



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Status: This is the original version (as it was originally enacted).

- (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 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.
- (4) After section 60(4) there shall be inserted—
- “(5) An appeal shall lie to the High Court against—
- (a) the making by a magistrates' court of a declaration under section 55A above,
 - (b) any refusal by a magistrates' court to make such a declaration, or
 - (c) any order under subsection (6) of that section made on such a refusal.”
- (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 Family Law Act 1986, or
 - (b) section 27 of the Child Support Act 1991,
- which are pending immediately before the commencement of this section.