



# Family Law Reform Act 1969

## 1969 CHAPTER 46

An Act to amend the law relating to the age of majority, to persons who have not attained that age and to the time when a particular age is attained; to amend the law relating to the property rights of illegitimate children and of other persons whose relationship is traced through an illegitimate link; to make provision for the use of blood tests for the purpose of determining the paternity of any person in civil proceedings; to make provision with respect to the evidence required to rebut a presumption of legitimacy and illegitimacy; to make further provision, in connection with the registration of the birth of an illegitimate child, for entering the name of the father; and for connected purposes. [25th July 1969]

### Extent Information

**E1** For extent of this Act see [s. 28\(4\)](#)

### Modifications etc. (not altering text)

**C1** Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

### Commencement Information

**I1** Act not in force at Royal Assent see [s. 28\(3\)](#); Act wholly in force at 1.3.1972

## PART I

### REDUCTION OF AGE OF MAJORITY AND RELATED PROVISIONS

#### **1 Reduction of age of majority from 21 to 18.**

- (1) As from the date on which this section comes into force a person shall attain full age on attaining the age of eighteen instead of on attaining the age of twenty-one; and a person shall attain full age on that date if he has then already attained the age of eighteen but not the age of twenty-one.

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- (2) The foregoing subsection applies for the purposes of any rule of law, and, in the absence of a definition or of any indication of a contrary intention, for the construction of “full age”, “infant”, “infancy”, “minor”, “minority” and similar expressions in—
  - (a) any statutory provision, whether passed or made before, on or after the date on which this section comes into force; and
  - (b) any deed, will or other instrument of whatever nature (not being a statutory provision) made on or after that date.
- (3) In the statutory provisions specified in Schedule 1 to this Act for any reference to the age of twenty-one years there shall be substituted a reference to the age of eighteen years; but the amendment by this subsection of the provisions specified in Part II of that Schedule shall be without prejudice to any power of amending or revoking those provisions.
- (4) This section does not affect the construction of any such expression as is referred to in subsection (2) of this section in any of the statutory provisions described in Schedule 2 to this Act, and the transitional provisions and savings contained in Schedule 3 to this Act shall have effect in relation to this section.
- (5) The Lord Chancellor may by order made by statutory instrument amend any provision in any local enactment passed on or before the date on which this section comes into force (not being a provision described in paragraph 2 of Schedule 2 to this Act) by substituting a reference to the age of eighteen years for any reference therein to the age of twenty-one years; and any statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section “statutory provision” means any enactment (including, except where the context otherwise requires, this Act) and any order, rule, regulation, byelaw or other instrument made in the exercise of a power conferred by any enactment.
- (7) Notwithstanding any rule of law, a will or codicil executed before the date on which this section comes into force shall not be treated for the purposes of this section as made on or after that date by reason only that the will or codicil is confirmed by a codicil executed on or after that date.

**Modifications etc. (not altering text)**  
**C2** S. 1 applied by [Finance Act 1969 \(c. 32\), s. 16\(1\)](#)

**2 Provisions relating to marriage.**

- (1) In the following enactments, that is to say—
  - (a) .....<sup>F1</sup>
  - (b) paragraph 2(c) of Part I of the Schedule to the <sup>M1</sup>Marriage with Foreigners Act 1906 (persons under 21 seeking certificate to swear that necessary consents have been obtained);
  - (c) section 78(1) of the <sup>M2</sup>Marriage Act 1949 (definition of “infant” as person under the age of 21),
 for the words “twenty-one years” there shall be substituted the words “eighteen years”.

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- (2) In subsection (5) of section 3 of the said Act of 1949 (which defines the courts having jurisdiction to consent to the marriage of an infant)—
- (a) for the words “the county court of the district in which any respondent resides ” there shall be substituted the words “the county court of the district in which any applicant or respondent resides ”; and
  - (b) after the words “or a court of summary jurisdiction ” there shall be inserted the words “having jurisdiction in the place in which any applicant or respondent resides ”.
- (3) Where for the purpose of obtaining a certificate <sup>F2</sup>. . . for marriage under Part III of the said Act of 1949 a person declares that the consent of any person or persons whose consent to the marriage is required under the said section 3 has been obtained, the superintendent registrar may refuse to issue the certificate <sup>F2</sup>. . . for marriage unless satisfied by the production of written evidence that the consent of that person or of those persons has in fact been obtained.
- (4) In this section any expression which is also used in the said Act of 1949 has the same meaning as in that Act.

#### Extent Information

**E2** S. 2: see s. 28(4)(b)

#### Textual Amendments

**F1** S. 2(1)(a) repealed by [Foreign Marriage \(Amendment\) Act 1988](#) (c. 44, SIF 49:1), s. 7(2), **Sch.**

**F2** Words in s. 2(3) repealed (1.1.2001) by [1999 c. 33, s. 169\(1\)\(3\), Sch. 14 para. 37, Sch. 16; S.I. 2000/2698, art. 2, Sch.](#)

#### Modifications etc. (not altering text)

**C3** The text of ss. 2(1), 19(2), Sch. 1 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**C4** The text of ss. 2(2), 10(3), 11(b)(c), is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### Marginal Citations

**M1** [1906 c. 40.](#)

**M2** [1949 c. 76.](#)

### 3 Provisions relating to wills and intestacy

- (1) In the following enactments, that is to say—
- (a) section 7 of the <sup>M3</sup>Wills Act 1837 (invalidity of wills made by persons under 21);
  - (b) sections 1 and 3(1) of the <sup>M4</sup>Wills (Soldiers and Sailors) Act 1918 (soldier etc. eligible to make will and dispose of real property although under 21),
- in their application to wills made after the coming into force of this section, for the words “twenty-one years ” there shall be substituted the words “eighteen years ”.

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- (2) In section 47(1)(i) of the <sup>M5</sup>Administration of Estates Act 1925 (statutory trusts on intestacy), in its application to the estate of an intestate dying after the coming into force of this section, for the words “twenty-one years” in both places where they occur there shall be substituted the words “eighteen years”.
- (3) Any will which—
  - (a) has been made, whether before or after the coming into force of this section, by a person under the age of eighteen; and
  - (b) is valid by virtue of the provisions of section 11 of the said Act of 1837 and the said Act of 1918,
 may be revoked by that person notwithstanding that he is still under that age whether or not the circumstances are then such that he would be entitled to make a valid will under those provisions.
- (4) In this section “will” has the same meaning as in the said Act of 1837 and “intestate” has the same meaning as in the said Act of 1925.

**Marginal Citations**

**M3** 1857 c. 26.  
**M4** 1918 c. 58 (7 & 8 Geo. V).  
**M5** 1925 c. 23.

4 ..... F3

**Textual Amendments**

**F3** S. 4 repealed by [Guardianship of Minors Act 1971 \(c. 3\)](#), [Sch. 2](#)

**5 Modification of other enactments relating to maintenance of children so as to preserve benefits up to age of 21.**

- (1) ..... F4
- (2) ..... F5
- (3) ..... F6

**Textual Amendments**

**F4** S. 5(1) repealed by [Inheritance \(Provision for Family and Dependants\) Act 1975 \(c. 63, SIF 116:1\)](#), s. 26(2), [Sch.](#) (with a saving in s. 26(3) in relation to applications made with reference to a death before 1.4.1976)

**F5** S. 5(2) repealed by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22, SIF 49:3\)](#), s. 89(2)(b), [Sch. 3](#)

**F6** S. 5(3) repealed by [Matrimonial Proceedings and Property Act 1970 \(c. 45\)](#), [Sch. 3](#)

F7 6 .....

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**Textual Amendments**

- F7** S. 6 repealed (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch.20](#); [S.I. 1991/1883](#), art. 3, [Sch.](#)

**F8**

**Textual Amendments**

- F8** S. 7 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 100(1), 108(7), [Sch.15](#) (with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); [S.I. 1991/828](#), [art.3\(2\)](#)

**8 Consent by persons over 16 to surgical, medical and dental treatment.**

- (1) The consent of a minor who has attained the age of sixteen years to any surgical, medical or dental treatment which, in the absence of consent, would constitute a trespass to his person, shall be as effective as it would be if he were of full age; and where a minor has by virtue of this section given an effective consent to any treatment it shall not be necessary to obtain any consent for it from his parent or guardian.
- (2) In this section “surgical, medical or dental treatment ” includes any procedure undertaken for the purposes of diagnosis, and this section applies to any procedure (including, in particular, the administration of an anaesthetic) which is ancillary to any treatment as it applies to that treatment.
- (3) Nothing in this section shall be construed as making ineffective any consent which would have been effective if this section had not been enacted.

**9 Time at which a person attains a particular age.**

- (1) The time at which a person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.
- (2) This section applies only where the relevant anniversary falls on a date after that on which this section comes into force, and, in relation to any enactment, deed, will or other instrument, has effect subject to any provision therein.

**Modifications etc. (not altering text)**

- C5** S. 9 excluded by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. [259\(9\)](#)

**10 Modification of enactments relating to Duke of Cornwall and other children of Her Majesty.**

- (1) Section 1(1) of this Act shall apply for the construction of the expression “minor ” in section 2(2) of the <sup>M6</sup>Civil List Act 1952 (which relates to the amount payable for the Queen’s Civil List while the Duke of Cornwall is for the time being a minor) and accordingly—

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- (a) section 2(2)(b) of that Act (which relates to the three years during which the Duke is over 18 but under 21); and
- (b) in section 2(2)(a) of that Act the words “for each year whilst he is under the age of eighteen years ”,

are hereby repealed except in relation to any period falling before section 1 of this Act comes into force.

(2) In section 4(1)(a) of the said Act of 1952 (under which benefits are provided for the children of Her Majesty, other than the Duke of Cornwall, who attain the age of 21 or marry) for the words “twenty-one years ” there shall be substituted the words “eighteen years ” but no sum shall be payable by virtue of this subsection in respect of any period falling before section 1 of this Act comes into force.

(3) In section 38 of the <sup>M7</sup>Duchy of Cornwall Management Act 1863 (under which certain rights and powers of the Duke of Cornwall may, while he is under 21, be exercised on his behalf by the Sovereign or persons acting under Her authority) for the words “twenty-one years ” wherever they occur there shall be substituted the words “eighteen years ”.

**Modifications etc. (not altering text)**

**C6** The text of ss. 2(2), 10(3), 11(b)(c), is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

**M6** 1952 c. 37.

**M7** 1863 c. 49.

**11 Repeal of certain enactments relating to minors.**

The following enactments are hereby repealed—

- (a) the <sup>M8</sup>Infant Settlements Act 1855 (which enables a male infant over 20 and a female infant over 17 to make a marriage settlement), together with section 27(3) of the <sup>M9</sup>Settled Land Act 1925, except in relation to anything done before the coming into force of this section;
- (b) in section 6 of the <sup>M10</sup>Employers and Workmen Act 1875 (powers of justices in respect of apprentices)—
  - (i) the paragraph numbered (1) (power to direct apprentice to perform his duties), and
  - (ii) the sentence following the paragraph numbered (2) (power to order imprisonment of an apprentice who fails to comply with direction);
- (c) in the <sup>M11</sup>Sexual Offences Act 1956, section 18 and paragraph 5 of Schedule 2 (fraudulent abduction of heiress).

**Modifications etc. (not altering text)**

**C7** The text of ss. 2(2), 10(3), 11(b)(c), is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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**Marginal Citations**

- M8** 1855 c. 43.
- M9** 1925 c. 18.
- M10** 1875 c. 90.
- M11** 1956 c. 69.

**12 Persons under full age may be described as minors instead of infants.**

A person who is not of full age may be described as a minor instead of as an infant, and accordingly in this Act “minor ” means such a person as aforesaid.

**13** ..... **F9**

**Textual Amendments**

- F9** S. 13 repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 41(1), [Sch. 6 Pt. I](#)

**PART II**

PROPERTY RIGHTS OF ILLEGITIMATE CHILDREN

**14** ..... **F10**

**Textual Amendments**

- F10** S. 14 repealed by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 33(2)(4), 34(5), Sch. 3 paras. 1, 6, 8, [Sch. 4](#)

**15** ..... **F11**

**Textual Amendments**

- F11** S. 15 repealed by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 33(2)(4), 34(5), Sch. 3 paras. 1, 6, 9, [Sch. 4](#)

**16** ..... **F12**

**Textual Amendments**

- F12** S. 16 repealed (with saving) by [Administration of Justice Act 1982 \(c. 53, SIF 116:5\)](#), ss. 73(6), 75, [Sch. 9 Pt. I](#)

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17 ..... F13

#### Textual Amendments

**F13** S. 17 repealed by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 20, 33(2)(4), 34(5), Sch. 3 paras. 1, 6, 10, [Sch. 4](#)

18 ..... F14

#### Textual Amendments

**F14** S. 18 repealed by [Inheritance \(Provision for Family and Dependents\) Act 1975 \(c. 63, SIF 116:1\)](#), s. 26(2), [Sch.](#) (with a saving in s. 26(3) in relation to applications made with reference to a death before 1.4.1976)

### [<sup>F15</sup>19 Policies of assurance and property in industrial and provident societies.

- (1) In section 11 of the <sup>M12</sup>Married Women’s Property Act 1882 and section 2 of the <sup>M13</sup>Married Women’s Policies of Assurance (Scotland) Act 1880 (policies of assurance effected for the benefit of children) the expression “children ” shall include illegitimate children.
- (2) In section 25(2) of the <sup>M14</sup>Industrial and Provident Societies Act 1965 (application of property in registered society where member was illegitimate and is not survived by certain specified relatives) for the words “and leaves no widow, widower or issue, and his mother does not survive him ” there shall be substituted the words “and leaves no widow, widower or issue (including any illegitimate child of the member) and neither of his parents survives him ”.
- (3) Subsection (1) of this section does not affect the operation of the said Acts of 1882 and 1880 in relation to a policy effected before the coming into force of that subsection; and subsection (2) of this section does not affect the operation of the said Act of 1965 in relation to a member of a registered society who dies before the coming into force of the said subsection (2).]

#### Textual Amendments

**F15** S. 19 repealed (so far as it relates to s. 2 of Married Women's Policies of Assurance Scotland Act 1880) by [Married Women's Policies of Assurance \(Scotland\) \(Amendment\) Act 1980 \(c. 56, SIF 49:6\)](#), [s. 5](#)

#### Modifications etc. (not altering text)

**C8** The text of ss. 2(1), 19(2), Sch. 1 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### Marginal Citations

**M12** 1882 c. 75.  
**M13** 1880 c. 26.  
**M14** 1965 c. 12.



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## PART III

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

#### 20 <sup>x1</sup>Power of court to require use of blood tests.

[<sup>F16</sup>(1) In any civil proceedings in which the parentage of any person falls to be determined, the court may, either of its own motion or 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;

and the court may at any time revoke or vary a direction previously given by it under this subsection.]

[<sup>F17</sup>(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.]

[<sup>F18</sup>(2) The [<sup>F19</sup>individual] carrying out scientific tests in pursuance of a direction under subsection (1) above 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
- (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 section [<sup>F20</sup>55A or 56] of the <sup>M15</sup>Family Law Act 1986, any reference in subsection (1) or (2) of this section to any party to the proceedings shall include a reference to any person named in the application.]

(3) A report under subsection (2) of this section shall be in the form prescribed by regulations made under section 22 of this Act.

(4) Where a report has been made to a court under subsection (2) of this section, any party may, with the leave of the court, or shall, if the court so directs, obtain from [<sup>F21</sup>the tester] a written statement explaining or amplifying any statement made in the report, and that statement shall be deemed for the purposes of this section (except subsection (3) thereof) to form part of the report made to the court.

(5) Where a direction is given under this section in any proceedings, a party to the proceedings, unless the court otherwise directs, shall not be entitled to call as a witness [<sup>F22</sup>the tester, or any other] person by whom any thing necessary for the purpose of enabling those tests to be carried out was done, unless within fourteen days after receiving a copy of the report he serves notice on the other parties to the proceedings, or on such of them as the court may direct, of his intention to call [<sup>F23</sup>the tester or that

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other person]; [<sup>F24</sup>the tester or] any such person is called as a witness the party who called him shall be entitled to cross-examine him.

- (6) Where a direction is given under this section the party on whose application the direction is given shall pay the cost of taking and testing [<sup>F25</sup>bodily samples] for the purpose of giving effect to the direction (including any expenses reasonably incurred by any person in taking any steps required of him for the purpose), and of making a report to the court under this section, but the amount paid shall be treated as costs incurred by him in the proceedings.

#### Editorial Information

**X1** Unreliable sidenote

#### Textual Amendments

- F16** S. 20(1) substituted (1.4.2001) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 23; S.I. 2001/777, art. 2
- F17** S. 20(1A) substituted (1.4.2001) for subsections (1A) and (1B) by 2000 c. 19, s. 82(2)(a) (with s. 83(6)); S.I. 2001/774, art. 2
- F18** S. 20(2)(2A) substituted (1.4.2001) for s. 20(2) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 23; S.I. 2001/777, art. 2
- F19** Word in s. 20(2) substituted (1.4.2001) by 1987 c. 42, s. 23(1); S.I. 2001/777, art. 2 (as substituted (1.4.2001) by 2000 c. 19, s. 83, Sch. 8 para. 9(a) (with s. 83(6)); S.I. 2001/774, art. 2)
- F20** Words in s. 20(2A) substituted (1.4.2001) by 1987 c. 42, s. 23(1); S.I. 2001/777, art. 2 (as substituted (1.4.2001) by 2000 c. 19, s. 83, Sch. 8 para. 9(b) (with s. 83(6)); S.I. 2001/774, art. 2)
- F21** Words in s. 20(4) substituted (1.4.2001) by 2000 c. 19, s. 82(2)(c) (with s. 83(6)); S.I. 2001/774, art. 2
- F22** Words in s. 20(5) substituted (1.4.2001) by 2000 c. 19, s. 82(2)(d)(i) (with s. 83(6)); S.I. 2001/774, art. 2
- F23** Words in s. 20(5) substituted (1.4.2001) by 2000 c. 19, s. 82(2)(d)(ii) (with s. 83(6)); S.I. 2001/774, art. 2
- F24** Words in s. 20(5) inserted (1.4.2001) by 2000 c. 19, s. 82(2)(d)(iii) (with s. 83(6)); S.I. 2001/774, art. 2
- F25** Words in s. 20(6) substituted (1.4.2001) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), Sch. 2 para. 21; S.I. 2001/777, art. 2

#### Modifications etc. (not altering text)

**C9** S. 20 excluded by Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18), s. 44(1)

#### Marginal Citations

**M15** 1986 c.55 (49:7).

## 21 Consents, etc., required for taking of [<sup>F26</sup>bodily sample].

- (1) Subject to the provisions of subsections (3) and (4) of this section, a [<sup>F26</sup>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 [<sup>F26</sup>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

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the taking of a [<sup>F26</sup>bodily sample] it shall not be necessary to obtain any consent for it from any other person.

(3) A [<sup>F26</sup>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,

[<sup>F27</sup>(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) A [<sup>F26</sup>bodily sample] may be taken from a person who is suffering from mental disorder within the meaning of the [<sup>F28M16</sup>Mental Health Act 1983] and is incapable of understanding the nature and purpose of [<sup>F29</sup>scientific tests] if the person who has the care and control of him consents and the medical practitioner in whose care he is has certified that the taking of a [<sup>F26</sup>bodily sample] from him will not be prejudicial to his proper care and treatment.

(5) The foregoing provisions of this section are without prejudice to the provisions of section 23 of this Act.

#### Textual Amendments

**F26** 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**

**F27** 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**

**F28** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), ss. 146, 147, 148, **Sch. 4 para. 25**

**F29** Words in s. 21(4) 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**

#### Marginal Citations

**M16** 1983 c. 20.

## 22 Power to provide for manner of giving effect to direction for use of [<sup>F30</sup>scientific tests].

(1) The [<sup>F31</sup>Lord Chancellor] may by regulations make provision as to the manner of giving effect to directions under section 20 of this Act and, in particular, any such regulations may—

(a) provide that [<sup>F30</sup>bodily samples] shall not be taken except by [<sup>F32</sup>registered medical practitioners or members of such professional bodies as may be prescribed by the regulations;]

[<sup>F33</sup>(aa) prescribe the bodily samples to be taken;]

(b) regulate the taking, identification and transport of [<sup>F30</sup>bodily samples];

(c) require the production at the time when a [<sup>F30</sup>bodily sample] is to be taken of such evidence of the identity of the person from whom it is to be taken as may be prescribed by the regulations;

(d) require any person from whom a [<sup>F30</sup>bodily sample] is to be taken, or, in such cases as may be prescribed by the regulations, such other person as may be so prescribed, to state in writing whether he or the person from whom the sample is to be taken, as the case may be, has during such period as may be specified in the regulations suffered from any such illness [<sup>F34</sup>or condition or undergone any such treatment] as may be so specified or received a transfusion of blood;

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- [<sup>F35</sup>(e) prescribe conditions which a body must meet in order to be eligible for accreditation for the purposes of section 20 of this Act;]
  - (f) prescribe the [<sup>F30</sup>scientific tests] to be carried out and the manner in which they are to be carried out;
  - (g) regulate the charges that may be made for the taking and testing of [<sup>F30</sup>bodily samples] and for the making of a report to a court under section 20 of this Act;
  - (h) make provision for securing that so far as practicable the [<sup>F30</sup>bodily samples] to be tested for the purpose of giving effect to a direction under section 20 of this Act are tested by the same person;
  - (i) prescribe the form of the report to be made to a court under section 20 of this Act.
  - [<sup>F36</sup>(j) make different provision for different cases or for different descriptions of case.]
- (2) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F30** Words in s. 22(1) substituted (1.4.2001) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), **Sch. 2 para. 23(2)**; S.I. 2001/777, **art. 2**
- F31** Words in s. 22(1) substituted (1.4.1992) by S.I. 1992/709, art. 3(2), **Sch. 2** (with art. 5(2))
- F32** Words in s. 22(1)(a) substituted (1.4.2001) by 2000 c. 19, s. 82(4)(a) (with s. 83(6)); S.I. 2001/774, **art. 2**
- F33** S. 22(1)(aa) inserted (1.4.2001) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), **Sch. 2 para. 23(3)**; S.I. 2001/777, **art. 2**
- F34** Words in s. 22(1)(d) inserted (1.4.2001) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), **Sch. 2 para. 23(4)**; S.I. 2001/777, **art. 2**
- F35** S. 22(1)(e) substituted (1.4.2001) by 2000 c. 19, s. 82(4)(b) (with s. 83(6)); S.I. 2001/774, **art. 2**
- F36** S. 22(1)(j) inserted (1.4.2001) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), **Sch. 2 para. 23(5)**; S.I. 2001/777, **art. 2**

### 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>F37</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.

*Status: Point in time view as at 01/09/2007.*

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

- (3) Where any person named in a direction under section 20 of this Act fails to consent to the taking of a [<sup>F38</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

- F37** 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
- F38** 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

## 24 Penalty for personating another, etc., for purpose of providing [<sup>F39</sup>bodily sample].

If for the purpose of providing a [<sup>F39</sup>bodily sample] for a test required to give effect to a direction under section 20 of this Act any person personates another, or proffers a child knowing that it is not the child named in the direction, he shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or
- (b) on summary conviction, to a fine not exceeding £400.

#### Textual Amendments

- F39** Words in s. 24 substituted (1.4.2001) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), Sch. 2 para. 25; S.I. 2001/777, art. 2

## 25 Interpretation of Part III.

In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say—

[<sup>F40</sup>“bodily sample” means a sample of bodily fluid or bodily tissue taken for the purpose of scientific tests;]

“excluded” means excluded subject to the occurrence of mutation [<sup>F41</sup>to section 27 of the <sup>M17</sup>Family Law Reform Act 1987 and to sections 27 to 29 of the Human Fertilisation and Embryology Act 1990].

[<sup>F42</sup>“scientific tests” means scientific tests carried out under this Part of this Act and made with the object of ascertaining the inheritable characteristics of bodily fluids or bodily tissue.]

#### Textual Amendments

- F40** Definition in s. 25 substituted (1.4.2001) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 23(2)(a); S.I. 2001/777, art. 2
- F41** Words in s. 25 added (1.8.1991) by Human Fertilisation and Embryology Act 1990 (c. 37, SIF 83:1), s. 49(5), Sch. 4 para. 1 (with ss. 39(3), 43(2)); S.I. 1991/1400, art. 2(2)
- F42** Definition in s. 25 inserted (1.4.2001) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 23(2)(b); S.I. 2001/777, art. 2

*Status: Point in time view as at 01/09/2007.*

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

### Marginal Citations

M17 1987 c.42(47:7).

## PART IV

### MISCELLANEOUS AND GENERAL

#### 26 Rebuttal of presumption as to legitimacy and illegitimacy.

Any presumption of law as to the legitimacy or illegitimacy of any person may in any civil proceedings be rebutted by evidence which shows that it is more probable than not that that person is illegitimate or legitimate, as the case may be, and it shall not be necessary to prove that fact beyond reasonable doubt in order to rebut the presumption.

#### 27 ..... F43

### Textual Amendments

F43 S. 27 repealed by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(2)(4), Sch. 4

#### 28 Short title, interpretation, commencement and extent.

- (1) This Act may be cited as the Family Law Reform Act 1969.
- (2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Act.
- (3) This Act shall come into force on such date as the Lord Chancellor may appoint by order made by statutory instrument, and different dates may be appointed for the coming into force of different provisions.
- (4) In this Act—
  - (a) ..... F44
  - (b) section 2, so far as it amends any provision of . . . F45 the M18 Marriage with Foreigners Act 1906, has the same extent as that provision;
  - (c) sections . . . F46 6(7), so far as they affect Part II of the M19 Maintenance Orders Act 1950, extend to Scotland and Northern Ireland;
  - (d) section 10, so far as it relates to the M20 Civil List Act 1952, extends to Scotland and Northern Ireland;
  - (e) section 11, so far as it relates to the M21 Employers and Workmen Act 1875, extends to Scotland;
  - (f) ..... F47
  - (g) section 19 extends to Scotland;

but, save as aforesaid, this Act shall extend to England and Wales only.

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*Status: Point in time view as at 01/09/2007.*

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

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#### **Subordinate Legislation Made**

**P1** [S. 28\(3\)](#): power exercised by [S.I. 1969/1140](#) and [1971/1857](#)

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#### **Textual Amendments**

**F44** [S. 28\(4\)\(a\)](#) repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), s. 53(2), **Sch. 9**

**F45** Words repealed by [Foreign Marriage \(Amendment\) Act 1988 \(c. 44, SIF 49:1\)](#), s. 7(2), **Sch.**

**F46** Words repealed by [Guardianship of Minors Act 1971 \(c. 3\)](#), **Sch. 2**

**F47** [S. 28\(4\)\(f\)](#) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 41(1), **Sch. 6 Pt. I**

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#### **Marginal Citations**

**M18** [1906 c. 40](#).

**M19** [1950 c. 37](#).

**M20** [1952 c. 37](#).

**M21** [1875 c. 90](#).

*Status: Point in time view as at 01/09/2007.*

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

## SCHEDULES

### SCHEDULE 1

Section 1(3).

#### STATUTORY PROVISIONS AMENDED BY SUBSTITUTING 18 FOR 21 YEARS

**Modifications etc. (not altering text)**

**C10** The text of ss. 2(1), 19(2), Sch. 1 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

### PART I

#### ENACTMENTS

|        | Short title                   | Section                               | Subject matter  |
|--------|-------------------------------|---------------------------------------|---|
| F48    | F48                           | F48                                   | F48   |
| ...    | ...                           | ...                                   | ...   |
| F48    | F48                           | F48                                   | F48   |
| ...    | ...                           | ...                                   | ...   |
| ...    | ...                           | ...                                   | ...   |
| F49    | F49                           | F49                                   | F49   |
| c. 18. | The Settled Land Act 1925.    | Section 102(5).                       | Management of land during minority.   |
| c. 19. | The Trustee Act 1925.         | Section 31(1)(ii), (2)(i)(a) and (b). | Power to apply income for maintenance and to accumulate surplus income during a minority. |
| c. 20. | The Law of Property Act 1925. | Section 134(1).                       | Restriction on executory limitations  |
| ...    | ...                           | ...                                   | ...   |
| F50    | F50                           | F50                                   | F50   |
| ...    | ...                           | ...                                   | ...   |
| F51    | F51                           | F51                                   | F51   |
| ...    | ...                           | ...                                   | ...   |
| F52    | F52                           | F52                                   | F52   |



*Status: Point in time view as at 01/09/2007.*

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|        |  |             |  |
|--------|--|-------------|--|
| c. 46. | The Hypnotism Act 1952.                          | Section 3.  | Persons under 21 not to be hypnotised at public entertainment.                         |
| F48    | F48  | F48         | F48  |
| ...    | ...  | ...         | ...  |
| ...    | ...  | ...         | ...  |
| F53    | F53  | F53         | F53  |
| F48    | F48  | F48         | F48  |
| ...    | ...  | ...         | ...  |
| ...    | ...  | ...         | ...  |
| F54    | F54  | F54         | F54  |
| ...    | ...  | ...         | ...  |
| F53    | F53  | F53         | F53  |
|        |  | ...         | ...  |
|        |  | F53         | F53  |
|        |  | ...         | ...  |
|        |  | F53         | F53  |
| ...    | ...  | ...         | ...  |
| F55    | F55  | F55         | F55  |
|        |  | ...         | ...  |
|        |  | F55         | F55  |
| F56    | F56  | F56         | F56  |
| ...    | ...  | ...         | ...  |
| c. 12. | The Industrial and Provident Societies Act 1965. | Section 20. | Persons under 21 but above 16 eligible as members of society but not of committee etc. |

### Textual Amendments

- F48** Entries in Sch. 1 Pt. I repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. VIII**.
- F49** Entry relating to the [Friendly Societies Act 1886](#) (c. 25), **s. 36** repealed by [Friendly Societies Act 1974](#) (c. 46), s.116(4), **Sch. 11**
- F50** Entry relating to [Supreme Court of Judicature \(Consolidation\) Act 1925](#) (c. 49), **s. 165(1)** repealed by [Supreme Court Act 1981](#) (c. 54, SIF 37), s. 152(4), **Sch. 7**
- F51** Entry relating to [British Nationality Act 1948](#) (c. 56, SIF 87), **s. 32(1)(9)** repealed by [British Nationality Act 1981](#) (c. 61, SIF 87), s. 53(2), **Sch. 9**
- F52** Entry relating to [Customs and Excise Act 1952](#) (c. 44), **s. 244(2)(a)** repealed by [Customs and Excise Management Act 1979](#) (c. 2, SIF 40:1), s. 177(3), **Sch. 6 Pt. I**
- F53** Entries relating to the [Sexual Offences Act 1956](#) and the [Mental Health Act 1959](#) repealed by [Guardianship Act 1973](#) (c. 29, SIF 49:9), s. 9, **Sch. 3** and entries relating to the [Mental Health Act 1959](#) are also expressed to be repealed by [Mental Health Act 1983](#) (c. 20, SIF 85), s. 134, **Sch. 6**
- F54** Entry relating to [County Courts Act 1959](#) (c. 22) repealed by [County Courts Act 1984](#) (c. 28, SIF 34), ss. 148(3), 149(3), **Sch. 4**

*Status: Point in time view as at 01/09/2007.*

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

- F55** Entry relating to the [Building Societies Act 1962 \(c. 37\)](#) repealed by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), s. 120, **Sch. 19 Pt. I**
- F56** Sch. 1 entry repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), **Sch. 17** (with ss. 352, 354); S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

**F57 PART II**

RULES, REGULATIONS ETC.

**Textual Amendments**

- F57** Sch. 1 Pt.II, except the entry relating to the Government Stock Regulations 1965, repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.VIII**.

|     | Title | Provision | Subject matter |
|-----|-------|-----------|----------------|
| F58 | F58   | F58       | F58            |
| ... | ...   | ...       | ...            |

**Textual Amendments**

- F58** Sch. 1 Pt. 2 entry omitted (1.7.2004) by virtue of [The Government Stock \(Consequential and Transitional Provision\) \(No. 2\) Order 2004 \(S.I. 2004/1662\)](#), art. 1, Sch. paras. 1, **18** (with art. 3)

SCHEDULE 2

Section 1(4).

STATUTORY PROVISIONS UNAFFECTED BY SECTION 1

1           The Regency Acts 1937 to 1953.

2           **F59**    **F60**    **F61**    **F59**  
 .....    .....    .....    .....

**Textual Amendments**

- F59** Words repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), ss. 204, 205, 206, **Sch. 9 Pt. I**
- F60** Words in [Sch. 2 para. 2](#) repealed (1.1.2007 for E.W.S. and 7.2.2007 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), s. 77(2), Sch. 1 para. 103, **Sch. 2**; S.I. 2006/3412, art. 3, **Sch. 1 para. 14(bb)(iv)(cc)(iii)** (with art. 6, Sch. 2 para. 1); S.I. 2007/230, **art. 2**
- F61** Words in [Sch. 2 para. 2](#) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.VIII**.

**F62**3           .....

**Textual Amendments**

- F62** [Sch. 2 para. 3](#) repealed by [Finance Act 1969 \(c. 32\)](#), s. 16(1), **Sch. 21 Pt. IV**

*Status: Point in time view as at 01/09/2007.*

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

## SCHEDULE 3

Section 1(4).

### TRANSITIONAL PROVISIONS AND SAVINGS

#### *Interpretation*

- 1 (1) In this Schedule “the principal section ” means section 1 of this Act and “the commencement date ” means the date on which that section comes into force.
- (2) Subsection (7) of the principal section shall apply for the purposes of this Schedule as it applies for the purposes of that section.

#### *Funds in court*

- 2 Any order or directions in force immediately before the commencement date by virtue of—
- (a) any rules of court or other statutory provision (including, in particular, section 174 of the <sup>M22</sup>County Courts Act 1959) relating to the control of money recovered by or otherwise payable to an infant in any proceedings; or
  - (b) section 19 of the <sup>M23</sup>Administration of Justice Act 1965 (control of money recovered by widow in fatal accident proceedings which are also brought for the benefit of an infant),
- shall have effect as if any reference therein to the infant’s attaining the age of twenty-one were a reference to his attaining the age of eighteen or, in relation to a person who by virtue of the principal section attains full age on the commencement date, to that date.

#### **Marginal Citations**

**M22** 1959 c. 22.

**M23** 1965 c. 2.

#### *Wardship and custody orders*

- 3 (1) Any order in force immediately before the commencement date—
- (a) making a person a ward of court; or
  - (b) under the <sup>M24M25</sup>Guardianship of Infants Acts 1886 and 1925, or under the <sup>M26</sup>Matrimonial Causes Act 1965 or any enactment repealed by that Act, for the custody of, or access to, any person,
- which is expressed to continue in force until the person who is the subject of the order attains the age of twenty-one, or any age between eighteen and twenty-one, shall have effect as if the reference to his attaining that age were a reference to his attaining the age of eighteen or, in relation to a person who by virtue of the principal section attains full age on the commencement date, to that date.
- (2) This paragraph is without prejudice to so much of any order as makes provision for the maintenance or education of a person after he has attained the age of eighteen.

*Status: Point in time view as at 01/09/2007.*

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

#### Marginal Citations

M24 1886 c. 27.

M25 1925 c. 45.

M26 1965 c. 72.

#### *Adoption orders*

- 4 The principal section shall not prevent the making of an adoption order or provisional adoption order under the <sup>M27</sup>Adoption Act 1958 in respect of a person who has attained the age of eighteen if the application for the order was made before the commencement date, and in relation to any such case that Act shall have effect as if the principal section had not been enacted.

#### Marginal Citations

M27 1958 c. 5 (7 & 8 Eliz. 2).

#### *Power of trustees to apply income for maintenance of minor*

- 5 (1) The principal section shall not affect section 31 of the <sup>M28</sup>Trustee Act 1925—
- (a) in its application to any interest under an instrument made before the commencement date; or
  - (b) in its application, by virtue of section 47(1)(ii) of the Administration of <sup>M29</sup>Estates Act 1925, to the estate of an intestate (within the meaning of that Act) dying before that date.
- (2) In any case in which (whether by virtue of this paragraph or paragraph 9 of this Schedule) trustees have power under subsection (1)(i) of the said section 31 to pay income to the parent or guardian of any person who has attained the age of eighteen, or to apply it for or towards the maintenance, education or benefit of any such person, they shall also have power to pay it to that person himself.

#### Marginal Citations

M28 1925 c. 19.

M29 1925 c. 23.

#### *Personal representatives' powers during minority of beneficiary*

- 6 The principal section shall not affect the meaning of “minority ” in sections 33(3) and 39(1) of the Administration of Estates Act 1925 in the case of a beneficiary whose interest arises under a will or codicil made before the commencement date or on the death before that date of an intestate (within the meaning of that Act).

#### *Accumulation periods*

- 7 The change, by virtue of the principal section, in the construction of—
- (a) sections 164 to 166 of the <sup>M30</sup>Law of Property Act 1925;

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*Status: Point in time view as at 01/09/2007.*

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

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(b) section 13(1) of the <sup>M31</sup>Perpetuities and Accumulations Act 1964, (which lay down permissible periods for the accumulation of income under settlements and other dispositions) shall not invalidate any direction for accumulation in a settlement or other disposition made by a deed, will or other instrument which was made before the commencement date.

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**Marginal Citations**

**M30** 1925 c. 20.

**M31** 1964 c. 55.

*Limitation of actions*

8 The change, by virtue of the principal section, in the construction of section 31(2) of the <sup>M32</sup>Limitation Act 1939 (limitation in case of person under disability) shall not affect the time for bringing proceedings in respect of a cause of action which arose before the commencement date.

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**Marginal Citations**

**M32** 1939 c. 21.

*Statutory provisions incorporated in deeds, wills, etc.*

9 The principal section shall not affect the construction of any statutory provision where it is incorporated in and has effect as part of any deed, will or other instrument the construction of which is not affected by that section.

**Status:**

Point in time view as at 01/09/2007.

**Changes to legislation:**

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