
SCHEDULE 1 RSC ORDER 112

APPLICATIONS FOR USE OF SCIENTIFIC TESTS IN DETERMINING PARENTAGE

Rule 1 Interpretation

In this order –

‘the Act’ means Part III of the Family Law Reform Act 1969¹;

‘bodily samples’ and ‘scientific tests’ have the meanings assigned to them by section 25 of the Act;

‘direction’ means a direction for the use of scientific tests under section 20(1) of the Act;

‘the court officer’ means the officer of the court who draws up a direction.

Rule 2 Application for direction

- (1) Except with the permission of the court, an application in any proceedings for a direction shall be in accordance with CPR Part 23 and a copy of the application notice shall be served on every party to the proceedings (other than the applicant) and to any other person from whom the direction involves the taking of bodily samples.
- (3) Any notice required by this rule to be served on a person who is not a party to the proceedings shall be served on him personally.

Rule 3 Applications involving children under 16 and patients

Where an application is made for a direction in respect of a person who is either –

- (a) under 16; or
 - (b) suffering from a mental disorder within the meaning of the Mental Health Act 1983² and incapable of understanding the nature and purpose of scientific tests,
- the application notice shall state the name and address of the person having the care and control of the person under disability and shall be served on him instead of on the person under disability.

Rule 4 Addition as a party of person to be tested

Where an application is made for a direction involving the taking of bodily samples from a person who is not a party to the proceedings in which the application is made, the court may at any time direct that person to be made a party to the proceedings.

Rule 5 Service of direction and adjournment of proceedings

Where the court gives a direction in any proceedings, the court officer shall send a copy to every party to the proceedings and to every other person from whom the direction involves the taking of bodily samples and, unless otherwise ordered, further consideration of the proceedings shall be adjourned until the court receives a report pursuant to the direction.

¹ 1969 c.46.

² 1983 c.20.

Rule 6 Service of copy report

On receipt by the court of a report made pursuant to a direction, the proper officer shall send a copy to every party to the proceedings and to every other person from whom the direction involved the taking of bodily samples.