STATUTORY RULES OF NORTHERN IRELAND

2002 No. 150

EVIDENCE

The Blood Tests (Evidence of Paternity) (Amendment) Regulations (Northern Ireland) 2002

Made - - - -	*15th April 2002*
To be laid before Parliament	
Coming into operation	*7th May 2002*

The Lord Chancellor, in exercise of the powers conferred by Article 10 of the Family Law Reform (Northern Ireland) Order 1977(**1**) and now vested in him(**2**), hereby makes the following regulations: —

Citation, commencement and interpretation

1. These Regulations may be cited as the Blood Tests (Evidence of Paternity) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 7th May 2002.

2. In these Regulations "the principal Regulations" means the Blood Tests (Evidence of Paternity) Regulations (Northern Ireland) 1978(**3**) and any reference to a regulation or Form by number alone is a reference to the regulation or Form so numbered in the principal Regulations.

Saving

3. The amendments made to the principal Regulations by these Regulations shall not apply in respect of proceedings commenced before these Regulations come into operation.

Amendment of the principal Regulations

4. In regulation 2(1)—

(a) in the definition of "court", for the words "blood tests" substitute the words "scientific tests";

(b) for the definition of "sample", substitute the following new definition—

(**1**) S.I.1977/1250 (N.I. 17); Article 10 was amended by section 65 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4) and section 3 of the Family Law Act (Northern Ireland) 2001 (c. 12)

(**2**) Functions of the Secretary of State were transferred to the Lord Chancellor by virtue of Article 13 of, and Schedule 3 to, the Family Law (Northern Ireland) Order 1993 (S.I. 1993/1576 (N.I. 6))

(**3**) S.R. 1978 No. 379, to which the most recent relevant amendments were effected by S.R. 1987 No. 375 and S.R. 1990 No. 212

""sample" means bodily fluid or bodily tissue taken for the purpose of scientific tests";

(c) in the definition of "sampler", for the words "nominated in a direction form to take blood samples for the purposes of the direction" substitute the words ", or a person who is under the supervision of such a practitioner and is either a registered nurse or a registered medical laboratory technician, or a tester;";

(d) in the definition of "subject", for the words "blood samples" substitute the words "bodily samples";

(e) for the definition of "tester", substitute the following new definition—

""tester" means an individual employed to carry out tests by a body which has been accredited for the purposes of Article 8 of the Order by the Lord Chancellor or by a body appointed by him for those purposes and which has been nominated in a direction to carry out tests;";

(f) in the definition of "tests", for the words "blood tests" substitute the words "scientific tests" and for the words "characteristics of blood" substitute the words "characteristics of bodily fluids or bodily tissue".

5. In regulation 2(2), for the words "blood tests" substitute the words "scientific tests".

6. In regulation 6(3), after "(i)" insert the words "in the case of a blood sample,".

7. In regulation 7—

(a) in paragraph (2), delete the words from "unless the direction form" to the end;

(b) paragraph (4) shall be omitted;

(c) at the end of paragraph (5)(*b*) add "; or" and the following new sub-paragraph—

"(c) where he is under the age of sixteen years, and the person with care and control of him does not consent, the court has nevertheless ordered that a sample be taken."; and

(d) in paragraph (8), delete the words "and by that subject or, if he is under a disability, the person accompanying him".

8. In regulation 8(1), for the words "special delivery service" substitute the words "recorded delivery".

9. In regulation 9(1) for the words "medical practitioner" substitute the word "sampler".

10. After regulation 9, insert the following new regulation—

"**Accreditation**

9A.—(1) Subject to paragraph (2), a body shall not be eligible for accreditation for the purposes of Article 8 of the Order(**4**) unless it is accredited to ISO/ IEC/17025(**5**) by an accreditation body which complies with the requirements of ISO Guide 58(**6**).

(2) A body which employs a person who at the date of the coming into force of the Blood Tests (Evidence of Paternity) (Amendment) Regulations (Northern Ireland) 2002 was a tester appointed by the Lord Chancellor shall, until three years after that date, be eligible

(**4**) S.I. 1977/1250 (N.I. 17). Article 8 was amended by section 65 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4) and section 3 of the Family Law Act (Northern Ireland) 2001 (c. 12)

(**5**) General Requirements for the Competence of Testing and Calibration Laboratories, obtainable from any of the sales outlets operated by the British Standards Institute.

(**6**) Calibration and Testing Laboratory Accreditation Systems—General Requirements in Operation and Recognition, obtainable from any sales outlets operated by the British Standards Institute