



Family Law Reform Act 1969

1969 CHAPTER 46

PART III

PROVISIONS FOR USE OF BLOOD TESTS IN DETERMINING PATERNITY

20 ^{x1}Power of court to require use of blood tests.

[^{F1}(1) In any civil proceedings in which the parentage of any person falls to be determined, the court may, either of its own motion or on an application by any party to the proceedings, give a direction—

- (a) for the use of scientific tests to ascertain whether such tests show that a party to the proceedings is or is not the father or mother of that person; and
- (b) for the taking, within a period specified in the direction, of bodily samples from all or any of the following, namely, that person, any party who is alleged to be the father or mother of that person and any other party to the proceedings;

and the court may at any time revoke or vary a direction previously given by it under this subsection.]

[^{F2}(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.]

[^{F3}(2) The [^{F4}individual] carrying out scientific tests in pursuance of a direction under subsection (1) above shall make to the court a report in which he shall state—

- (a) the results of the tests;
- (b) whether any party to whom the report relates is or is not excluded by the results from being the father or mother of the person whose parentage is to be determined; and
- (c) in relation to any party who is not so excluded, the value, if any, of the results in determining whether that party is the father or mother of that person;

and the report shall be received by the court as evidence in the proceedings of the matters stated in it.

Changes to legislation: There are currently no known outstanding effects for the Family Law Reform Act 1969, Section 20. (See end of Document for details)

- (2A) Where the proceedings in which the parentage of any person falls to be determined are proceedings on an application under section [F⁵55A or 56] of the M¹Family Law Act 1986, any reference in subsection (1) or (2) of this section to any party to the proceedings shall include a reference to any person named in the application.]
- (3) A report under subsection (2) of this section shall be in the form prescribed by regulations made under section 22 of this Act.
- (4) Where a report has been made to a court under subsection (2) of this section, any party may, with the leave of the court, or shall, if the court so directs, obtain from [F⁶the tester] a written statement explaining or amplifying any statement made in the report, and that statement shall be deemed for the purposes of this section (except subsection (3) thereof) to form part of the report made to the court.
- (5) Where a direction is given under this section in any proceedings, a party to the proceedings, unless the court otherwise directs, shall not be entitled to call as a witness [F⁷the tester, or any other] person by whom any thing necessary for the purpose of enabling those tests to be carried out was done, unless within fourteen days after receiving a copy of the report he serves notice on the other parties to the proceedings, or on such of them as the court may direct, of his intention to call [F⁸the tester or that other person]; [F⁹the tester or] any such person is called as a witness the party who called him shall be entitled to cross-examine him.
- (6) Where a direction is given under this section the party on whose application the direction is given shall pay the cost of taking and testing [F¹⁰bodily samples] for the purpose of giving effect to the direction (including any expenses reasonably incurred by any person in taking any steps required of him for the purpose), and of making a report to the court under this section, but the amount paid shall be treated as costs incurred by him in the proceedings.

Editorial Information

X1 Unreliable sidenote

Textual Amendments

- F1** S. 20(1) substituted (1.4.2001) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 23; S.I. 2001/777, art. 2
- F2** S. 20(1A) substituted (1.4.2001) for subsections (1A) and (1B) by 2000 c. 19, s. 82(2)(a) (with s. 83(6)); S.I. 2001/774, art. 2
- F3** S. 20(2)(2A) substituted (1.4.2001) for s. 20(2) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 23; S.I. 2001/777, art. 2
- F4** Word in s. 20(2) substituted (1.4.2001) by 1987 c. 42, s. 23(1); S.I. 2001/777, art. 2 (as substituted (1.4.2001) by 2000 c. 19, s. 83, Sch. 8 para. 9(a) (with s. 83(6)); S.I. 2001/774, art. 2)
- F5** Words in s. 20(2A) substituted (1.4.2001) by 1987 c. 42, s. 23(1); S.I. 2001/777, art. 2 (as substituted (1.4.2001) by 2000 c. 19, s. 83, Sch. 8 para. 9(b) (with s. 83(6)); S.I. 2001/774, art. 2)
- F6** Words in s. 20(4) substituted (1.4.2001) by 2000 c. 19, s. 82(2)(c) (with s. 83(6)); S.I. 2001/774, art. 2
- F7** Words in s. 20(5) substituted (1.4.2001) by 2000 c. 19, s. 82(2)(d)(i) (with s. 83(6)); S.I. 2001/774, art. 2
- F8** Words in s. 20(5) substituted (1.4.2001) by 2000 c. 19, s. 82(2)(d)(ii) (with s. 83(6)); S.I. 2001/774, art. 2
- F9** Words in s. 20(5) inserted (1.4.2001) by 2000 c. 19, s. 82(2)(d)(iii) (with s. 83(6)); S.I. 2001/774, art. 2

Changes to legislation: There are currently no known outstanding effects for the Family Law Reform Act 1969, Section 20. (See end of Document for details)

F10 Words in s. 20(6) substituted (1.4.2001) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), **Sch. 2 para. 21**; S.I. 2001/777, **art. 2**

Modifications etc. (not altering text)

C1 S. 20 excluded by Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18), **s. 44(1)**

Marginal Citations

M1 1986 c.55 (49:7).

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