

ELIZABETH II



Affiliation Proceedings (Amendment) Act 1972

1972 CHAPTER 49

An Act to amend the law relating to proceedings for an affiliation order or for the variation, revocation or revival of such an order, and for connected purposes.

[27th July 1972]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) In section 4 of the Affiliation Proceedings Act 1957 (which, among other things, requires the court hearing a complaint to hear the mother's evidence) the following subsection shall be substituted for subsection (1):—

“ (1) On the hearing of a complaint under section 1 of this Act the court may adjudge the defendant to be the putative father of the child but shall not do so, in a case where evidence is given by the mother, unless her evidence is corroborated in some material particular by other evidence to the court's satisfaction.”

(2) In subsection (2) of the said section 4, for the words from the beginning to “ may also ” there shall be substituted the words “ Where the court has adjudged the defendant to be the putative father of the child it may also ”.

(3) In section 8(2) of the said Act of 1957 (which relates to appeals), for the words from “ hear the evidence ” to the end there shall be substituted the words “ hear any evidence given by or on behalf of either party but shall not confirm the order appealed against (or reverse the refusal to make an order), in a case where evidence is given by the mother, unless her evidence is corroborated in some material particular by other evidence to the court's satisfaction ”.

Powers of court on hearing complaint for affiliation order and on appeal. 1957 c. 55.

(4) The following enactments are hereby repealed:—

- 1948 c. 29. (a) in section 44(3) of the National Assistance Act 1948
1948 c. 43. and section 26(2) of the Children Act 1948 the words
“in addition to the evidence required to be heard by
section 4 of the said Act of 1872”;
- 1966 c. 20. (b) in section 24(3) of the Ministry of Social Security Act
1966 the words “in addition to the evidence required
to be heard by section 4 of the said Act of 1957”; and
- 1972 c. 18. (c) in section 30(3) of the Maintenance Orders (Reciprocal
Enforcement) Act 1972, paragraph (b) and the word
“and” immediately preceding it.

Time for
application
for summons.

2.—(1) In section 2 of the said Act of 1957 (application for summons to be made within a certain time)—

- (a) in paragraphs (a) and (b) of subsection (1), for the words
“twelve months” there shall be substituted the words
“three years”; and
- (b) in paragraph (c) of subsection (1) and in subsection (2),
for the words “twelve months”, in each case in the
second place where they occur, there shall be substituted
the words “three years”.

(2) In section 30(3)(a) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (payment under the law applied by a court outside the United Kingdom of money towards the maintenance of a child) for the words “twelve months” there shall be substituted the words “three years (or twelve months, in the case of a complaint under the said Act of 1924)”.

Procedure on
application
for, or for
variation,
revival or
revocation
of, affiliation
order.

1952 c. 55.

3.—(1) The proceedings which are domestic proceedings within the meaning of the Magistrates’ Courts Act 1952 shall include proceedings on an application for—

- (a) an affiliation order made under the said Act of 1957, section 44 of the National Assistance Act 1948, section 26 of the Children Act 1948 or section 24 of the Ministry of Social Security Act 1966; or
- (b) the revival or revocation of such an order,
and section 56 of the said Act of 1952 (which defines “domestic proceedings”) shall have effect accordingly.

(2) The court before which there fall to be heard any proceedings for the variation of such an order as is mentioned in subsection (1) of this section may, if it thinks fit, order that those proceedings and any other proceedings being heard therewith shall be treated for the purposes of the said Act of 1952 as domestic proceedings.

(3) Section 5(1) of the Legitimacy Act 1959, section 24(8) of 1959 c. 73. the said Act of 1966 and in section 17(3) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 the words “or section 5 of the Legitimacy Act 1959” are hereby repealed. 1972 c. 18.

4.—(1) This Act may be cited as the Affiliation Proceedings (Amendment) Act 1972. Short title, extent and commencement.

(2) This Act shall not extend to Scotland or, except in so far as it amends section 30(3)(a) of the Maintenance Orders (Reciprocal Enforcement) Act 1972, to Northern Ireland.

(3) This Act shall come into force at the expiration of the period of three months beginning with the day on which it is passed.

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