

SCHEDULES

SCHEDULE 8

Section 83.

DECLARATIONS OF STATUS: CONSEQUENTIAL AMENDMENTS

The Births and Deaths Registration Act 1953 (c. 20)

- 1 In section 14A(1)(a) of the Births and Deaths Registration Act 1953 (re-registration of birth where notification of declaration of parentage given under section 56(4) of the Family Law Act 1986), for “56(4)” there shall be substituted “55A(7) or 56(4)”.

The Magistrates' Courts Act 1980 (c. 43)

- 2 (1) Section 65 of the Magistrates' Courts Act 1980 (meaning of family proceedings) shall be amended as follows.
- (2) In subsection (1) (proceedings which are family proceedings), after paragraph (m) there shall be inserted—
- “(mm) section 55A of the Family Law Act 1986;”.
- (3) In subsection (2) (power of court to treat combined proceedings as family proceedings), in paragraph (e), before “section 20” there shall be inserted “proceedings under”.

The Family Law Act 1986 (c. 55)

- 3 The Family Law Act 1986 shall be amended as follows.
- 4 In section 55 (declarations as to marital status)—
- (a) in subsection (1), for “the court” there shall be substituted “the High Court or a county court”, and
- (b) in subsection (3), after “made” there shall be inserted “to a court”.
- 5 In section 56 (declarations as to legitimacy or legitimation)—
- (a) in subsections (1) and (2), for “the court” there shall be substituted “the High Court or a county court”, and
- (b) in subsection (4), after “made” there shall be inserted “by a court”.
- 6 In section 57(1) (application to the court for declaration as to overseas adoption), for “the court” there shall be substituted “the High Court or a county court”.
- 7 In section 58 (general provisions)—
- (a) in subsection (1), after “application” there shall be inserted “to a court”, and
- (b) in subsection (3), for “The” there shall be substituted “A”.
- 8 In section 59 (provisions relating to the Attorney-General)—
- (a) in subsections (1) and (2), after “an application” there shall be inserted “to a court”, and

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- (b) in subsection (3), after “any application” there shall be inserted “to a court”.

The Family Law Reform Act 1987 (c. 42)

- 9 In section 23(1) of the Family Law Reform Act 1987—
- (a) in subsection (2) to be substituted for section 20(2) of the Family Law Reform Act 1969 (report to court about scientific tests), for “person responsible for” there shall be substituted “individual”; and
- (b) in subsection (2A) to be inserted in section 20 of that Act (blood tests in proceedings under section 56 of the Family Law Act 1986), for “56” there shall be substituted “55A or 56”.

The Children Act 1989 (c. 41)

- 10 (1) Part I of Schedule 11 to the Children Act 1989 (jurisdiction) shall be amended as follows.
- (2) In paragraph 1(2A) (additional proceedings which may be required to be commenced in a particular court)—
- (a) for paragraph (a) there shall be substituted—
- “(a) under section 55A of the Family Law Act 1986 (declarations of parentage); or”, and
- (b) in paragraph (b), for “of that Act” there shall be substituted “of the Child Support Act 1991”.
- (3) In paragraph 2(3) (power to transfer certain proceedings)—
- (a) after paragraph (b) there shall be inserted—
- “(ba) any proceedings under section 55A of the Family Law Act 1986”, and
- (b) in paragraph (bb), before “section 20” there shall be inserted “any proceedings under”.

The Child Support Act 1991 (c. 48)

- 11 The Child Support Act 1991 shall be amended as follows.
- 12 In section 26(2) (cases where Secretary of State may make maintenance calculation despite denial of parentage), in Case C (where there has been a declaration under section 56 of the Family Law Act 1986), after “section” there shall be inserted “55A or”.
- 13 For section 27 (declarations of parentage) there shall be substituted—

“27 Applications for declaration of parentage under Family Law Act 1986

- (1) This section applies where—
- (a) an application for a maintenance calculation has been made (or is treated as having been made), or a maintenance calculation is in force, with respect to a person (“the alleged parent”) who denies that he is a parent of a child with respect to whom the application or calculation was made or treated as made;
- (b) the Secretary of State is not satisfied that the case falls within one of those set out in section 26(2); and

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- (c) the Secretary of State or the person with care makes an application for a declaration under section 55A of the Family Law Act 1986 as to whether or not the alleged parent is one of the child's parents.
 - (2) Where this section applies—
 - (a) if it is the person with care who makes the application, she shall be treated as having a sufficient personal interest for the purposes of subsection (3) of that section; and
 - (b) if it is the Secretary of State who makes the application, that subsection shall not apply.
 - (3) This section does not apply to Scotland.”
- 14 In section 27A(2)(b) (Secretary of State to recover fees for scientific tests if a court has made a declaration of parentage under section 27), for “section 27” there shall be substituted “section 55A of the Family Law Act 1986”.

The Access to Justice Act 1999 (c. 22)

- 15 In Schedule 2 to the Access to Justice Act 1999 (services which are not to be funded as part of community legal services), in paragraph 2(3), after paragraph (d) there shall be inserted—
- “(da) under section 55A of the Family Law Act 1986 (declarations of parentage),”.