

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

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

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.

Failure to
comply
with
directions
for blood
tests.

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

the proceedings there is a presumption of law that that person is born in wedlock, then if—

- (a) a direction is given under section 11 in those proceedings; and
- (b) any party who is claiming any relief in the proceedings and who for the purpose of obtaining that relief is entitled to rely on the presumption fails to take any step required of him for the purpose of giving effect to the direction,

the court may adjourn the hearing for such period as it thinks fit to enable that party to take that step, and if at the end of that period he has failed without reasonable cause to take it the court may, without prejudice to subsection (1), dismiss his claim for relief notwithstanding the absence of evidence to rebut the presumption.

(3) Where any person named in a direction under section 11 fails to consent to the taking of a blood sample from himself or from any person named in the direction of whom he has the care and control, he shall be deemed for the purposes of this section to have failed to take a step required of him for the purposes of giving effect to the direction.

14.—If for the purpose of providing a blood sample for a test required to give effect to a direction under section 11 any person personates another, or proffers a child knowing that it is not the child named in the direction, he shall be liable on summary conviction in a Resident Magistrate's Court to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred dollars.

Penalty for personating another re blood tests.

15.—The Minister may by regulations make provision as to the manner of giving effect to directions under section 11 and, in particular, any such regulations may—

Regulations re blood tests.