



# Family Law Reform Act 1969

## 1969 CHAPTER 46

### PART III

#### PROVISIONS FOR USE OF BLOOD TESTS IN DETERMINING PATERNITY

#### **23 Failure to comply with direction for taking blood tests.**

- (1) Where a court gives a direction under section 20 of this Act and any person fails to take any step required of him for the purpose of giving effect to the direction, the court may draw such inferences, if any, from that fact as appear proper in the circumstances.
- (2) Where in any proceedings in which the [<sup>F1</sup>paternity] of any person falls to be determined by the court hearing the proceedings there is a presumption of law that that person is legitimate, then if—
  - (a) a direction is given under section 20 of this Act in those proceedings, and
  - (b) any party who is claiming any relief in the proceedings and who for the purpose of obtaining that relief is entitled to rely on the presumption fails to take any step required of him for the purpose of giving effect to the direction,the court may adjourn the hearing for such period as it thinks fit to enable that party to take that step, and if at the end of that period he has failed without reasonable cause to take it the court may, without prejudice to subsection (1) of this section, dismiss his claim for relief notwithstanding the absence of evidence to rebut the presumption.
- (3) Where any person named in a direction under section 20 of this Act fails to consent to the taking of a [<sup>F2</sup>blood sample] from himself or from any person named in the direction of whom he has the care and control, he shall be deemed for the purposes of this section to have failed to take a step required of him for the purpose of giving effect to the direction.

#### **Textual Amendments**

- F1** Word in s. 23(2) substituted (1.4.2001) by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(1), [Sch. 2 para. 24\(a\)](#); [S.I. 2001/777](#), art. 2

*Changes to legislation: There are currently no known outstanding effects for the Family Law Reform Act 1969, Section 23. (See end of Document for details)*

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**F2** Words in s. 23(3) substituted (1.4.2001) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), **Sch. 2 para. 24(b)**; S.I. 2001/777, **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Family Law Reform Act 1969, Section 23.