

SCHEDULE 2 CCR ORDER 47

DOMESTIC AND MATRIMONIAL PROCEEDINGS

Rule 5 Family Law Reform Act 1969

- (1) In this rule –
‘bodily samples’ and ‘scientific tests’ have the meanings assigned to them by section 25 of the Family Law Reform Act 1969¹; and
‘direction’ means a direction for the use of scientific tests under section 20(1) of that Act.
- (2) Except with the permission of the court, an application in any proceedings for a direction shall be made on notice to 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) 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 application notice shall be served on him personally and the court may at any time direct him to be made a party to the proceedings.
- (4) Where an application is made for a direction in respect of a person (in this paragraph referred to as a person under disability) who is either –
 - (a) under 16; or
 - (b) suffering from mental disorder within the meaning of the Mental Health Act 1983² and incapable of understanding the nature and purpose of scientific tests,
the notice of application 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.
- (5) 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, the proceedings shall stand adjourned until the court receives a report pursuant to the direction.
- (6) On receipt by the court of a report made pursuant to a direction, the court 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.

¹ 1969 c.46; section 25 was amended by the Human Fertilisation and Embryology Act 1990 (c.37), section 49(5), Schedule 4, paragraph 1; and section 20 by the Children Act 1989 (c.41), section 89; and by the Courts and Legal Services Act 1990 (c.41), section 116, Schedule 16, Part I, paragraph 3.

² 1983 c.20.

