



Family Law Reform Act 1969

1969 CHAPTER 46

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.
- (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

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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)

C1 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) F1
 - (b) paragraph 2(c) of Part I of the Schedule to the ^{M1}Marriage with Foreigners Act 1906 (persons under 21 seeking certificate to swear that necessary consents have been obtained);
 - (c) section 78(1) of the ^{M2}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 ”.
- (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 or licence 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 or licence 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.

Textual Amendments

F1 S. 2(1)(a) repealed by Foreign Marriage (Amendment) Act 1988 (c. 44, SIF 49:1), s. 7(2), Sch.

Status: Point in time view as at 01/08/1991.

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

Modifications etc. (not altering text)

- C2** 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
- C3** 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 ^{M3}Wills Act 1837 (invalidity of wills made by persons under 21);
 - (b) sections 1 and 3(1) of the ^{M4}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 ”.
- (2) In section 47(1)(i) of the ^{M5}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.

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Textual Amendments

F2 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) **F3**
 (2) **F4**
 (3) **F5**

Textual Amendments

- F3** 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)
F4 S. 5(2) repealed by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22, SIF 49:3\)](#), s. 89(2)(b), [Sch. 3](#)
F5 S. 5(3) repealed by [Matrimonial Proceedings and Property Act 1970 \(c. 45\)](#), [Sch. 3](#)

[^{F6}6 Maintenance for wards of court.

- (1) In this section “the court ” means any of the following courts in the exercise of its jurisdiction relating to the wardship of children, that is to say, the High Court, . . . ^{F7}, and “ward of court ” means a ward of the court in question [^{F8}and references (however expressed) to any relationship between two persons shall be construed in accordance with section 1 of the Family Law Reform Act 1987].
- (2) Subject to the provisions of this section, the court may make an order—
- (a) requiring either parent of a ward of court to pay to the other parent; or
 - (b) requiring either parent or both parents of a ward of court to pay to any other person having the care and control of the ward [^{F9}or to the ward],
- such weekly or other periodical sums towards the maintenance and education of the ward as the court thinks reasonable having regard to the means of the person or persons on whom the requirement is imposed.

[Section 12 of the ^{M6}Guardianship of Minors Act 1971 (duration of orders for ^{F10}(3) maintenance) and subsections (4), (5) and (6) of section 12C of that Act (variation and revival of orders for periodical payments) shall apply in relation to an order made under subsection (2) of this section as they apply in relation to an order made by the High Court under section 11B of that Act.]

- (4) Subject to the provisions of this section, where a person who has ceased to be a minor but has not attained the age of twenty-one has at any time been the subject of an order making him a ward of court, the court may, on the application of either parent of that person or of that person himself, make an order requiring either parent to pay to the other parent, to anyone else for the benefit of that person or to that person himself, in respect of any period not extending beyond the date when he attains the said age, such weekly or other periodical sums towards his maintenance or education as the court

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thinks reasonable having regard to the means of the person on whom the requirement in question is imposed.

- (5) No order shall be made under this section, and no liability under such an order shall accrue, at a time when the parents of the ward or former ward, as the case may be, are residing together, and if they so reside for a period of [^{F11}six months] after such an order has been made it shall cease to have effect; but the foregoing provisions of this subsection shall not apply to any order made by virtue of subsection (2)(b) of this section.
- (6) ^{F12}
- (7) Any order under this section, [^{F13}or under section 27 of the Judicature (Northern Ireland) Act 1978], shall be included among the orders to which section 16 of the ^{M7}Maintenance Orders Act 1950 applies; and any order under this section shall be included among the orders mentioned in section 2(1)(d) of the ^{M8}Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 [^{F14}and be deemed to be a maintenance order within the meaning of the ^{M9}Maintenance Orders Act 1958].
- (8) The court shall have power from time to time by an order under this section to vary or discharge any previous order thereunder.]

Textual Amendments

- F6** S. 6 repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124(3), 125(7), **Sch. 20**
- F7** Words repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. II**
- F8** Words added by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), **Sch. 2 para. 20(2)**
- F9** Words inserted by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 50, 77(6)
- F10** S. 6(3) substituted by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), **Sch. 2 para. 20(3)**
- F11** Words substituted by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), **Sch. 2 para. 20(4)**
- F12** S. 6(6) repealed by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), **Sch. 2 para. 20(5)**
- F13** Words substituted by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), s. 122(3), **Sch. 5**
- F14** Words repealed (E.W.)(S.) by Administration of Justice Act 1970 (c. 31), **Sch. 11**

Modifications etc. (not altering text)

- C4** S. 6 amended by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 2(1)(b)

Marginal Citations

- M6** 1971 c.3(49:9).
M7 1950 c. 37.
M8 1951 c. 65.
M9 1958 c. 39.

[^{F157} **Committal of wards of court to care of local authority and supervision of wards of court.**

- (1) In this section “the court ” means any of the following courts in the exercise of its jurisdiction relating to the wardship of children, that is to say, the High Court, . . . ^{F16}, and “ward of court ” means a ward of the court in question.
- (2) Where it appears to the court that there are exceptional circumstances making it impracticable or undesirable for a ward of court to be, or to continue to be, under the

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care of either of his parents or of any other individual the court may, if it thinks fit, make an order committing the care of the ward to a local authority; [^{F17}and thereupon—

- (a) Part III of the ^{M10}Child Care Act 1980 (which relates to the treatment of children in the care of a local authority); and
- (b) for the purposes only of contributions by the child himself at a time when he has attained the age of 16, Part V of that Act (which relates to contributions towards the maintenance of children in the care of a local authority),

shall apply, subject to the next following subsection, as if the child had been received by the local authority into their care under section 2 of that Act]

- (3) In subsection (2) of this section “local authority ” means one of the local authorities referred to in subsection (1) of [^{F18}section 43 of the ^{M11}Matrimonial Causes Act 1973] (under which a child may be committed to the care of a local authority by a court having jurisdiction to make an order for its custody); and subsections (2) to (6) of that section (ancillary provisions) shall have effect as if any reference therein to that section included a reference to subsection (2) of this section [^{F19}and as if, in relation to a ward of court, the reference in subsection (5)(b) to sections 24 and 28 of the Child Care Act 1980 included a reference to section 23 of that Act (guarantee of apprenticeship deeds) and section 29 of the Act (visiting and assistance of persons formerly in care)].
- (4) Where it appears to the court that there are exceptional circumstances making it desirable that a ward of court (not being a ward who in pursuance of an order under subsection (2) of this section is in the care of a local authority) should be under the supervision of an independent person, the court may, as respects such period as the court thinks fit, order that the ward be under the supervision of a welfare officer or of a local authority; and [^{F18}section 44(2) of the Matrimonial Causes Act 1973] (ancillary provisions where a child is placed under supervision by a court having jurisdiction to make an order for its custody) shall have effect as if any reference therein to that section included a reference to this subsection.
- (5) The court shall have power from time to time by an order under this section to vary or discharge any previous order thereunder.]

Textual Amendments

- F15** S. 7 repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), ss. 100(1), 108, Sch. 15 (with Sch. 14 paras. 1(1), 27(4))
- F16** Words repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. II
- F17** Words substituted by virtue of Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), ss.9, 33(1)(2), Sch. 2 para. 9
- F18** Words substituted by Matrimonial Causes Act 1973 (c. 18), s. 54, Sch. 2 para. 8
- F19** Words added by Child Care Act 1980 (c. 5), s. 89(2), Sch. 5 para. 23(b)

Modifications etc. (not altering text)

- C5** S. 7(4) extended by Local Authority Social Services Act 1970 (c. 42), s. 2(1), Sch. 1

Marginal Citations

- M10** 1980 c.5.
- M11** 1973 c. 18.

Status: Point in time view as at 01/08/1991.

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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)

C6 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 ^{M12}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—
 - (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 ^{M13}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

Status: Point in time view as at 01/08/1991.

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

“twenty-one years ” wherever they occur there shall be substituted the words “eighteen years ”.

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

Marginal Citations

M12 1952 c. 37.

M13 1863 c. 49.

11 Repeal of certain enactments relating to minors.

The following enactments are hereby repealed—

- (a) the ^{M14}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 ^{M15}Settled Land Act 1925, except in relation to anything done before the coming into force of this section;
- (b) in section 6 of the ^{M16}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 ^{M17}Sexual Offences Act 1956, section 18 and paragraph 5 of Schedule 2 (fraudulent abduction of heiress).

Modifications etc. (not altering text)

C8 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

M14 1855 c. 43.

M15 1925 c. 18.

M16 1875 c. 90.

M17 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.

Status: Point in time view as at 01/08/1991.

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Textual Amendments

F20 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 **F21**

Textual Amendments

F21 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 **F22**

Textual Amendments

F22 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 **F23**

Textual Amendments

F23 S. 16 repealed (with saving) by [Administration of Justice Act 1982 \(c. 53, SIF 116:5\)](#), ss. 73(6), 75, **Sch. 9 Pt. I**

17 **F24**

Textual Amendments

F24 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 **F25**

Status: Point in time view as at 01/08/1991.

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Textual Amendments

- F25** 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)

[^{F26}19 Policies of assurance and property in industrial and provident societies.

- (1) In section 11 of the ^{M18}Married Women's Property Act 1882 and section 2 of the ^{M19}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 ^{M20}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

- F26** 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)

- C9** 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

- M18** 1882 c. 75.
M19 1880 c. 26.
M20 1965 c. 12.

PART III

PROVISIONS FOR USE OF BLOOD TESTS IN DETERMINING PATERNITY

20 Power of court to require use of blood tests.

- [^{F27}(1) In any civil proceedings in which the paternity of any person falls to be determined by the court hearing the proceedings, the court may, on an application by any party to the proceedings, give a direction for the use of blood tests to ascertain whether such

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

tests show that a party to the proceedings is or is not thereby excluded from being the father of that person and for the taking, within a period to be specified in the direction, of blood samples from that person, the mother of that person and any party alleged to be the father of that person or from any, or any two, of those persons.

A court may at any time revoke or vary a direction previously given by it under this section.]

[^{F27}(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.]

[^{F28} Where—

- ^{F29}(1A) (a) an application is made for a direction under this section; and
(b) the person whose paternity is in issue is under the age of eighteen when the application is made,

the application shall specify who is to carry out the tests.

(1B) In the case of a direction made on an application to which subsection (1A) applies the court shall]—

[An application for a direction under this section shall specify who is to carry out the ^{F29}(1A) tests.

(1B) A direction under this section shall]

- (a) specify, as the person who is to carry out the tests, the person specified in the application; or
- (b) where the court considers that it would be inappropriate to specify that person (whether because to specify him would be incompatible with any provision made by or under regulations made under section 22 of this Act or for any other reason), decline to give the direction applied for.]

[^{F30}(2) The person responsible for carrying out blood tests taken for the purpose of giving effect to a direction under this section shall make to the court by which the direction was given a report in which he shall state—

- (a) the results of the tests;
- (b) whether the party to whom the report relates is or is not excluded by the results from being the father of the person whose paternity is to be determined; and
- (c) if that party is not so excluded, the value, if any, of the results in determining whether that party is that person's father;

and the report shall be received by the court as evidence in the proceedings of the matters stated therein.]

[^{F30}(2) The person responsible for 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;

Status: Point in time view as at 01/08/1991.

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

- (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 56 of the ^{M21}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 the person who made the report 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 the person responsible for carrying out the tests taken for the purpose of giving effect to the direction, or any 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 that person; and where 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 [^{F31}blood samples][^{F31}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.

Textual Amendments

- F27** S. 20(1) beginning “In any civil proceedings in which the parentage ” substituted (*prosp.*) for s. 20(1) beginning “In any civil proceedings in which the paternity ” by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), [ss. 23, 34\(2\)\(5\)](#)
- F28** S. 20(1A)(1B) inserted (*prosp.*) by [Children Act 1989 \(c. 41, SIF 20\)](#), [ss. 89, 108](#) (with [Sch. 14 para. 1\(1\)](#))
- F29** Words “(1A) An application ” to “section shall ” substituted (*prosp.*) for words “(1A) Where ” to “the court shall ” by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), [s. 116](#), [Sch. 16 para. 3](#)
- F30** S. 20(2)(2A) substituted (*prosp.*) for s. 20(2) by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), [ss. 23, 34\(2\)\(5\)](#)
- F31** Words “bodily samples ” substituted (*prosp.*) for words “blood samples ” by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), [ss. 33\(1\), 34\(2\)\(5\)](#), [Sch. 2 para. 21](#)

Status: Point in time view as at 01/08/1991.

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

Modifications etc. (not altering text)

C10 S. 20 excluded by [Maintenance Orders \(Reciprocal Enforcement\) Act 1972 \(c. 18\), s. 44\(1\)](#)

Marginal Citations

M21 [1986 c.55 \(49:7\)](#).

21 Consents, etc., required for taking of blood samples.

- (1) Subject to the provisions of subsections (3) and (4) of this section, a blood 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 blood 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 blood sample it shall not be necessary to obtain any consent for it from any other person.
- (3) A blood 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, if the person who has the care and control of him consents.
- (4) A blood sample may be taken from a person who is suffering from mental disorder within the meaning of the [^{F32M22}Mental Health Act 1983] and is incapable of understanding the nature and purpose of blood 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 blood 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

F32 Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\), ss. 146, 147, 148, Sch. 4 para. 25](#)

Marginal Citations

M22 [1983 c. 20](#).

22 Power to provide for manner of giving effect to direction for use of blood tests

- (1) The Secretary of State 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 blood samples shall not be taken except by such medical practitioners as may be appointed by the Secretary of State;
 - (b) regulate the taking, identification and transport of blood samples;
 - (c) require the production at the time when a blood 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;

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

- (d) require any person from whom a blood 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 as may be so specified or received a transfusion of blood;
 - (e) provide that blood tests shall not be carried out except by such persons, and at such places, as may be appointed by the Secretary of State;
 - (f) prescribe the blood 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 blood 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 blood 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.
- (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.

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 [^{F33}paternity][^{F33}parentage] 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.
- (3) Where any person named in a direction under section 20 of this Act fails to consent to the taking of a [^{F34}blood sample][^{F34}bodily 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

- F33** Word “parentage” substituted (*prosp.*) for word “paternity” by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 33(1), 34(2)(5), [Sch. 2 para. 24\(a\)](#)

Status: Point in time view as at 01/08/1991.

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

F34 Words “bodily sample ” substituted (*prosp.*) for words “blood sample ” by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 33(1), 34(2)(5), [Sch. 2 para. 24\(b\)](#)

24 Penalty for personating another, etc., for purpose of providing [^{F35}blood sample][^{F35}bodily sample].

If for the purpose of providing a [^{F35}blood sample][^{F35}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

F35 Words “bodily sample ” substituted (*prosp.*) for words “blood sample ” by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 33(1), 34(2)(5), [Sch. 2 para. 25](#)

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—

“blood samples ” means blood taken for the purpose of blood tests;

“blood tests ” means blood tests carried out under this Part of this Act and includes any test made with the object of ascertaining the inheritable characteristics of blood;

“excluded ” means excluded subject to the occurrence of mutation [^{F36}to section 27 of the ^{M23}Family Law Reform Act 1987 and to sections 27 to 29 of the Human Fertilisation and Embryology Act 1990].

Textual Amendments

F36 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\(2\)](#)

Marginal Citations

M23 [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

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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^{F37}

Textual Amendments

F37 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)^{F38}
 - (b) section 2, so far as it amends any provision of . . . ^{F39} the ^{M24}Marriage with Foreigners Act 1906, has the same extent as that provision;
 - (c) sections . . . ^{F40} 6(7), so far as they affect Part II of the ^{M25}Maintenance Orders Act 1950, extend to Scotland and Northern Ireland;
 - (d) section 10, so far as it relates to the ^{M26}Civil List Act 1952, extends to Scotland and Northern Ireland;
 - (e) section 11, so far as it relates to the ^{M27}Employers and Workmen Act 1875, extends to Scotland;
 - (f)^{F41}
 - (g) section 19 extends to Scotland;

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

Subordinate Legislation Made

P1 S. 28(3): power exercised by S.I. 1969/1140 and 1971/1857

Textual Amendments

F38 S. 28(4)(a) repealed by British Nationality Act 1981 (c. 61, SIF 87), s. 53(2), **Sch. 9**

F39 Words repealed by Foreign Marriage (Amendment) Act 1988 (c. 44, SIF 49:1), s. 7(2), **Sch.**

F40 Words repealed by Guardianship of Minors Act 1971 (c. 3), **Sch. 2**

F41 S. 28(4)(f) repealed by Northern Ireland Constitution Act 1973 (c. 36), s. 41(1), **Sch. 6 Pt. I**

Marginal Citations

M24 1906 c. 40.

M25 1950 c. 37.

M26 1952 c. 37.

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M27 1875 c. 90.

Status:

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