



# Law Reform (Parent and Child) (Scotland) Act 1986

## 1986 CHAPTER 9

### 6 Determination of parentage by blood sample.

- (1) This section applies where, for the purpose of obtaining evidence relating to the determination of parentage in civil proceedings, a [<sup>F1</sup>sample of blood or other body fluid or of body tissue] is sought by a party to the proceedings or by a curator ad litem.
- (2) Where [<sup>F2</sup>such a] sample is sought from a [<sup>F3</sup>child under the age of 16 years], consent to the taking of the sample may be given by his [<sup>F4</sup>any person having parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to him or having]care and control of him.
- (3) Where [<sup>F2</sup>such a] sample is sought from any person who is incapable of giving consent, the court may consent to the taking of the sample where—
  - (a) there is no person who is entitled to give such consent, or
  - (b) there is such a person, but it is not reasonably practicable to obtain his consent in the circumstances, or he is unwilling to accept the responsibility of giving or withholding consent.
- (4) The court shall not consent under subsection (3) above to the taking of [<sup>F2</sup>such a] sample from any person unless the court is satisfied that the taking of the sample would not be detrimental to the person's health.

#### Textual Amendments

- F1** Words substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 47\)](#), s. [70\(3\)\(a\)\(4\)](#)
- F2** Words substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 47\)](#), s. [70\(3\)\(b\)\(4\)](#)
- F3** Words in s. 6(2) substituted by [Age of Legal Capacity \(Scotland\) Act 1991 \(c. 50, SIF 49:8\)](#), s. 10(1), [Sch. 1 para. 42](#) (with s. 1(3)).

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**Changes to legislation:** There are currently no known outstanding effects for the Law Reform (Parent and Child) (Scotland) Act 1986, Section 6. (See end of Document for details)

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**F4** Words in s. 6(2) substituted (1.11.1996) by 1995 c. 36, s. 105(5), **Sch. 5** (with s. 103(1)); S.I. 1996/2203, art. 3(3), **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Law Reform (Parent and Child) (Scotland) Act 1986, Section 6.