



Child Support, Pensions and Social Security Act 2000

2000 CHAPTER 19

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

83 Declarations of status.

- (1) Part III of the ^{M1}Family Law Act 1986 (declarations of status) shall be amended as follows.
- (2) After section 55 there shall be inserted—

“55A Declarations of parentage.

- (1) Subject to the following provisions of this section, any person may apply to the High Court, a county court or a magistrates’ court for a declaration as to whether or not a person named in the application is or was the parent of another person so named.
- (2) A court shall have jurisdiction to entertain an application under subsection (1) above if, and only if, either of the persons named in it for the purposes of that subsection—
 - (a) is domiciled in England and Wales on the date of the application, or
 - (b) has been habitually resident in England and Wales throughout the period of one year ending with that date, or
 - (c) died before that date and either—
 - (i) was at death domiciled in England and Wales, or

Status: Point in time view as at 22/04/2014.

Changes to legislation: Child Support, Pensions and Social Security Act 2000, Section 83 is up to date with all changes known to be in force on or before 03 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (ii) had been habitually resident in England and Wales throughout the period of one year ending with the date of death.
- (3) Except in a case falling within subsection (4) below, the court shall refuse to hear an application under subsection (1) above unless it considers that the applicant has a sufficient personal interest in the determination of the application (but this is subject to section 27 of the ^{M2}Child Support Act 1991).
- (4) The excepted cases are where the declaration sought is as to whether or not—
- (a) the applicant is the parent of a named person;
 - (b) a named person is the parent of the applicant; or
 - (c) a named person is the other parent of a named child of the applicant.
- (5) Where an application under subsection (1) above is made and one of the persons named in it for the purposes of that subsection is a child, the court may refuse to hear the application if it considers that the determination of the application would not be in the best interests of the child.
- (6) Where a court refuses to hear an application under subsection (1) above it may order that the applicant may not apply again for the same declaration without leave of the court.
- (7) Where a declaration is made by a court on an application under subsection (1) above, the prescribed officer of the court shall notify the Registrar General, in such a manner and within such period as may be prescribed, of the making of that declaration.”
- (3) Section 58(5)(b) (prohibition of declarations of illegitimacy) shall be omitted.
- ^{F1}(4)
- (5) Schedule 8 (which makes amendments consequential on subsection (1)) shall have effect.
- (6) Nothing in this Act shall affect any proceedings pursuant to an application under—
- (a) section 56(1)(a) of the ^{M3}Family Law Act 1986, or
 - (b) section 27 of the ^{M4}Child Support Act 1991,
- which are pending immediately before the commencement of this section.

Textual Amendments

- F1** S. 83(4) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 210](#) Table; [S.I. 2014/954, art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Marginal Citations

- M1** 1986 c. 55.
M2 1991 c. 48.
M3 1986 c. 55.
M4 1991 c. 48.

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