



Family Law Reform Act 1969

1969 CHAPTER 46

PART III

PROVISIONS FOR USE OF BLOOD TESTS IN DETERMINING PATERNITY

21 Consents, etc., required for taking of [^{F1}bodily sample].

- (1) Subject to the provisions of subsections (3) and (4) of this section, a [^{F1}bodily sample] which is required to be taken from any person for the purpose of giving effect to a direction under section 20 of this Act shall not be taken from that person except with his consent.
- (2) The consent of a minor who has attained the age of sixteen years to the taking from himself of a [^{F1}bodily sample] shall be as effective as it would be if he were of full age; and where a minor has by virtue of this subsection given an effective consent to the taking of a [^{F1}bodily sample] it shall not be necessary to obtain any consent for it from any other person.
- (3) A [^{F1}bodily sample] may be taken from a person under the age of sixteen years, not being such a person as is referred to in subsection (4) of this section,
 - ^{F2}(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.]
- ^{F3}(4) A bodily sample may be taken from a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to give his consent, if consent is given by the court giving the direction under section 20 or by—
 - (a) a donee of an enduring power of attorney or lasting power of attorney (within the meaning of that Act), or
 - (b) a deputy appointed, or any other person authorised, by the Court of Protection, with power in that respect.]
- (5) The foregoing provisions of this section are without prejudice to the provisions of section 23 of this Act.

Changes to legislation: There are currently no known outstanding effects for the Family Law Reform Act 1969, Section 21. (See end of Document for details)

Textual Amendments

- F1** Words substituted (1.4.2001) by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(1), **Sch. 2 para. 22**; [S.I. 2001/777](#), **art. 2**
- F2** S. 21(3)(a)(b) substituted (1.4.2001) for words in s. 21(3) by [2000 c. 19](#), **s. 82(3)** (with s. 83(6)); [S.I. 2001/774](#), **art. 2**
- F3** [S. 21\(4\)](#) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 15** (with ss. 27-29, 62); [S.I. 2007/1897](#), art. 2(1)(d)

Changes to legislation:

There are currently no known outstanding effects for the Family Law Reform Act 1969, Section 21.