

2001 No. 776 (L. 13)

MAGISTRATES' COURTS, ENGLAND AND WALES

**The Magistrates' Courts (Blood Tests) (Amendment) Rules
2001**

Made - - - - - 6th March 2001

Laid before Parliament 8th March 2001

Coming into force 1st April 2001

The Lord Chancellor, in exercise of the powers conferred on him by section 144 of the Magistrates' Courts Act 1980(a), after consultation with the Rule Committee appointed under that section, hereby makes the following Rules:—

1. These Rules may be cited as the Magistrates' Courts (Blood Tests) (Amendment) Rules 2001 and shall come into force on 1st April 2001.

2. These Rules shall apply to proceedings begun on or after 1st April 2001.

3. The Magistrates' Courts (Blood Tests) Rules 1971(b) shall be amended in accordance with the provisions of these Rules and, in those provisions, any reference to a rule or form by number alone shall be construed as a reference to the rule or form so numbered in the said Rules of 1971 or in the Schedule to those Rules.

4. In rule 2(1)—

- (a) for ““blood samples” and “blood tests”” substitute ““bodily samples” and “scientific tests””;
- (b) in the definition of “complaint”, for “paternity” substitute “parentage”;
- (c) for the definition of “sampler”, substitute ““sampler” means a registered medical practitioner, or a person who is under the supervision of such a practitioner and is either a registered nurse or a registered medical laboratory technician, or a tester;”;
- (d) in the definition of “subject”, for “blood samples” substitute “bodily samples”;
- (e) for the definition of “tester” substitute ““tester” means an individual employed to carry out tests by a body which has been accredited for the purposes of section 20 of the Act either by the Lord Chancellor or by a body appointed by him for those purposes and which has been nominated in a direction to carry out tests;”.

5. In rule 2(3), for “blood tests” substitute “bodily tests”.

6. Omit rule 3.

7. In rules 4, 8 (in both places where it appears), 9, 10(1) and (2), 11, 12, 14 and 15, for “justices' clerk” substitute “justices' chief executive”.

(a) 1980 c. 43; section 144 is extended by section 145 of that Act.

(b) S.I. 1971/1991, as amended by S.I. 1989/384.

8. In rule 9, delete the words from “Provided that” to the end of that rule.
9. In rule 11, for “blood samples to be taken and for blood tests to be made” substitute “bodily samples to be taken and for scientific tests to be made”.
10. In rule 12, for “blood sample” substitute “bodily sample”.
11. In rule 15, delete “and tester”.
12. Omit Form 1.
13. In Form 2—
 - (a) for “blood test” substitute “scientific test”;
 - (b) for “blood tests”, wherever it appears, substitute “scientific tests”;
 - (c) for “blood samples” substitute “bodily samples”.
14. In Form 3—
 - (a) for “blood sample”, wherever it appears, substitute “bodily sample”;
 - (b) for “blood tests” substitute “scientific tests”;
 - (c) for “Justices’ Clerk” substitute “Justices’ Chief Executive”.

Dated 6th March 2001

Irvine of Lairg, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Magistrates’ Courts (Blood Tests) Rules 1971 to give effect to amendments made to Part III of the Family Law Reform Act 1969 by the Family Law Reform Act 1987 (c. 42) and the Child Support, Pensions and Social Security Act 2000 (c. 19). Part III permits blood tests to be used to determine paternity in civil proceedings. The amendments make it possible for samples to be taken of bodily tissue and bodily fluid other than blood and for scientific tests to be used to establish whether a person is the mother of the person whose parentage falls to be determined as well as whether a person is the father. Form 1 is deleted as being no longer necessary.

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