

9.—(1) Any instrument of the kind described in subsection (2) of section 8, or a duplicate or attested copy of any such instrument, may in the prescribed manner and on payment of the prescribed fee (if any) be filed in the office of the Registrar-General, but it shall not be necessary to file any such instrument.

Instruments of acknowledgement may be filed with Registrar-General.

(2) The Registrar-General shall cause indices of all instruments and duplicates and copies of instruments filed with him under subsection (1) to be made and kept in his office, and shall upon the request of any person and on receipt of the prescribed fee (if any), cause a search of any index to be made, and shall permit any such person to inspect any such instrument or any such duplicate or copy.

(3) Where the Supreme Court or the Family Court makes a declaration of paternity under section 10 or where a Resident Magistrate's Court or the Family Court makes an affiliation order within the meaning of the Affiliation Act, the Registrar of the Court or the Clerk of the Court, as the case may be, shall forward a copy of the declaration or order, as the case may require, to the Registrar-General for filing in his office under this section, and on receipt of any such copy the Registrar-General shall file it accordingly as if it were an instrument of the kind described in subsection (2) of section 8.

10.—(1) Any person who—

- (a) being a woman, alleges that any named person is the father of her child; or
- (b) alleges that the relationship of father and child exists between himself and any other person; or
- (c) 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,

Power of Court to make declaration of paternity.

may apply in such other manner as may be prescribed by rules of court to the Supreme Court or the Family 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 declaration of paternity whether or not the father or the child or both of them are living or dead.

(2) Where a declaration of paternity under subsection (1) is made after the death of the father or of the child, the Court may at the same or any subsequent time make a declaration determining, for the purposes of paragraph (b) of subsection (1) of section 7, whether any of the requirements of that paragraph have been satisfied.

Blood Tests

11.—(1) In any civil proceedings in which the paternity of any person (hereinafter referred to as “the subject”) falls to be determined by the court hearing the proceedings, the court may, on an application by any party to the proceedings, give a direction for the use of blood tests to ascertain whether such tests show that a party to the proceedings is or is not thereby excluded from being the father of the subject and for the taking, within a period to be specified in the direction, of blood samples from the subject, the mother of the subject and any party alleged to be the father of the subject or from any, or any two, of those persons.

(2) A court may at time revoke or vary a direction previously given by it under this section.

(3) The person responsible for carrying out blood tests taken for the purpose of giving effect to a direction under this section shall make to the court by which the direction was given a report in which he shall state—

- (a) the results of the tests;
- (b) whether the person to whom the report relates is or is not excluded by the results from being the father of the subject; and

(7) In this section civil proceedings include any proceedings under the Affiliation Act.

12.—(1) Subject to the provisions of subsections (3) and (4) and without prejudice to section 13, a blood sample which is required to be taken from any person for the purpose of giving effect to a direction under section 11 shall not be taken from that person except with his consent.

(2) The consent of a minor who has attained the age of sixteen years to the taking from himself of a blood sample shall be as effective as it would be if he were of full age; and where a minor has by virtue of this subsection given an effective consent to the taking of a blood sample it shall not be necessary to obtain any consent for it from any other person.

(3) A blood sample may be taken from a person under the age of sixteen years, not being such a person as is referred to in subsection (4), if the person who has the care and control of him consents.

(4) A blood sample may be taken from a person who is suffering from mental disorder and is incapable of understanding the nature and purposes of blood tests in the person who has the care and control of him consents and the medical practitioner in whose care he is has certified that the taking of a blood sample from him will not be prejudicial to his proper care and treatment.

13.—(1) Where a court gives a direction under section 11 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) Where in any proceedings in which the paternity of any person falls to be determined by the court hearing

Consents,
etc., re-
quired for
taking of
blood
samples.

Failure to
comply
with
directions
for blood
tests.