

LEGAL NOTICE No. 92

REPUBLIC OF TRINIDAD AND TOBAGO

STATUS OF CHILDREN ACT, 1981  
(17 of 1981)

REGULATIONS

MADE BY THE MINISTER OF LEGAL AFFAIRS UNDER SECTIONS 17 AND 18  
OF THE STATUS OF CHILDREN ACT, 1981 (17 OF 1981)

BLOOD TESTS (EVIDENCE OF PATERNITY) REGULATIONS,  
1983

1. These Regulations may be cited as the Blood Tests (Evidence of Paternity) Regulations, 1983, 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, 1981; 15 of 1981
- “Court” means a court which gives a direction for the use of blood tests in pursuance of section 13 of the Act; 17 of 1981
- “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. Chap. 28:02

Direction  
form  
Form I  
Schedule

(3) A sampler shall not take a sample from a subject or from a person named unless Parts I and II of Form I in the 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 dis-  
ability 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 effected, 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.

Sampling  
procedure

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.

(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 I  
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 I  
Part VII  
First  
Schedule

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.

Despatch  
of samples  
to tester

(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.

Where sampler is unable to take samples

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.

(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.

Testing of samples

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.

(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.

Report by tester Form 2 First Schedule

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.

Where tests are not made

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.

Prescribed fees Second Schedule

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.

FIRST SCHEDULE

Regulations 2(1) and 10

FORM 1

DIRECTION FORM

STATUS OF CHILDREN ACT, 1981  
(17 of 1981)

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.....19..... 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 persons named below on or before the.....day of..... 19.....

\*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, Chap. 28:02 and is incapable of understanding the nature and purpose of blood tests, is.....

\*Delete as appropriate

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

Table with 3 columns: Name, Address, Age. Each row contains dotted lines for text entry.

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

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

Other samples will be taken as follows:

Name of person from whom sample will be taken

Name, address and telephone number of sampler

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

.....(Signed)

For use where sampler named above nominates another sampler

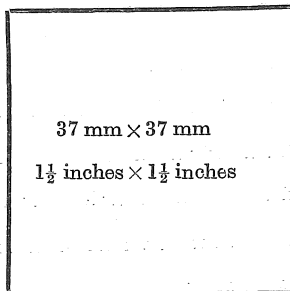
Being unable to comply with the request set out above, I have nominated .....(name and address of nominee) to take the sample.

.....(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)

I have questioned\*.....and it appears that \*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

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.†

.....(Signed)  
 (Sampler) †Delete as appropriate

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.

(I do not consent because.....)†  
 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)

\*Delete as appropriate

†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

\*Delete if not applicable

to whom form relates) declare that the person whom I identify to.....

.....(insert name of sampler) (†and whose photograph is affixed to Part III of this form) is,

†Delete as appropriate

to the best of my knowledge and belief.....

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† to the taking of a sample. (I do not consent because—† )

†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)

Delete if inappropriate

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

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, 1981  
(17 of 1981)

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, 1981 (17 of 1981) 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

Made by the Minister of Legal Affairs this 22nd day of April, 1983.

R. MARTINEAU  
*Minister of Legal Affairs*