



# Child Support, Pensions and Social Security Act 2000

## 2000 CHAPTER 19

### PART V

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Miscellaneous*

#### **82 Tests for determining parentage**

- (1) Part III of the Family Law Reform Act 1969 (tests for determining parentage) shall be amended in accordance with subsections (2) to (4).
- (2) In section 20 (power of the court to require tests)—
  - (a) for subsections (1A) and (1B) (nomination of the person by whom tests are to be carried out) there shall be substituted—

“(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.”;
  - (b) in subsection (2)—
    - (i) for “person responsible for” there shall be substituted “individual”, and
    - (ii) after “this section” there shall be inserted “(“the tester”);
  - (c) in subsection (4), for “the person who made the report” there shall be substituted “the tester”; and
  - (d) in subsection (5)—

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- (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 section 21 (consents, etc, required for the taking of blood samples), in subsection (3), for the words “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 section 22(1) (power of Lord Chancellor to make further provision relating to tests for determining parentage)—
- (a) in paragraph (a) (power to provide that bodily samples are not to be taken except by such medical practitioners as may be appointed by the Lord Chancellor), 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 paragraph (e) (power to provide that scientific tests are not to be carried out except by persons appointed by the Lord Chancellor) there shall be substituted—
    - “(e) prescribe conditions which a body must meet in order to be eligible for accreditation for the purposes of section 20 of this Act;”.
- (5) The amendments made by this section shall not have effect in relation to any proceedings pending at the commencement of this section.

### **83 Declarations of status**

- (1) Part III of the Family Law Act 1986 (declarations of status) shall be amended as follows.
- (2) After section 55 there shall be inserted—

#### **“55A Declarations of parentage**

- (1) Subject to the following provisions of this section, any person may apply to the High Court, a county court or a magistrates' court 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 subsection (1) above if, and only if, either of the persons named in it for the purposes of that subsection—
  - (a) is domiciled in England and Wales on the date of the application, or
  - (b) has been habitually resident in England and Wales throughout the period of one year ending with that date, or
  - (c) died before that date and either—

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- (i) was at death domiciled in England and Wales, or
    - (ii) had been habitually resident in England and Wales throughout the period of one year ending with the date of death.
  - (3) Except in a case falling within subsection (4) below, the court shall refuse to hear an application under subsection (1) above unless it considers that the applicant has a sufficient personal interest in the determination of the application (but this is subject to section 27 of the Child Support Act 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 subsection (1) above is made and one of the persons named in it for the purposes of that subsection 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 subsection (1) above 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 subsection (1) above, 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.”
- (3) Section 58(5)(b) (prohibition of declarations of illegitimacy) shall be omitted.
- (4) After section 60(4) there shall be inserted—
- “(5) An appeal shall lie to the High Court against—
    - (a) the making by a magistrates' court of a declaration under section 55A above,
    - (b) any refusal by a magistrates' court to make such a declaration, or
    - (c) any order under subsection (6) of that section made on such a refusal.”
- (5) Schedule 8 (which makes amendments consequential on subsection (1)) shall have effect.
- (6) Nothing in this Act shall affect any proceedings pursuant to an application under—
  - (a) section 56(1)(a) of the Family Law Act 1986, or
  - (b) section 27 of the Child Support Act 1991,which are pending immediately before the commencement of this section.