



2001 CHAPTER 12

Tests for determining parentage

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

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

(a) for paragraph (1) there shall be substituted—

“(1) In any civil proceedings in which the parentage of any person falls to be determined, the court may, 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.” ;

(b) for paragraph (2) there shall be substituted—

“(2) The individual carrying out scientific tests in pursuance of a direction under paragraph (1) (“the tester”) 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

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- (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.

(2A) Where the proceedings in which the parentage of any person falls to be determined are proceedings on an application under Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989, any reference in paragraph (1) or (2) to any party to the proceedings shall include a reference to any person named in the application.” ;

- (c) in paragraph (6), for the words “blood samples” there shall be substituted “bodily samples”.

(3) In Article 9 (consents, etc., required)—

- (a) for the words “blood sample” wherever they occur there shall be substituted “bodily sample”;
- (b) in paragraph (4), for the words “blood tests” there shall be substituted “scientific tests”.

(4) In Article 10(1) (power to provide for manner of giving effect to direction for use of tests)—

- (a) for the words “blood samples”, “blood sample” and “blood tests” wherever they occur there shall be respectively substituted “bodily samples”, “bodily sample” and “scientific tests”;
- (b) after sub-paragraph (a) there shall be inserted—
- “(aa) prescribe the bodily samples to be taken;” ;
- (c) in sub-paragraph (d), after the word “illness” there shall be inserted “or condition or undergone any such treatment”.

(5) In Article 11 (failure to comply with direction)—

- (a) in paragraph (2), for the word “paternity” there shall be substituted “parentage”;
- (b) in paragraph (3), for the words “blood sample” there shall be substituted “bodily sample”.

(6) In Article 12 (penalty for impersonating another, etc.), for the words “blood sample” there shall be substituted “bodily sample”.

(7) In Article 13 (interpretation of Part III of Order)—

- (a) for the definitions of “blood samples” and “blood tests” there shall be substituted—
- ““bodily sample” means a sample of bodily fluid or bodily tissue taken for the purpose of scientific tests;” ; and

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(b) after the definition of “excluded” there shall be inserted—

““scientific tests” means scientific tests carried out under this Part and made with the object of ascertaining the inheritable characteristics of bodily fluids or bodily tissue” .

(8) The amendments made by this section shall not have effect in relation to any proceedings pending at the commencement of this section.

Changes to legislation:

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