STATUTORY INSTRUMENTS

2015 No. 1834

EVIDENCE

The Blood Tests (Evidence of Paternity) (Amendment) Regulations 2015

Made - - - -	*21st October 2015*
Laid before Parliament	*30th October 2015*
Coming into force - -	*23rd November 2015*

The Lord Chancellor makes the following Regulations in exercise of the powers in section 22(1) of the Family Law Reform Act 1969(**1**).

Citation and commencement

1. These Regulations may be cited as the Blood Tests (Evidence of Paternity) (Amendment) Regulations 2015 and come into force on 23rd November 2015.

Amendment of the Blood Tests (Evidence of Paternity) Regulations 1971

2.—(1) The Blood Tests (Evidence of Paternity) Regulations 1971(**2**) are amended as follows.

(2) In regulation 2 (interpretation)(**3**)—

(a) in paragraph (1)—

(i) in the definition of "photograph" after "of" insert "at least"; and

(ii) for the definition of "sampler" substitute—

""sampler" has the meaning given in paragraph (4) and is subject to the provisions of paragraphs (5) and (6);"; and

(b) after paragraph (3), insert—

"(4) In these Regulations, subject to the provisions of paragraphs (5) and (6), "sampler" means—

(a) a registered medical practitioner;

(**1**) 1969 c. 46. Section 22 was amended by paragraph 23 of Schedule 2 to the Family Law Reform Act 1987 (c. 42) and by section 82 of the Child Support, Pensions and Social Security Act 2000 (c. 19). The powers were vested in the Lord Chancellor by article 3 of and Schedule 2 to the Transfer of Functions (Magistrates' Courts and Family Law) Order 1992 (S.I. 1992/709).

(**2**) S.I. 1971/1861.

(**3**) Regulation 2 was amended by S.I. 2001/773, 2004/2033 and 2008/972.

(b) a person who is under the supervision of a registered medical practitioner and who is—

(i) a registered nurse; or

(ii) a registered biomedical scientist;

(c) a tester;

(d) an officer of the Service, within the meaning given by section 11(3) of the Criminal Justice and Court Services Act 2000(**4**);

(e) a Welsh family proceedings officer, within the meaning given by section 35(4) of the Children Act 2004(**5**); or

(f) a person, not being someone within sub-paragraphs (a) or (b), who is appointed by a tester to be a sampler.

(5) A sampler who is within sub-paragraph (d) or (e) in the definition of "sampler" in paragraph (4) may only be involved in the obtaining of samples where—

(a) the court has given a direction of its own initiative in proceedings for a child arrangements order under section 8 of the Children Act 1989(**6**);

(b) the sampler has been trained by a tester, or under arrangements made by a tester, in relation to the requirements of these Regulations; and

(c) the sample is to be obtained by way of a mouth swab.

(6) A sampler who is within sub-paragraph (f) in the definition of "sampler" in paragraph (4) may only be involved in the obtaining of samples where—

(a) the sampler has been trained by a tester, or under arrangements made by a tester, in relation to the requirements of these Regulations; and

(b) the sample is to be obtained by way of a mouth swab.".

(3) In regulation 3 (direction form) for "take" substitute "obtain".

(4) In regulation 4 (subject who is under 16 or a protected party to be accompanied to sampler)(**7**) for "the taking of a sample" substitute "a sample to be obtained".

(5) In regulation 5 (taking of samples)(**8**)—

(a) in the heading, for "Taking of" substitute "Obtaining";

(b) in paragraph (1), for "the taking of samples" substitute "samples to be obtained";

(c) in paragraph (2), for "shall take a sample from him on that occasion" substitute "must on that occasion act in accordance with paragraph (2A), (2B) or (2C), as applicable to that sampler";

(d) after paragraph (2), insert—

"(2A) Where the sampler is a person within sub-paragraph (a), (b) or (c) of the definition of "sampler" in regulation 2(4), the sampler must take a sample from the subject.

(2B) Where the sampler is a person within sub-paragraph (d) or (e) of the definition of "sampler" in regulation 2(4), the sampler must supervise the taking of the sample—

(**4**) 2000 c. 43.
(**5**) 2004 c. 31.
(**6**) 1989 c. 41. Section 8 was amended by paragraphs 41 and 60(1) of Schedule 8, and Schedule 10, to the Family Law Act 1996 (c. 27), paragraph 68 of Schedule 8 to the Crime and Disorder Act 1998 (c. 37), paragraphs 54 and 55 of Schedule 3 to the Adoption and Children Act 2002 (c. 38), paragraph 129 of Schedule 27 to the Civil Partnership Act 2004 (c. 33) and section 12 of and paragraphs 1 and 3 of Part 1 of Schedule 2 to the Children and Families Act 2014 (c. 6).
(**7**) Regulation 4 was amended by S.I. 2008/972.
(**8**) Regulation 5 was amended by S.I. 2001/773.