



# Family Law Reform Act 1969

## 1969 CHAPTER 46

### PART III

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

#### **20 Power of court to require use of blood tests**

- (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 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.

- (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—
- the results of the tests ;
  - 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
  - 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.

- (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

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*Status: This is the original version (as it was originally enacted).*

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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 blood 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.