2000 CHAPTER 4

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

Tests for determining paternity

65.—(1) Part III of the Family Law Reform (Northern Ireland) Order 1977 (NI 17) (provisions for use of blood tests in determining paternity) shall be amended as follows.

(2) In Article 8 (power of court to require use of blood tests)—

(a) for paragraphs (1A) and (1B) there shall be substituted—

"(1A) Tests required by a direction under this Article may only be carried out by a body which has been accredited for the purposes of this Article by—

(a) the Lord Chancellor; or

(b) a body appointed by him for the purpose." ;

(b) in paragraph (2)—

(i) for person responsible for there shall be substituted "individual"; and

(ii) after this Article there shall be inserted "(the tester)";

(c) in paragraph (4), for the person who made the report there shall be substituted "the tester"; and

(d) in paragraph (5)—

(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 Article 9 (consents, etc., required for the taking of blood samples), in paragraph (3), for, 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 Article 10(1) (power to provide for the manner of giving effect to direction for use of blood tests)—

(a) in sub-paragraph (a), 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 sub-paragraph (e) there shall be substituted—

"(e) prescribe conditions which a body must meet in order to be eligible for accreditation for the purposes of Article 8;" .

(5) The amendments made by this section shall not have effect in relation to any proceedings pending at the coming into operation of this section.

Declarations of status

66.—(1) Part V of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (NI 4) (declarations of status) shall be amended as follows.

(2) After Article 31A there shall be inserted—

"**Declarations of parentage**

31B.—(1) Subject to the provisions of this Article, any person may apply to the High Court, a county court or a court of summary jurisdiction 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 paragraph (1) if, and only if, either of the persons named in it for the purposes of that paragraph—

(a) is domiciled in Northern Ireland on the date of the application, or

(b) has been habitually resident in Northern Ireland throughout the period of one year ending with that date, or

(c) died before that date and either—

(i) was at death domiciled in Northern Ireland, or

(ii) had been habitually resident in Northern Ireland throughout the period of one year ending with the date of death.

(3) Except in a case falling within paragraph (4), the court shall refuse to hear an application under paragraph (1) unless it considers that the applicant has a sufficient personal interest in the determination of the application (but this is subject to Article 28 of the Child Support (Northern Ireland) Order 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 paragraph (1) is made and one of the persons named in it for the purposes of that paragraph 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 paragraph (1) 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 paragraph (1), 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.

(8) In this Article—

prescribed means prescribed by rules of court;

Registrar General has the same meaning as in the Births and Deaths Registration (Northern Ireland) Order 1976;

rules of court has the same meaning as in Article 36(5), but in relation to an application made to, or a declaration made by, a court of summary jurisdiction, means magistrates' courts rules.”.

(3) In Article 34(5) (prohibition of declarations of illegitimacy), sub-paragraph (b) shall cease to have effect.

(4) After Article 36(5) there shall be added—

“(6) An appeal shall lie to the county court against—

Changes to legislation: *Child Support, Pensions and Social Security Act (Northern Ireland) 2000, PART IV is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) the making by a court of summary jurisdiction of a declaration under Article 31B,

(b) any refusal by a court of summary jurisdiction to make such a declaration, or

(c) any order under paragraph (6) of that Article made on such a refusal.".

Subs. (5)—Amendments

(6) Nothing in this Act shall affect any proceedings pursuant to an application under—

(a) Article 32(1)(a) of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (NI 4), or

(b) Article 28 of the Child Support Order,

which are pending immediately before the coming into operation of this section.

Supplemental

Section 67—Repeals

Commencement and transitional provisions

68.—(1) This section applies to the following provisions—

(a) Part I (other than section 23);

(b) Part II (other than sections 34 and 35 and paragraph 5(1), (3) and (4) of Schedule 5);

(c) Part III;

(d) sections 65 and 66 and Schedule 8;

(e) section 67 and Schedule 9.

(2) The provisions of this Act to which this section applies shall come into operation on such day or days as may be appointed by order made—

(a) except in a case falling within paragraph (b), by the Department; and

(b) in the case of an order bringing into operation any of the provisions of sections 65 and 66, Schedule 8 or Part VII of Schedule 9, by the Lord Chancellor.

(3) The Department may by regulations make such transitional provision as it considers necessary or expedient in connection with the bringing into operation of any of the following provisions—

(a) sections 39 to 42 and section (1) of Part III of Schedule 9;

(b) sections 59 to 61 and Schedule 7 and Part VI of Schedule 9.

(4) Regulations under subsection (3) shall be subject to negative resolution.

(5) Article 166 of the Pensions Order (supplementary provisions in relation to powers to make regulations or orders under that Order) shall apply to the power to make regulations under subsection (3) as it applies to any power to make regulations under that Order.

Subordinate Legislation Made

P1 S. 68(2) power partly exercised: different dates appointed for specified provisions by S.R. 2000/358, art. 2, **Sch.** (as amended by S.R. 2000/374, **art. 3**)

S. 68(2) power partly exercised: different dates appointed for specified provisions by S.R. 2000/374, art. 2, **Sch.** (as amended by S.R. 2001/141, **art. 3**)

S. 68(2) power partly exercised: different dates appointed for specified provisions by S.R. 2000/406, art. 2, **Sch.**

S. 68(2) power partly exercised: different dates appointed for specified provisions by S.R. 2001/34, **art. 2**

S. 68(2) power partly exercised: different dates appointed for specified provisions by S.R. 2001/141, art. 2, **Sch.**

S. 68(2) power partly exercised: different dates appointed for specified provisions by S.R. 2001/249, **art. 2** (as amended by S.R. 2002/68, **art. 3**)

S. 68(2) power partly exercised: different dates appointed for specified provisions by S.R. 2002/68, **art. 2**

S. 68(2) power partly exercised: different dates appointed for specified provisions by S.R. 2002/118, **art. 2**

S. 68(2) power partly exercised: different dates appointed for specified provisions by S.R. 2003/53, arts. 2-7, **Sch.** (as amended by S.R. 2003/92, **art. 2**)

S. 68(2) power partly exercised: different dates appointed for specified provisions by S.R. 2008/402, **art. 2**

Short title and interpretation

69.—(1) This Act may be cited as the Child Support, Pensions and Social Security Act (Northern Ireland) 2000.

(2) In this Act—

the 1998 Order means the Social Security (Northern Ireland) Order 1998 (NI 10);

the 1999 Order means the Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11);

the Administration Act means the Social Security Administration (Northern Ireland) Act 1992 (c. 8);

the Child Support Order means the Child Support (Northern Ireland) Order 1991 (NI 23);

the Contributions and Benefits Act means the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7);

the Department means the Department for Social Development;

the Housing Executive means the Northern Ireland Housing Executive;

the Jobseekers Order means the Jobseekers (Northern Ireland) Order 1995 (NI 15);

the Pension Schemes Act means the Pension Schemes (Northern Ireland) Act 1993 (c. 49);

the Pensions Order means the Pensions (Northern Ireland) Order 1995 (NI 22);

statutory provision has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

Changes to legislation:
Child Support, Pensions and Social Security Act (Northern Ireland) 2000, PART IV is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 1(2)(c) added by 2007 c. 2 (N.I.) Sch. 5 para. 6
- Sch. 7 para. 6(5A)-(5C) inserted by S.I. 2015/2006 (N.I.) Sch. 11 para. 10(3)