



Child Support, Pensions and Social Security Act 2000

2000 CHAPTER 19

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

82 Tests for determining parentage

- (1) Part III of the Family Law Reform Act 1969 (tests for determining parentage) shall be amended in accordance with subsections (2) to (4).
- (2) In section 20 (power of the court to require tests)—
 - (a) for subsections (1A) and (1B) (nomination of the person by whom tests are to be carried out) there shall be substituted—

“(1A) Tests required by a direction under this section may only be carried out by a body which has been accredited for the purposes of this section by—
 - (a) the Lord Chancellor, or
 - (b) a body appointed by him for the purpose.”;
 - (b) in subsection (2)—
 - (i) for “person responsible for” there shall be substituted “individual”, and
 - (ii) after “this section” there shall be inserted “(“the tester”);
 - (c) in subsection (4), for “the person who made the report” there shall be substituted “the tester”; and
 - (d) in subsection (5)—

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- (i) for “the person responsible for carrying out the tests taken for the purpose of giving effect to the direction, or any” there shall be substituted “the tester, or any other”,
 - (ii) for “that person” there shall be substituted “the tester or that other person”, and
 - (iii) after “and where” there shall be inserted “the tester or”.
- (3) In section 21 (consents, etc, required for the taking of blood samples), in subsection (3), for the words “if the person who has the care and control of him consents” there shall be substituted—
- “(a) if the person who has the care and control of him consents; or
 - (b) where that person does not consent, if the court considers that it would be in his best interests for the sample to be taken.”
- (4) In section 22(1) (power of Lord Chancellor to make further provision relating to tests for determining parentage)—
- (a) in paragraph (a) (power to provide that bodily samples are not to be taken except by such medical practitioners as may be appointed by the Lord Chancellor), for the words from “such medical practitioners” to the end there shall be substituted “registered medical practitioners or members of such professional bodies as may be prescribed by the regulations;”, and
 - (b) for paragraph (e) (power to provide that scientific tests are not to be carried out except by persons appointed by the Lord Chancellor) there shall be substituted—
 - “(e) prescribe conditions which a body must meet in order to be eligible for accreditation for the purposes of section 20 of this Act;”.
- (5) The amendments made by this section shall not have effect in relation to any proceedings pending at the commencement of this section.

83 Declarations of status

- (1) Part III of the Family Law Act 1986 (declarations of status) shall be amended as follows.
- (2) After section 55 there shall be inserted—

“55A Declarations of parentage

- (1) Subject to the following provisions of this section, any person may apply to the High Court, a county court or a magistrates' court for a declaration as to whether or not a person named in the application is or was the parent of another person so named.
- (2) A court shall have jurisdiction to entertain an application under subsection (1) above if, and only if, either of the persons named in it for the purposes of that subsection—
 - (a) is domiciled in England and Wales on the date of the application, or
 - (b) has been habitually resident in England and Wales throughout the period of one year ending with that date, or
 - (c) died before that date and either—

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- (i) was at death domiciled in England and Wales, or
 - (ii) had been habitually resident in England and Wales throughout the period of one year ending with the date of death.
 - (3) Except in a case falling within subsection (4) below, the court shall refuse to hear an application under subsection (1) above unless it considers that the applicant has a sufficient personal interest in the determination of the application (but this is subject to section 27 of the Child Support Act 1991).
 - (4) The excepted cases are where the declaration sought is as to whether or not—
 - (a) the applicant is the parent of a named person;
 - (b) a named person is the parent of the applicant; or
 - (c) a named person is the other parent of a named child of the applicant.
 - (5) Where an application under subsection (1) above is made and one of the persons named in it for the purposes of that subsection is a child, the court may refuse to hear the application if it considers that the determination of the application would not be in the best interests of the child.
 - (6) Where a court refuses to hear an application under subsection (1) above it may order that the applicant may not apply again for the same declaration without leave of the court.
 - (7) Where a declaration is made by a court on an application under subsection (1) above, the prescribed officer of the court shall notify the Registrar General, in such a manner and within such period as may be prescribed, of the making of that declaration.”
- (3) Section 58(5)(b) (prohibition of declarations of illegitimacy) shall be omitted.
- (4) After section 60(4) there shall be inserted—
- “(5) An appeal shall lie to the High Court against—
- (a) the making by a magistrates' court of a declaration under section 55A above,
 - (b) any refusal by a magistrates' court to make such a declaration, or
 - (c) any order under subsection (6) of that section made on such a refusal.”
- (5) Schedule 8 (which makes amendments consequential on subsection (1)) shall have effect.
- (6) Nothing in this Act shall affect any proceedings pursuant to an application under—
- (a) section 56(1)(a) of the Family Law Act 1986, or
 - (b) section 27 of the Child Support Act 1991,
- which are pending immediately before the commencement of this section.

Supplemental

84 Expenses

There shall be paid out of money provided by Parliament—

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- (a) any expenditure incurred by the Secretary of State for or in connection with the carrying out of his functions under this Act; and
- (b) any increase attributable to this Act in the sums which are payable out of money so provided under any other Act.

85 Repeals

- (1) The enactments mentioned in Schedule 9 (which include some spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.
- (2) The repeals specified in that Schedule have effect subject to the commencement provisions and savings contained, or referred to, in the notes set out in that Schedule.

86 Commencement and transitional provisions

- (1) This section applies to the following provisions of this Act—
 - (a) Part I (other than section 24);
 - (b) Part II (other than sections 38 and 39 and paragraphs 4 to 6, 8(1), (3) and (4) and 13 of Schedule 5);
 - (c) Part III;
 - (d) sections 82 and 83 and Schedule 8;
 - (e) Parts I to VII and IX of Schedule 9.
- (2) The provisions of this Act to which this section applies shall come into force on such day as may be appointed by order made by statutory instrument; and different days may be appointed under this section for different purposes.
- (3) The power to make an order under subsection (2) shall be exercisable—
 - (a) except in a case falling within paragraph (b), by the Secretary of State; and
 - (b) in the case of an order bringing into force any of the provisions of sections 82 and 83, Schedule 8 or Part IX of Schedule 9, by the Lord Chancellor.
- (4) In the case of Part I (other than section 24) and of sections 62 to 66, the power under subsection (2) to appoint different days for different purposes includes power to appoint different days for different areas.
- (5) The Secretary of State may by regulations make such transitional provision as he considers necessary or expedient in connection with the bringing into force of any of the following provisions of this Act—
 - (a) sections 43 to 46 and section (1) of Part III of Schedule 9;
 - (b) sections 68 to 70 and Schedule 7 and Part VII of Schedule 9.
- (6) Regulations under subsection (5) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Section 174(2) to (4) of the Pensions Act 1995 (supplementary provision in relation to powers to make subordinate legislation under that Act) shall apply in relation to the power to make regulations under subsection (5) as it applies to any power to make regulations under that Act.
- (8) In this section “subordinate legislation” has the same meaning as in the Interpretation Act 1978.

87 Short title and extent

- (1) This Act may be cited as the Child Support, Pensions and Social Security Act 2000.
- (2) The following provisions of this Act extend to Northern Ireland—
 - (a) so much of section 46 as amends section 21(3) of the Pensions Act 1995;
 - (b) sections 57 to 61 (except section 60(5));
 - (c) section 73;
 - (d) sections 78 to 81;
 - (e) in Schedule 3, paragraphs 8 and 9, and in paragraph 11, sub-paragraph (2) (and sub-paragraph (1) so far as it relates to that sub-paragraph);
 - (f) paragraph 6 of Schedule 5; and
 - (g) this Part, except—
 - (i) sections 82 and 83 and Schedule 8; and
 - (ii) so much of this Part as gives effect to any repeal other than the repeals mentioned in subsection (3).
- (3) The repeals mentioned in subsection (2)(g) (which extend to Northern Ireland) are—
 - (a) the repeals, in Part I of Schedule 9, that relate to the Tax Credits Act 1999;
 - (b) the repeals, in sections (1), (6) and (11) of Part III of that Schedule, that relate to—
 - (i) section 21(3) of the Pensions Act 1995;
 - (ii) paragraph 49(a)(ii) of Schedule 3 to the Pensions (Northern Ireland) Order 1995; and
 - (iii) section 52(5) of the Pension Schemes (Northern Ireland) Act 1993;
 - (c) the repeals in Part IV of that Schedule (except so far as relating to the Courts and Legal Services Act 1990); and
 - (d) the repeals in section (2) of Part VIII of that Schedule.
- (4) Subject to that, this Act does not extend to Northern Ireland.