

**STATUS OF CHILDREN ACT**

**CHAPTER 46:07**

**Act**

**17 of 1981**

Amended by

6 of 1993

\*6 of 2016

(\*See Note on page 2)

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**Note on Act No. 6 of 2016**

The Amendments made to this Act by Act No. 6 of 2016 took effect on 15th May 2017 by LN 38/2017.

**CHAPTER 46:07**

**STATUS OF CHILDREN ACT**

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UNOFFICIAL

**CHAPTER 46:07**

**STATUS OF CHILDREN ACT**

**An Act to remove the legal disabilities of Children born out of wedlock.**

17 of 1981.  
6 of 2016.

[1ST MARCH 1983]

Commencement.  
[33/1983].

**PRELIMINARY**

1. This Act may be cited as the Status of Children Act.

Short title.

2. (1) In this Act—

Interpretation.  
[6 of 2016].

“child” includes a person who has attained the age of eighteen years;

“child born in wedlock” means a child whose parents were married to each other when the child was conceived or born or between those times, and “child not born in wedlock” means any other child;

“marriage” includes a void or voidable marriage, and “marry” has a corresponding meaning;

“Minister” means the Minister to whom responsibility for the registration of births and deaths is assigned;

“Registrar General” means the person for the time being holding office as Registrar General under the Births and Deaths Registration Act and includes any person for the time being discharging the duties of that office.

Ch. 44:01.

(2) For the purposes of sections 13 to 17 inclusive—

“DNA” means deoxyribonucleic acid;

“DNA analysis” means the analysis of genetic material performed by a tester;

“excluded” means excluded subject to the occurrence of mutation;

“non-invasive tissue sample” means—

(a) a sample of hair plucked with the root, other than pubic hair;

- (b) a sample taken from or under a fingernail or toenail;
- (c) a swab taken from any part of a person's buccal cavity or any part of his body other than any part of his genitalia, anus or rectum;
- (d) a skin impression taken without breaking the skin;

“qualified person” means a person designated by the Registrar and Marshal of the Supreme Court under section 14;

“tester” means a laboratory listed in the Schedule;

“tissue sample” includes a sample of blood, saliva, hair or epithelial cells.

### STATUS OF CHILDREN

All children of equal status.

**3.** (1) Notwithstanding any other written law or rule of law to the contrary for all the purposes of the Law of Trinidad and Tobago—

- (a) the status and the rights, privileges and obligations of a child born out of wedlock are identical in all respects to those of a child born in wedlock;
- (b) save as provided in this Act, the status and the rights and obligations of the parents and all kindred of a child born out of wedlock are the same as if the child were born in wedlock; but this provision shall not affect the status, rights or obligations of the parents as between themselves.

(2) The rule of construction whereby in any Will, Deed, or other instrument words of relationship, in the absence of a contrary expression of intention, signify relationship derived only from wedlock is abolished.

(3) For the purpose of construing any instrument words denoting a family relationship shall, in the absence of a contrary expression of intention, cease to be presumed to refer only to relationship by marriage and for the purpose of construing any instrument, in the absence of a contrary expression of intention, reference to a child or children includes a child or children whether or not born in wedlock.

(4) Subsections (1) to (3) shall apply with respect to every person, whether born before or after the commencement of this Act, and whether born in Trinidad and Tobago or not, and whether or not his father or mother has ever been domiciled in Trinidad and Tobago.

**4.** (1) This Act does not affect rights which became vested before its commencement. Application of this Act.

(2) Save as provided in subsection (1) this Act applies to persons born and instruments executed before as well as after its commencement.

**5.** For the purposes of the administration or distribution of the estate of any deceased person or of any other property held upon trust— Protection of personal representatives and trustees.

(a) a person born out of wedlock shall be presumed not to have been survived by his father or any other paternal relative unless the contrary is shown;

(b) a person born in wedlock shall be presumed not to have been survived by a child of his father, father's mother, grandfather or mother's mother born out of wedlock unless the contrary is shown,

and no trustee or personal representative shall be liable to any such person of whose claim he has not had notice at the time of the conveyance or distribution, but nothing in this section shall prejudice the right of any person to follow the property or any property representing it into the hands of any person other than a bona fide purchaser without notice who may have received it.

#### **EVIDENCE AS TO PARENTHOOD**

**6.** (1) Subject to subsections (2) and (3), a child born to a woman during her marriage, or within ten months after the marriage has been dissolved by death or otherwise, shall, in the absence of evidence to the contrary, be presumed to be the child of his mother and her husband, or former husband, as the case may be. Presumptions as to parenthood of child born during marriage.

(2) Subsection (1) shall not apply if, during the whole of the time within which the child must have been conceived, the

mother and her husband were living apart from each other whether as a matter of fact or under a decree or order of separation, or *decree nisi* of divorce, made by a competent Court or authority in Trinidad and Tobago or elsewhere.

(3) Subsection (1) shall not apply where a child is born within ten months after the dissolution of the marriage of his mother by death or otherwise, and after she has married again, and in such case there shall be no presumption as between the husband of the mother and her former husband that either is the father of the child, and the question shall be determined on the balance of probabilities in each case.

Recognition of  
paternity.

7. The relationship of father and child, and any other relationship traced in any degree through that relationship shall be recognised only if—

(a) the father and the mother of the child were married to each other at the time of his conception or birth or between those times; or

Ch. 44:01.

(b) paternity has been registered in a register of births pursuant to the Births and Deaths Registration Act or established by any of the modes specified in section 8 or 10 of this Act.

Evidence and  
proof of  
paternity.  
Ch. 44:01.

8. (1) If, pursuant to section 21 of the Births and Deaths Registration Act the name of the father of the child to whom the entry relates has been entered in the register book of births (whether before or after the commencement of this Act) a certified copy of the entry made or given and purporting to be signed in accordance with section 46 of that Act shall be *prima facie* evidence that the person named as the father is the father of the child.

Ch. 46:08.

(2) A paternity order within the meaning of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, shall be *prima facie* evidence of the fact of paternity in any subsequent proceedings whether or not between the same parties.

(3) A paternity order made under section 10 shall, for all purposes, be *prima facie* proof of the matters contained in it.

(4) An order made in any country outside Trinidad and Tobago declaring a person to be the father or putative father of a child, being an order to which this section applies, shall be *prima facie* evidence that the person declared to be the father or putative father, as the case may be, is the father of the child.

(5) The President may from time to time, by Order published in the *Gazette*, declare that subsection (4) applies with respect to orders made by any Court or public authority in any specified country outside Trinidad and Tobago or by any specified Court or public authority in any such country.

9. (1) Any statutory declaration made by the mother of a child and by any person acknowledging that he is the father of the child and further declaring that such person exhibited evidence of identification together with a statement specifying the nature of such evidence or a duplicate or attested copy of any such statutory declaration may, in the prescribed manner and on payment of the prescribed fee, if any, be filed in the office of the Registrar General.

Acknowledgements may be filed with Registrar General.

(2) In the case of a person who is in Trinidad and Tobago the authorities before whom a statutory declaration for the purposes of subsection (1) may be made are a notary public, a Magistrate or some other person lawfully authorised under the Oaths Act to administer oaths.

Ch. 7:01.

(3) In the case of a person who is not in Trinidad and Tobago the authorities before whom a statutory declaration for the purposes of subsection (1) may be made are a Trinidad and Tobago diplomatic agent or a consular officer or a notary public or some other person lawfully authorised to administer oaths in the country or place where the declaration is made.

(4) The Registrar General shall upon the request of any person who he is satisfied has a proper interest in the matter and, on receipt of the prescribed fee, if any, cause a search of any index of statutory declarations filed with him under subsection (1) to be made, and shall permit any such person to inspect any such declaration or any duplicate or copy thereof.

Ch. 46:08.

(5) Where the High Court makes a paternity order under section 10 of this Act or where a Magistrate's Court makes a paternity order within the meaning of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, the Registrar of the Supreme Court or the Clerk of the Peace, as the case may be, shall forward a copy of such order to the Registrar General for filing in his office under this section, and on his receipt of any such copy the Registrar General shall file it accordingly as if it were an instrument of the kind prescribed in subsection (1).

Power of  
Court to make  
paternity order.

**10.** (1) Any person who—

- (a) being a woman, alleges that any named person is the father of her child;
- (b) alleges that the relationship of father and child exists between himself and any other person;
- (c) alleges that he is the father of an unborn child; or
- (d) being a person having a proper interest in the result, wishes to have it determined whether the relationship of father and child exists between two named persons,

may apply in such manner as may be prescribed by Rules of Court to the High Court for a declaration of paternity, and if it is proved to the satisfaction of the Court that the relationship exists the Court may make a paternity order whether or not the father or child or both of them are living or dead.

(2) An application under this section may be brought on behalf of the child by any person acting on his behalf.

(3) The High Court has jurisdiction under this section if at the date of the making of any application under this section—

- (a) the child to whom the application relates is actually present in Trinidad and Tobago or, if deceased, was born in Trinidad and Tobago or was domiciled in Trinidad and Tobago at the date of his death; or
- (b) the alleged parent of the child against whom the application is brought is actually present in

Trinidad and Tobago or, if deceased, was born in Trinidad and Tobago or domiciled in Trinidad and Tobago at the date of his death,

and the High Court also has jurisdiction under this section where—

- (a) the child, though absent from Trinidad and Tobago at the time of the proceedings, is a citizen of Trinidad and Tobago; or
- (b) the alleged parent of the child against whom the application is brought, though absent from Trinidad and Tobago at the time of the proceedings, is a citizen of Trinidad and Tobago.

(4) No proceeding under this section shall affect any final judgment or decree already pronounced or made by a Court of competent jurisdiction.

(5) Where on an application to the High Court under this section the Court has made or has refused to make an order there shall be the same rights of appeal as are in force or exist for the time being in respect of civil proceedings in the High Court and the provisions of the Supreme Court of Judicature Act, and the Rules of the Supreme Court, and the Court of Appeal Rules, shall apply to such appeals. Ch. 4:01.

**11.** (1) Unless the Court otherwise directs, notice of an application for a paternity order shall be given to— Notice of application for paternity order.

- (a) the person claimed to be a child or any person named by law to be served on his behalf, and
- (b) the person alleged to be the father or mother, as the case may be, of the child, and the person having custody of the child, or
- (c) the committee of a mentally incompetent person or the committee of a mentally incompetent child or in the absence of such a committee the Attorney General; and
- (d) any other person claiming to be a parent.

- (2) Upon application the Court shall—
- (a) consider whether or not any other person should receive notice; and
  - (b) direct that notice be given to any person who in its opinion should have an opportunity to be heard.

Duration of paternity order.

**12.** (1) A paternity order remains in force until it is set aside under this section.

(2) An application to set aside a paternity order may be made with leave of the Court to the Court by which the order was made.

(3) Notice of the application shall be given to the person specified in section 11.

(4) The Court may confirm the order or set it aside.

(5) The setting aside of a paternity order shall not, unless the Court otherwise directs, affect rights which vested while the order was in force.

#### DNA ANALYSIS

Power of Court to require DNA analysis and to give directions as to identification. [6 of 2016].

**13.** (1) Where, in any civil proceedings, the question of whether a person is the parent or sibling of another person (hereinafter referred to as “the subject”) falls to be determined, the Court may give directions for—

- (a) the use of DNA analysis, to ascertain whether or not the analysis shows that a party to the proceedings is the parent or sibling of the subject; and
- (b) the taking of a non-invasive tissue sample from—
  - (i) the subject; and
  - (ii) any person alleged to be the parent or sibling of the subject, within a period specified in the direction,

and the Court may, at any time, revoke or vary a direction previously given by it under this section.

(2) The Court shall, in giving directions for the taking of the non-invasive tissue sample, assign to each person from whom a non-invasive tissue sample is being taken, an identifying number which shall be used by the tester with the name of the person whom that number identifies being known only by the Registrar.

(3) A tester performing an analysis referred to in subsection (1) shall submit to the Court which gave the direction for the analysis, a report which shall include—

- (a) the results of the analysis by reference to the identifying numbers attached to each non-invasive tissue sample; and
- (b) a statement of the findings from the analysis, with respect to the relationship, if any between the parties from whom the non-invasive tissue samples were taken.

(3A) A report submitted under subsection (3), shall be received by any Court as evidence of the matters stated therein.

(4) Where a report has been made to a Court under subsection (3), any party to the proceedings may, with the leave of the Court, or shall, if the Court so directs, obtain from the person who made the report a written statement explaining or amplifying any statement made in the report, and that statement shall be deemed for the purposes of this section to form part of the report made to the Court.

(5) Where a direction is given under this section in any proceedings, a party to the proceedings shall not be entitled to call as a witness the person responsible for carrying out the DNA analysis for the purpose of giving effect to the direction, or any person by whom anything necessary for the purpose of enabling the analysis to be carried out was done, unless—

- (a) within fourteen days after receiving a copy of the report he serves notice on the other parties to the proceedings, or on such of them as the Court may direct, of his intention to call that person; or
- (b) the Court otherwise directs,

and where any such person is called as a witness the party who called him shall be entitled to cross-examine him.

(6) Where a direction is given under this section, the Court may order that the cost of taking and analysing a non-invasive tissue sample, for the purpose of giving effect to the direction, shall be borne in whole or in part by—

- (a) any party to the proceedings;
- (b) any other person as the Court thinks fit; or
- (c) the Court,

and may make such other order as it thinks fit.

(6A) In relation to any party to proceedings under this section, the Court shall give directions with respect to—

- (a) the nature of identification to be provided to the person taking a non-invasive tissue sample;
- (b) the time and place for giving of the non-invasive tissue sample;
- (c) the persons in whose presence the non-invasive tissue sample shall be given; and
- (d) any other direction as the Court sees fit.

(7) In this section “civil proceedings” include any proceedings under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act.

Use of DNA analysis services of parties' own choice. [6 of 2016].

**13A.** Nothing in this Act shall be construed as preventing parties interested in the determination of parental relationship from consenting to the use of DNA analysis using services of their choice unless the Court directs otherwise.

Designation of qualified persons. [6 of 2016].

**14.** The Registrar and Marshal of the Supreme Court may designate a qualified person to take non-invasive tissue samples in respect of which DNA analysis is required.

Failure to comply with direction for blood tests. [6 of 2016].

**15.** Where a Court gives a direction under section 13 and any person fails to take any step required of him for the purpose of giving effect to the direction, the Court may draw such inferences, if any, from that fact as appear proper in the circumstances.

- (2) }  
(3) } *(Repealed by Act No. 6 of 2016).*

**15A.** Any person who impersonates a qualified person commits an offence and is liable—

Impersonating a qualified person.  
[6 of 2016].

- (a) on summary conviction, to a fine of fifty thousand dollars and to imprisonment for two years; or  
(b) on conviction on indictment, to imprisonment for three years.

**15B.** A person who wilfully and without authorisation—

DNA analysis between consenting parties.  
[6 of 2016].

- (a) tampers with or destroys a tissue sample or the container or package containing a tissue sample;  
(b) falsifies information required under this Act;  
(c) falsifies results of a DNA test; or  
(d) gains or gives access to a tissue sample,

commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for seven years.

**16.** If for the purpose of providing a non-invasive tissue sample for DNA analysis required to give effect to a direction under section 13 any person personates another, or proffers a child knowing that it is not the child named in the direction, he is liable—

Penalties for personating another *re* blood tests and for tampering with blood sample.  
[6 of 2016].

- (a) on summary conviction, to a fine of fifty thousand dollars and to imprisonment for three years; or  
(b) on conviction on indictment, to imprisonment for five years.

- (2) *(Repealed by Act No. 6 of 2016).*

**16A.** The Registrar General may pursuant to section 9 or section 10 and upon payment of the prescribed fee insert the name of the father of a child on the birth certificate of that child.

Insertion of father's name.  
[6 of 1993].

**17.** (1) For the purposes of this Act, a tissue sample may be taken from a deceased person on the direction of the Court.

Tissue samples from deceased.  
[6 of 2016].

(2) A tissue sample referred to in subsection (1) may be taken from any part of the body or from blood or bodily fluid of the deceased person.

(3) Where a sample has been taken from a person prior to death, the Court may direct that tissue samples having been obtained during any medical procedures may be used for DNA testing subsequent to death.

(4) A tissue sample may be accepted into evidence provided that it can be proved to the satisfaction of the Court that—

- (a) the tissue sample can be identified as having been taken from the person who is the subject of the proceedings; and
- (b) the sample has not been contaminated.

#### GENERAL

Regulations.

**18.** (1) The Minister may, from time to time, make Regulations for all or any of the following purposes:

- (a) prescribing fees and forms for the purposes of this Act;
- (b) providing for such other matters as are contemplated by or necessary for giving full effect to this Act, and for its due administration.

(2) Where the Registrar General is empowered to do any act for which a fee is payable, he may refuse to do the act until the fee is paid.

Minister may designate a laboratory. [6 of 2016].

**18A.** The Minister may, by Order, for the purposes of DNA analysis, designate a laboratory that is accredited by an international accrediting body.

Rules Committee to make rules. [6 of 2016].

**18B.** (1) The Rules Committee may make rules—

- (a) with respect to any direction given by the Court pursuant to section 13; and
- (b) to regulate the taking, identification and transport of tissue samples referred to in section 17.

(2) In this section, “the Rules Committee” means the Rules Committee of the Supreme Court established under section 77 of the Supreme Court Act.

Ch. 4:01.

**19.** (1) The existing laws shall, as from the date of commencement of this Act, be construed with such adaptations as may be necessary to bring them into conformity with this Act.

Existing laws.

(2) The Minister may, from time to time, by Order, make such amendments to any existing law as may appear to him to be necessary for bringing that law into conformity with the provisions of this Act.

(3) For the purposes of this section, the expression “existing law” means any Act, Ordinance, Rule, Regulation, Order or other instrument which has effect as part of the Law of Trinidad and Tobago immediately before the commencement of this Act.

(4) An order made under this section shall be subject to affirmative resolution of Parliament.

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**SUBSIDIARY LEGISLATION**

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**BLOOD TESTS (EVIDENCE OF PATERNITY)  
REGULATIONS**

ARRANGEMENT OF REGULATIONS

**REGULATION**

1. Citation and commencement.
2. Interpretation.
3. Direction form.
4. Subjects under disability to be accompanied.
5. Taking of samples.
6. Sampling procedure.
7. Despatch of samples to tester.
8. Where sampler is unable to take samples.
9. Testing of samples.
10. Report by tester.
11. Where tests are not made.
12. Prescribed fees.

**FIRST SCHEDULE—Forms.**

**SECOND SCHEDULE—Fees.**

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**BLOOD TESTS (EVIDENCE OF PATERNITY)  
REGULATIONS**

92/1983.

*made under sections 17 and 18*

1. These Regulations may be cited as the Blood Tests (Evidence of Paternity) Regulations, and shall come into operation on Thursday the 9th day of June 1983.

Citation and commencement.

2. (1) In these Regulations—

Interpretation.

“civil proceedings” includes an application for maintenance of a minor under section 13 of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act;

Ch. 46:08.

“Court” means a Court which gives a direction for the use of blood tests in pursuance of section 13 of the Act;

“direction” means a direction given under section 13 of the Act;

“direction form” means the form set out as Form 1 in the First Schedule;

First Schedule.

“person named” means the mother of a subject or the man who is alleged to be the father of the subject from whom a Court has directed that blood samples shall be taken;

“photograph” means a recent photograph taken full face without a hat, the size of which shall be one and one-half inches by one and one-half inches or thirty-seven millimetres by thirty-seven millimetres;

“sampler” means a medical practitioner designated as such by the Minister pursuant to section 17 of the Act;

“subject” means a person whose paternity being in question in any civil proceedings falls to be determined by a Court hearing the proceedings.

(2) A reference in these Regulations to a person who is under a disability is a reference to a person who has not attained the age of sixteen years or who is suffering from a mental disorder within the meaning of the Mental Health Act and is incapable of understanding the nature and purpose of blood tests.

Ch. 28:02.

Direction form.

Form 1.  
Part I.  
Part II.  
First Schedule.

**3.** A sampler shall not take a sample from a subject or from a person named unless Parts I and II of Form 1 in the First Schedule have been completed and the direction form purports to be signed by the proper officer of the Court or some person on his behalf.

Subjects under disability to be accompanied.

**4.** A subject or a person named who is under a disability who attends a sampler for the taking of a sample shall be accompanied by a person of full age who shall identify him to the sampler.

Taking of samples.

**5.** (1) Without prejudice to the provisions of Rules of Court, a sampler may make arrangements for the taking of samples from a subject or from a person named or may change any arrangement already made and make other arrangements.

(2) Subject to these Regulations, where a subject or a person named attends a sampler in accordance with arrangements made under a direction, the sampler shall take a sample from him on that occasion.

(3) A sampler shall not take a sample from a subject or a person named if—

- (a) he has reason to believe that the subject or the person named has been transfused with blood within three months immediately preceding the day on which the sample is to be taken;
- (b) in his opinion, tests on a sample taken at that time from that subject or that person named could not effectively be carried out for the purposes of and in accordance with the direction; or
- (c) in his opinion, the taking of a sample might have an adverse effect on the health of the subject or the person named.

(4) A sampler may take a sample from a subject or a person named who has been injected with a blood product or blood plasma if, in his opinion, the value of any tests done on that sample would not be thereby affected, but shall inform the tester that the subject or the person named was so injected.

(5) Where a sampler does not take a sample from a subject or a person named in accordance with arrangements made for the taking of that sample and no other arrangements are made, he shall return the direction form relating to the subject or the person named to the Court, having stated on the form his reason for not taking the sample and any reason given by the subject or the person named (or by the person having the care and control of the subject or the person named) for any failure to attend in accordance with those arrangements.

(6) A subject or a person named who attends a sampler for the taking of a sample may be accompanied by his legal representative.

**6.** (1) A sampler shall comply with the provisions of this regulation, all of which shall be complied with in respect of one subject and the persons named in a direction before they are complied with in respect of any other subject and the persons named in another direction; so, however, that a report made in accordance with section 13(3) of the Act or any other evidence relating to the samples or the tests made on the samples shall not be challenged solely on the ground that a sampler has not acted in accordance with the provisions of this regulation.

Sampling  
procedure.

(2) Before a sample is taken from any person who has attained the age of twelve months by the date of the direction, the sampler shall ensure that a photograph of that person is affixed to the direction form relating to that person (subject or person named, as the case may be) unless the direction form is accompanied by a certificate from a medical practitioner that the subject or the person named is suffering from a mental disorder and that a photograph of him cannot or should not be taken.

(3) Before a sample is taken from a subject, or from a person named, he, or where he is under a disability the person of full age accompanying him, shall complete the declaration in Part V of the direction form (that that subject or person named is the subject or the person named to whom the direction form relates and, where a photograph is affixed to the direction form, that the photograph is a photograph of that subject or person named) which shall be signed in the presence of and witnessed by the sampler.

Form 1.  
Part V.  
First Schedule.

(4) Where a subject or a person named is suffering from a mental disorder, the sampler shall not take a sample from him unless the sampler is in possession of a certificate from a medical practitioner certifying that the taking of a blood sample from the subject or the person named will not be prejudicial to his proper care and treatment.

(5) A sample shall not be taken from any subject or from a person named unless—

- (a) he or, where he is under a disability, the person having the care and control of him, has signed a statement on the direction form that he consents to the sample being taken; or
- (b) where he is under a disability and is not accompanied by the person having the care and control of him, the sampler is in possession of a statement in writing, purporting to be signed by that person that he consents to the sample being taken.

(6) The sampler shall affix to the direction form any statement referred to in subregulation (5)(b).

(7) If a subject or a person named, or where he is under a disability, the person having the care and control of him, does not consent to the taking of a sample, he may record on the direction form his reasons for withholding his consent.

(8) When the sampler has taken a sample he shall place it in a suitable container and shall affix to the container a label giving the full name, age and sex of the subject or the person named from whom it was taken and the label shall be signed by the sampler and by that subject or person named or, if he is under a disability, the person accompanying him.

(9) The sampler shall state in Part VII of the direction form that he has taken the sample and the date on which he did so.

Form 1.  
Part VII.  
First Schedule.

Despatch of  
samples to  
tester.

7. (1) When a sampler has taken samples, he shall, where he is not himself the tester, pack the containers together with the relevant direction forms and shall despatch them forthwith to the tester by registered post or shall deliver them or cause them to be delivered to the tester by some person, other than a subject or a

person named or a person who has accompanied a subject or a person named to the sampler.

(2) If at any time a sampler despatches to a tester samples from some only of a subject and the persons named and has not previously despatched samples taken from the subject or other persons named, he shall inform the tester whether he is expecting to take any samples from the subject and the other persons named and, if so, from whom and on what date.

**8.** (1) Where a sampler is unable himself to take samples from a subject and all persons named he may request another sampler to take the samples which he is unable to take.

Where sampler is unable to take samples.

(2) The sampler shall record the nomination of the other sampler on the relevant direction forms and shall forward them to the sampler whom he has requested to take the samples in his place.

**9.** (1) Samples taken for the purpose of giving effect to a direction shall, so far as practicable, all be tested by the same tester.

Testing of samples.

(2) A tester shall not make tests on any samples for the purpose of a direction unless he will, in his opinion, be able to show from the results of those tests (whether alone or together with the results of tests on any samples which he has received and tested or expects to receive subsequently) that a person named is or is not excluded from being the father of a subject whose paternity is in dispute.

**10.** On completion of the tests in compliance with the direction, the tester shall forward to the Court a report in the form set out as Form 2 in the First Schedule, together with the appropriate direction forms.

Report by tester.

Form 2.  
First Schedule.

**11.** If at any time it appears to a tester that he will be unable to make tests in accordance with the direction, he shall inform the Court, giving his reasons, and shall return the direction forms in his possession to the Court.

Where tests are not made.

**12.** The fees specified in the Second Schedule are hereby prescribed for the purposes of the Act and samplers and testers shall be paid the fees so specified and prescribed.

Prescribed fees.  
Second  
Schedule.

**FIRST SCHEDULE**

**FORM 1**

**DIRECTION FORM**

**STATUS OF CHILDREN ACT, CH. 46:07**

Regulations 2(1)  
and 10.

Insert title of  
proceedings.

.....

v

.....

Reference No. of direction .....

Full name and date of birth of person to be tested to whom this form

relates .....

**PART I**

**NOTIFICATION OF DIRECTION**

The ..... (name and address of Court)

on ..... day of ..... 20.....

directed that blood tests be carried out in respect of the persons whose names  
are set out below for the purpose of ascertaining the paternity of

..... (name of person whose paternity is in dispute)

and that blood samples be taken from the person named below on or before

the ..... day of ..... 20.....

\*Delete as  
appropriate.

\*The name of the person appearing to the Court to have the care and  
control of the person to whom this form relates who is under 16\*/suffering  
from a mental disorder within the meaning of the Mental Health Act,  
Ch. 28:02 and is incapable of understanding the nature and purpose of

blood tests, is .....

..... (Signed)  
Proper Officer of the Court

Name	Address	Age
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

**PART II**

**REQUEST TO SAMPLER TO TAKE SAMPLE**

To ..... (name and address of sampler).

You are hereby requested to take a blood sample from .....

..... (name of person to whom form relates).

You are further requested to send the sample taken to ..... (name and address of tester) (or the tester by whom you have arranged for tests to be made).

Delete if  
sampler is  
also tester.

Other samples will be taken as follows:

*Name of person from whom  
sample will be taken*

*Name, address and telephone  
number of sampler*

.....  
.....  
.....  
.....

.....  
.....  
.....  
.....

To be  
completed  
where all the  
samples from  
the parties  
named in  
Part I are  
not to be  
taken by  
the same  
sampler.

..... (Signed)

Being unable to comply with the request set out above, I have nominated ..... (name and address of nominee) to take the sample.

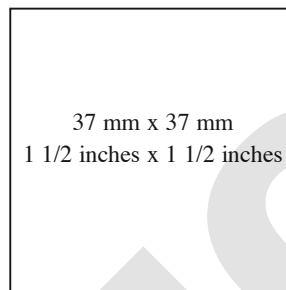
For use  
where sampler  
named above  
nominates  
another  
sampler.

..... (Signed)

PART III

PHOTOGRAPH

Below is a photograph of the person to whom this form relates, being a person who has attained the age of twelve months.



PART IV

(To be completed by sampler)

\*Insert name of person to whom form relates or, in the case of person under 16 or suffering from mental disability, person accompanying that person.

I have questioned\* ..... and it appears that he/she/the party to whom this form relates—

has/has not† been transfused with blood in the last three months;  
†has not been injected with a blood product or plasma substitute;  
†has been injected with a blood product/blood plasma† on or about .....  
and that the value of any tests will thereby be/not be †affected.

†Delete as appropriate.

..... (Signed)  
(Sampler)

PART V

DECLARATION

(To be completed where the person to whom the form relates has attained the age of sixteen years and is not suffering from a mental disability).

I, ..... (insert full name and address of person to whom the form relates) declare that the photograph affixed to Part III of this form is a photograph of me and that I am a person in respect of whom the above-named Court gave a direction that blood tests be made. I hereby consent/do not consent\* to the taking of a blood sample from me for the purpose of such tests.

\*Delete as appropriate.

(I do not consent because .....)<sup>†</sup>

I understand that it is a serious offence punishable by imprisonment to personate another person for the purpose of providing a blood sample.

Date ..... (Signed)

The above was explained to the declarant who stated that he/she understood it and signed it in my presence.

Date ..... (Signed)  
(Sampler)

<sup>†</sup>To be deleted unless the person making the declaration withholds consent and wishes to record the reason for so doing.

**PART VI  
DECLARATION**

(To be completed where the person to whom the form relates has not attained the age of sixteen years or is suffering from a mental disability).

I, ..... (full name and address of person accompanying the subject) (\*being the person having the care and control of .....)  
(name of person to whom form relates) declare that the person whom I identify to ..... (insert name of sampler)

\*Delete if not applicable.

(<sup>†</sup> and whose photograph is affixed to Part III of this form) is, to the best of my knowledge and belief .....

<sup>†</sup>Delete as appropriate.

who is the son/daughter of ..... (insert the name of mother of person identified).

I, being the person having the care and control of the person to whom this form relates, consent/do not consent<sup>‡</sup> to the taking of a sample.

(I do not consent because—<sup>‡</sup> ..... )

<sup>‡</sup>To be completed if the person making the declaration withholds consent and wishes to record the reason for so doing.

I understand that it is a serious offence punishable by imprisonment to personate another person for the purpose of providing a blood sample or to proffer the wrong child for that purpose.

Date ..... (Signed)

The above was explained to the declarant who stated that he/she understood it and signed it in my presence.

Date ..... (Signed)  
(Sampler)

**PART VII**

(To be completed by sampler)

Delete as appropriate.

I have today taken a blood sample from .....  
to whom this form relates, whose (apparent) age is ..... years.  
(I identified him/her from the photograph affixed to this form). (He/She  
was [also] identified to me by .....)

Date ..... (Signed)  
..... (Sampler)

*Observations*

(Any observations by the sampler which may assist the tester shall be inserted here).

**PART VIII**

(To be completed by sampler)

The person to whom this form relates did not attend on the date originally arranged (or on a new date arranged by me).

Delete if inappropriate.

His/Her reasons given to me for failing to attend were as follows:

Date ..... (Signed)  
..... (Sampler)

**PART IX**

(To be completed by tester).

I have today received at ..... (insert  
place of receipt) the sample referred to in Part VII of this form.

(It was received by special delivery service).

Delete as appropriate.

(It was handed to me by ..... )

Date ..... (Signed)  
..... (Tester)

**FORM 2**

Regulation 10.

**REPORT BY TESTER**

**STATUS OF CHILDREN ACT, CH. 46:07**

Ref. No. of Proceedings.

To—

Registrar of the High Court  
Clerk of the Peace

Magistrate's Court (a)

.....

v

(b)

.....

**PART I**

I, ....., being a blood tester designated by the Minister to carry out blood tests for the purpose of the Status of Children Act, Ch. 46:07 certify that I have carried out a blood group investigation (the details of which are given in Part II of this Report) of the following persons:

From the results obtained Mr. ....

is excluded/is not excluded from possible paternity of .....

Reason for conclusion—

Comments on value, if any, of tests in determining whether any person tested is the father of the person whose paternity is in dispute.

..... Signature

..... Status

..... Address

.....

PART II

BLOOD GROUPING REPORT

- (a) Complete as appropriate.  
(b) Insert title of proceedings.

SECOND SCHEDULE

Regulation 12.

FEES

SAMPLERS

The fees which may be charged by a sampler in respect of one direction requesting him to take samples shall be as follows:

	\$
For making all necessary arrangements (whether or not samples are taken) ... ..	20.00
For making further arrangements (whether or not samples are taken) to give effect to a variation by the Court of a direction ... ..	20.00
For taking sample—	
from first subject ... ..	20.00
from each subject after the first ... ..	10.00
For taking second or subsequent samples from one or more subjects—	
if one such sample ... ..	20.00
if two such samples ... ..	30.00
if three or more such samples ... ..	50.00

TESTERS

The fees which may be charged by a tester in respect of tests for the purpose of giving effect to one direction shall be as follows:

	\$
For making a report in accordance with the direction and testing four or less samples ... ..	120.00
For testing each sample after the fourth covered by a report ... ..	40.00
For testing samples where no report is made—	
in respect of the first sample ... ..	80.00
in respect of each subsequent sample ... ..	40.00

**PRESCRIBED FEES REGULATIONS**

*made under section 18*

91/1983.  
[6 of 1993].

1. These Regulations may be cited as the Prescribed Fees Regulations, and shall come into operation on Thursday the 9th day of June 1983.

Citation and  
commencement.

2. A fee of two dollars and fifty cents and a fee of twenty-five cents are hereby prescribed for the purposes of subsections (1) and (4) respectively of section 9 of the Act.

Prescribed fees.

3. A fee of fifty dollars is hereby prescribed for the purposes of section 16A of the Act.

Fee for insertion  
of father's name  
on certificate.  
[6 of 1993].

\_\_\_\_\_