimate child of the principal beneficiary and to anyone who would rank as such issue if he, or some other person through whom he is descended from the principal beneficiary, had been born legitimate; and
 - (b) the reference to the issue of the principal beneficiary included a reference to anyone who would rank as such issue if he, or some other person through whom he is descended from the principal beneficiary, had been born legitimate.
- (4) In this section references to an illegitimate child include references to an illegitimate child who is or becomes a legitimated person within the meaning of the Legitimacy Act 1926 or a person recognised by virtue of that Act or at common law as having been legitimated; and in section 3 of that Act—
- (a) subsection (1)(b) (which relates to the effect of dispositions where a person has been legitimated) shall not apply to a disposition made after the coming into force of this section except as respects any interest in relation to which the disposition refers only to persons who are, or whose relationship is deduced through, legitimate persons; and
 - (b) subsection (2) (which provides that, where the right to any property depends on the relative seniority of the children of any person, legitimated persons shall rank as if born on the date of legitimation) shall not apply in relation to any right conferred by a disposition made after the coming into force of this section unless the terms of the disposition are such that the children whose

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relative seniority is in question cannot include any illegitimate children who are not either legitimated persons within the meaning of that Act or persons recognised by virtue of that Act as having been legitimated.

- (5) Where under any disposition any real or personal property or any interest in such property is limited (whether subject to any preceding limitation or charge or not) in such a way that it would, apart from this section, devolve (as nearly as the law permits) along with a dignity or title of honour, then, whether or not the disposition contains an express reference to the dignity or title of honour, and whether or not the property or some interest in the property may in some event become severed therefrom, nothing in this section shall operate to sever the property or any interest therein from the dignity or title, but the property or interest shall devolve in all respects as if this section had not been enacted.
- (6) This section is without prejudice to sections 16 and 17 of the Adoption Act 1958 (which relate to the construction of dispositions in cases of adoption).
- (7) There is hereby abolished, as respects dispositions made after the coming into force of this section, any rule of law that a disposition in favour of illegitimate children not in being when the disposition takes effect is void as contrary to public policy.
- (8) In this section " disposition " means a disposition, including an oral disposition, of real or personal property whether inter vivos or by will or codicil; and, notwithstanding any rule of law, a disposition made by will or codicil executed before the date on which this section comes into force shall not be treated for the purposes of this section as made on or after that date by reason only that the will or codicil is confirmed by a codicil executed on or after that date.

16 Meaning of "child " and " issue " in s. 33 of Wills Act 1837

- (1) In relation to a testator who dies after the coming into force of this section, section 33 of the Wills Act 1837 (gift to children or other issue of testator not to lapse if they predecease him but themselves leave issue) shall have effect as if—
 - (a) the reference to a child or other issue of the testator (that is, the intended beneficiary) included a reference to any illegitimate child of the testator and to anyone who would rank as such issue if he, or some other person through whom he is descended from the testator, had been born legitimate; and
 - (b) the reference to the issue of the intended beneficiary included a reference to anyone who would rank as such issue if he, or some other person through whom he is descended from the intended beneficiary, had been born legitimate.
- (2) In this section "illegitimate child " includes an illegitimate child who is a legitimated person within the meaning of the Legitimacy Act 1926 or a person recognised by virtue of that Act or at common law as having been legitimated.

17 Protection of trustees and personal representatives

Notwithstanding the foregoing provisions of this Part of this Act, trustees or personal representatives may convey or distribute any real or personal property to or among the persons entitled thereto without having ascertained that there is no person who is or may be entitled to any interest therein by virtue of—

- (a) section 14 of this Act so far as it confers any interest on illegitimate children or their issue or on the father of an illegitimate child ; or

(b) section 15 or 16 of this Act,
and shall not be liable to any such person of whose claim they have not had notice at the time of the conveyance or distribution; but nothing in this section shall prejudice the right of any such person to follow the property, or any property representing it, into the hands of any person, other than a purchaser, who may have received it.

18 Illegitimate children to count as dependants under Inheritance (Family Provision) Act 1938

- (1) For the purposes of the Inheritance (Family Provision) Act 1938, a person's illegitimate son or daughter shall be treated as his dependant in any case in which a legitimate son or daughter of that person would be so treated, and accordingly in the definition of the expressions " son " and " daughter " in section 5(1) of that Act, as amended by the Family Provision Act 1966, after the words " respectively include " there shall be inserted the words " an illegitimate son or daughter of the deceased " .
- (2) In section 26(6) of the Matrimonial Causes Act 1965 (which provides, among other things, for the word " dependant " to have the same meaning as in the said Act of 1938 as amended by the said Act of 1966), after the words " as amended by the Family Provision Act 1966 " there shall be inserted the words " and the Family Law Reform Act 1969 " .
- (3) This section does not affect the operation of the said Acts of 1938 and 1965 in relation to a person dying before the coming into force of this section.

19 Policies of assurance and property in industrial and provident societies

- (1) In section 11 of the Married Women's Property Act 1882 and section 2 of the Married Women's Policies of Assurance (Scotland) Act 1880 (policies of assurance effected for the benefit of children) the expression " children " shall include illegitimate children.
- (2) In section 25(2) of the Industrial and Provident Societies Act 1965 (application of property in registered society where member was illegitimate and is not survived by certain specified relatives) for the words " and leaves no widow, widower or issue, and his mother does not survive him " there shall be substituted the words " and leaves no widow, widower or issue (including any illegitimate child of the member) and neither of his parents survives him " .
- (3) Subsection (1) of this section does not affect the operation of the said Acts of 1882 and 1880 in relation to a policy effected before the coming into force of that subsection; and subsection (2) of this section does not affect the operation of the said Act of 1965 in relation to a member of a registered society who dies before the coming into force of the said subsection (2).

PART III

PROVISIONS FOR USE OF BLOOD TESTS IN DETERMINING PATERNITY

20 Power of court to require use of blood tests

- (1) In any civil proceedings in which the paternity of any person falls to be determined by the court hearing the proceedings, the court may, on an application by any party to

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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 that person and for the taking, within a period to be specified in the direction, of blood samples from that person, the mother of that person and any party alleged to be the father of that person or from any, or any two, of those persons.

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

- (2) 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 party to whom the report relates is or is not excluded by the results from being the father of the person whose paternity is to be determined ; and
 - (c) if that party is not so excluded, the value, if any, of the results in determining whether that party is that person's father;and the report shall be received by the court as evidence in the proceedings of the matters stated therein.
- (3) A report under subsection (2) of this section shall be in the form prescribed by regulations made under section 22 of this Act.
- (4) Where a report has been made to a court under subsection (2) of this section, any party 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 (except subsection (3) thereof) 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, unless the court otherwise directs, 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 any thing necessary for the purpose of enabling those tests to be carried out was done, unless 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; 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.

21 Consents, etc., required for taking of blood samples

- (1) Subject to the provisions of subsections (3) and (4) of this section, a blood sample which is required to be taken from any person for the purpose of giving effect to a direction under section 20 of this Act shall not be taken from that person except with his consent.

Status: This is the original version (as it was originally enacted).

- (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) of this section, if the person who has the care and control of him consents.
- (4) A blood sample may be taken from a person who is suffering from mental disorder within the meaning of the Mental Health Act 1959 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 the provisions of section 23 of this Act.

22 Power to provide for manner of giving effect to direction for use of blood tests

- (1) The Secretary of State may by regulations make provision as to the manner of giving effect to directions under section 20 of this Act and, in particular, any such regulations may—
 - (a) provide that blood samples shall not be taken except by such medical practitioners as may be appointed by the Secretary of State ;
 - (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 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 Secretary of State ;
 - (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 20 of this Act;
 - (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 20 of this Act are tested by the same person ;
 - (i) prescribe the form of the report to be made to a court under section 20 of this Act.
- (2) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Status: This is the original version (as it was originally enacted).

23 Failure to comply with direction for taking blood tests

- (1) Where a court gives a direction under section 20 of this Act 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.
- (2) Where in any proceedings in which the paternity of any person falls to be determined by the court hearing the proceedings there is a presumption of law that that person is legitimate, then if—
 - (a) a direction is given under section 20 of this Act in those proceedings, and
 - (b) any party who is claiming any relief in the proceedings and who for the purpose of obtaining that relief is entitled to rely on the presumption fails to take any step 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) of this section, dismiss his claim for relief notwithstanding the absence of evidence to rebut the presumption.
- (3) Where any person named in a direction under section 20 of this Act 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 purpose of giving effect to the direction.

24 Penalty for personating another, etc., for purpose of providing blood sample

If for the purpose of providing a blood sample for a test required to give effect to a direction under section 20 of this Act any person personates another, or proffers a child knowing that it is not the child named in the direction, he shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or
- (b) on summary conviction, to a fine not exceeding £400.

25 Interpretation of Part III

In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say—

- " blood samples " means blood taken for the purpose of blood tests;
- " blood tests " means blood tests carried out under this Part of this Act and includes any test made with the object of ascertaining the inheritable characteristics of blood;
- " excluded " means excluded subject to the occurrence of mutation.

PART IV

MISCELLANEOUS AND GENERAL

26 Rebuttal of presumption as to legitimacy and illegitimacy

Any presumption of law as to the legitimacy or illegitimacy of any person may /in any civil proceedings be rebutted by evidence which shows that it is more probable than

not that that person is illegitimate or legitimate, as the case may be, and it shall not be necessary to prove that fact beyond reasonable doubt in order to rebut the presumption.

27 Entry of father's name on registration of birth of illegitimate child

- (1) In section 10 of the Births and Deaths Registration Act 1953 (which provides that the registrar shall not enter the name of any person as the father of an illegitimate child except at the joint request of the mother and the person acknowledging himself to be the father and requires that person to sign the register together with the mother) for the words from " except " onwards there shall be substituted the words " 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 sign the register together with the mother); or
 - (b) at the request of the mother on production of—
 - (i) a declaration in the prescribed form made by the mother stating that the said person is the father of the child ; and
 - (ii) a statutory declaration made by that person acknowledging himself to be the father of the child."
- (2) If on the registration under Part I of the said Act of 1953 of the birth of an illegitimate child no person has been entered in the register as the father, the registrar 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 person shall both sign the register in the presence of the registrar); or
 - (b) at the request of the mother on production of—
 - (i) a declaration in the prescribed form made by the mother stating that the person in question is the father of the child ; and
 - (ii) a statutory declaration made by that person acknowledging himself 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) A request under paragraph (a) or (b) of section 10 of the said Act of 1953 as amended by subsection (1) of this section may be included in a declaration under section 9 of that Act (registration of birth pursuant to a declaration made in another district) and, if a request under the said paragraph (b) is included in such a declaration, the documents mentioned in that paragraph shall be produced to the officer in whose presence the declaration is made and sent by him, together with the declaration, to the registrar.
- (4) A request under paragraph (a) or (b) of subsection (2) of this section may, instead of being made to the registrar, be made by making and signing in the presence of and delivering to such officer as may be prescribed a written statement in the prescribed form and, in the case of a request under the said paragraph (b), producing to that officer the documents mentioned in that paragraph, and the officer shall send the statement together with the documents, if any, to the registrar; and thereupon that subsection shall have effect as if the request had been made to the registrar and, if the birth is re-registered pursuant to the request, the person or persons who signed the statement shall be treated as having signed the register as required by that subsection.

Status: This is the original version (as it was originally enacted).

- (5) This section shall be construed as one with the said Act of 1953 ; and in section 14(1) (a) of that Act (re-registration of birth of legitimated person) the reference to section 10 of that Act shall include a reference to subsection (2) of this section.

28 Short title, interpretation, commencement and extent

- (1) This Act may be cited as the Family Law Reform Act 1969.
- (2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Act.
- (3) This Act shall come into force on such date as the Lord Chancellor may appoint by order made by statutory instrument, and different dates may be appointed for the coming into force of different provisions.
- (4) In this Act—
- (a) section 1 and Schedule 1, so far as they amend the British Nationality Act 1948, have the same extent as that Act and are hereby declared for the purposes of section 3(3) of the West Indies Act 1967 to extend to all the associated states ;
 - (b) section 2, so far as it amends any provision of the Foreign Marriage Act 1892 or the Marriage with Foreigners Act 1906, has the same extent as that provision;
 - (c) sections 4(5) and 6(7), so far as they affect Part II of the Maintenance Orders Act 1950, extend to Scotland and Northern Ireland;
 - (d) section 10, so far as it relates to the Civil List Act 1952, extends to Scotland and Northern Ireland ;
 - (e) section 11, so far as it relates to the Employers and Workmen Act 1875, extends to Scotland;
 - (f) section 13 extends to Northern Ireland ;
 - (g) section 19 extends to Scotland ;

but, save as aforesaid, this Act shall extend to England and Wales only.