

2002 No. 163

MAGISTRATES' COURTS

**Magistrates' Courts (Blood Tests) (Amendment) Rules
(Northern Ireland) 2002**

Made 25th April 2002

Coming into operation 20th May 2002

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981^(a) on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:—

Citation, commencement and interpretation

1. These Rules may be cited as the Magistrates' Courts (Blood Tests) (Amendment) Rules (Northern Ireland) 2002 and shall come into operation on 20th May 2002.

2. In these Rules "the principal Rules" means the Magistrates' Courts (Blood Tests) Rules (Northern Ireland) 1978^(b) and any reference to a rule or Form by number alone is a reference to the rule or Form so numbered in the principal Rules or the Schedule to those Rules.

Saving

3. The amendments to the principal Rules made by these Rules shall not apply in respect of any proceedings commenced before these Rules come into operation.

Amendment of the principal Rules

4. In rule 2(1)—

- (a) for the words "blood samples" and "blood tests" substitute the words "bodily samples" and "scientific tests";
- (b) in the definition of "complaint", for the word "paternity" substitute the word "parentage";
- (c) for the definition of "sampler", substitute the following new definition—
"sampler" means a registered medical practitioner, or a person who is under the supervision of such a practitioner and is either a registered nurse or a registered medical laboratory technician or a tester;";
- (d) in the definition of "subject", for the words "blood samples" substitute the words "bodily samples";
- (e) for the definition of "tester" substitute the following new definition—
"tester" means an individual employed to carry out tests by a body which has been accredited for the purposes of Article 8 of the Order either by the Lord Chancellor, or by a body appointed by him for those purposes and which has been nominated in a direction to carry out tests;".

5. In rule 2(3) for the words "blood tests" substitute the words "scientific tests".

6. Omit rule 3.

7. In rule 9, delete the words from "Provided that" to the end of that rule.

(a) S.I. 1981/1675 (N.I. 26)

(b) S.R. 1978 No. 376 as amended by S.R. 1987 No. 417

8. In rule 11, for the words “blood samples to be taken and for blood tests to be made” substitute the words “bodily samples to be taken and for scientific tests to be made”.

9. In rule 12, for the words “blood sample” substitute the words “bodily sample”.

10. Omit Form 1.

11. In Form 2—

(a) for the words “blood test” substitute the words “scientific test”;

(b) for the words “blood tests”, wherever they appear, substitute the words “scientific tests”; and

(c) for the words “blood samples” substitute the words “bodily samples”.

12. In Form 3—

(a) for the words “blood sample”, wherever they appear, substitute the words “bodily sample”; and

(b) for the words “blood tests” substitute the words “scientific tests”.

Dated 25th April 2002

Irvine of Lairg, C.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Magistrates' Courts (Blood Tests) Rules (Northern Ireland) 1978 to give effect to amendments made to Part III of the Family Law Reform (Northern Ireland) Order 1977 by the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4) and the Family Law Act (Northern Ireland) 2001 (c. 12). Part III permits blood tests to be used to determine paternity in civil proceedings. The amendments make it possible for samples to be taken of bodily tissue and bodily fluid other than blood and for scientific tests to be used to establish whether a person is the mother of the person whose parentage falls to be determined as well as whether a person is the father. Form 1 is deleted as being no longer necessary.

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