



Isle of Man

Ellan Vannin

AT 26 of 1971

**FAMILY LAW REFORM (ISLE OF MAN)
ACT 1971**



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**Isle of Man***Ellan Vannin*

FAMILY LAW REFORM (ISLE OF MAN) ACT 1971

Received Royal Assent: 27 October 1971
Passed: 15 December 1971
Commenced: 1 April 1972

AN ACT to amend the law relating to the age of majority, to persons who have not attained that age and to the time when a particular age is attained; to make provision for the use of blood tests for the purpose of determining the paternity of any person in civil proceedings; to make provision with respect to the evidence required to rebut a presumption of legitimacy and illegitimacy; to make further provision in connection with the registration of the birth of an illegitimate child, for entering the name of the father; and for connected purposes.

PART I – REDUCTION OF AGE OF MAJORITY AND RELATED PROVISIONS

1 Reduction of age of majority from 21 to 18

[FLRA 1969/1P]

- (1) As from the date on which this section comes into force a person shall attain full age on attaining the age of eighteen instead of on attaining the age of twenty-one; and a person shall attain full age on that date if he has then already attained the age of eighteen but not the age of twenty-one.
- (2) The foregoing subsection applies for the purposes of any rule of law, and, in the absence of a definition or of any indication of a contrary intention, for the construction of “full age”, “infant”, “infancy”, “minor”, “minority” and similar expressions in —
 - (a) any statutory provision, whether passed or made before, on or after the date on which this section comes into force; and
 - (b) any deed, will or other instrument of whatever nature (not being a statutory provision) made on or after that date.
- (3) In the statutory provisions specified in Schedule 1 to this Act for any reference to the age of twenty-one years there shall be substituted a reference to the age of eighteen years.¹

- (4) The transitional provisions and savings contained in Schedule 3 to this Act shall have effect in relation to this section.²
- (5) In this section “statutory provision” means any enactment (including, except where the context otherwise requires, this Act) and any order, rule, regulation, bye-law or other instrument made in the exercise of a power conferred by any enactment.
- (6) Notwithstanding any rule of law, a will or codicil executed before the date on which this section comes into force shall not be treated for the purposes of this section as made on or after that date by reason only that the will or codicil is confirmed by a codicil executed on or after that date.

2 [Repealed]³

3 [Repealed]⁴

4 [Repealed]⁵

5 [Repealed]^{6 7}

6 and 7 [Repealed]⁸

8 Consent by persons over 16 to surgical, medical and dental treatment

[1969/8P]

- (1) The consent of a minor who has attained the age of sixteen years to any surgical, medical or dental treatment which, in the absence of consent, would constitute a trespass to his person, shall be as effective as it would be if he were of full age; and where a minor has by virtue of this section given an effective consent to any treatment it shall not be necessary to obtain any consent for it from his parent or guardian.
- (2) In this section “surgical, medical or dental treatment” includes any procedure undertaken for the purposes of diagnosis, and this section applies to any procedure (including, in particular, the administration of an anaesthetic) which is ancillary to any treatment as it applies to that treatment.
- (3) Nothing in this section shall be construed as making ineffective any consent which would have been effective if this section had not been enacted.

9 Time at which a person attains a particular age

[1969/9P]

- (1) The time at which a person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.

- (2) This section applies only where the relevant anniversary falls on a date after that on which this section comes into force, and, in relation to any enactment, deed, will or other instrument, has effect subject to any provisions therein.

10 [Repealed]⁹

11 Persons under full age may be described as minors instead of infants

[1969/12P]

A person who is not of full age may be described as a minor instead of as an infant, and accordingly in this Act “**minor**” means such a person as aforesaid.

PART II – PROVISIONS FOR USE OF SCIENTIFIC TESTS IN DETERMINING PATERNITY

12 Power of court to require use of scientific tests

[1969/20P]

- (1) In any civil proceedings in which the parentage of any person falls to be determined, the court may, either of its own motion or on an application by any party to the proceedings, give a direction —
- (a) for the use of scientific tests to ascertain whether such tests show that a party to the proceedings is or is not the father or mother of that person; and
 - (b) for the taking, within a period specified in the direction, of bodily samples from all or any of the following, namely, that person, any party who is alleged to be the father or mother of that person and any other party to the proceedings;

and the court may at any time revoke or vary a direction previously given under this subsection.¹⁰

- (2) The person responsible for carrying out scientific tests in pursuance of a direction under subsection (1) shall make to the court a report in which he shall state —
- (a) the results of the tests;
 - (b) whether any party to whom the report relates is or is not excluded by the results from being the father or mother of the person whose parentage is to be determined; and
 - (c) in relation to any party who is not so excluded, the value (if any) of the results in determining whether that party is the father or mother of that person;

and the report shall be received by the court as evidence in the proceedings of the matters stated in it.¹¹

- (2A) In relation to proceedings on an application under section 10A of the *Legitimacy Act 1985*, any reference in subsection (1) or (2) to any party to the proceedings includes a reference to any person named in the application.¹²
- (3) A report under subsection (2) of this section shall be in the form prescribed by regulations made under section 14 of this Act.
- (4) Where a report has been made to a court under subsection (2) of this section, any party 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 (except subsection (3) thereof) 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, unless the court otherwise directs, shall not be entitled to call as a witness the person responsible for carrying out the tests taken for the purpose of giving effect to the direction, or any person by whom any thing necessary for the purpose of enabling those tests to be carried out was done, unless 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; 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 party on whose application the direction is given shall pay the cost of taking and testing bodily samples for the purpose of giving effect to the direction (including any expenses reasonably incurred by any person in taking any steps required of him for the purpose), and of making a report to the court under this section, but the amount paid shall be treated as costs incurred by him in the proceedings.¹³

13 Consents, etc, required for taking of bodily samples

[1969/21P]

- (1) Subject to the provisions of subsections (3) and (4) of this section, a bodily sample which is required to be taken from any person for the purpose of giving effect to a direction under section 12 of this Act shall not be taken from that person except with his consent.¹⁴
- (2) The consent of a minor who has attained the age of sixteen years to the taking from himself of a bodily 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 bodily sample it shall not be necessary to obtain any consent for it from any other person.¹⁵

- (3) A bodily 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) of this section, if the person who has the care and control of him consents.¹⁶
- (4) A bodily sample may be taken from a person suffering from mental disorder within the meaning of the *Mental Health Act 1974* and is incapable of understanding the nature and purpose of scientific tests if 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 bodily sample from him will not be prejudicial to his proper care and treatment.¹⁷
- (5) The foregoing provisions of this section are without prejudice to the provisions of section 15 of this Act.

14 Power to provide for manner of giving effect to direction for use of scientific tests

[1969/22P]

- (1) The Clerk of the Rolls may by regulations make provision as to the manner of giving effect to directions under section 12 of this Act and, in particular, and such regulations may —
 - (a) provide that bodily samples shall not be taken except by such medical practitioners as may be appointed by the Department of Health and Social Care or, as the case may be, Manx Care (a Statutory Board established under the *Manx Care Act 2021*);¹⁸
 - (aa) prescribe the bodily samples to be taken;¹⁹
 - (b) regulate the taking, identification and transport of bodily samples;²⁰
 - (c) require the production at the time when a bodily sample is to be taken of such evidence of the identity of the person from whom it is to be taken as may be prescribed by the regulations;²¹
 - (d) require any person from whom a bodily sample is to be taken, or, in such cases as may be prescribed by the regulations, such other person as may be so prescribed, to state in writing whether he or the person from whom the sample is to be taken, as the case may be, has during such period as may be specified in the regulations suffered from any such illness or condition or undergone any such treatment as may be so specified or received a transfusion of blood;²²
 - (e) provide that scientific tests shall not be carried out except by such persons, and at such places, as may be appointed by the Department of Health and Social Care or, as the case may be, Manx Care (a Statutory Board established under the *Manx Care Act 2021*);²³

- (f) prescribe the scientific tests to be carried out and the manner in which they are to be carried out;²⁴
 - (g) [Repealed]²⁵
 - (h) make provision for securing that so far as practicable the bodily samples to be tested for the purpose of giving effect to a direction under section 12 of this Act are tested by the same person;
 - (i) prescribe the form of the report to be made to a court under section 12 of this Act.²⁶
- (1A) The charges that may be made for the taking and testing of bodily samples and for the making of a report to the court under section 12 of this Act shall be those payable under regulations for the time being in force in England and Wales under section 22(1)(g) of the Family Law Reform Act 1969 (an Act of Parliament).²⁷
- (2) Regulations made under this section shall be subject to the approval of Tynwald.

15 Failure to comply with direction for taking scientific tests

[1969/23P]

- (1) Where a court gives a direction under section 12 of this Act 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 parentage of any person falls to be determined by the court hearing the proceedings there is a presumption of law that that person is legitimate, then if —
 - (a) a direction is given under section 12 of this Act 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) of this section, dismiss his claim for relief notwithstanding the absence of evidence to rebut the presumption.²⁸

- (3) Where any person named in a direction under section 12 of this Act fails to consent to the taking of a bodily 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 purpose of giving effect to the direction.²⁹

16 Penalty for personating another, etc, for purpose of providing bodily sample

[1969/24P]

If for the purpose of providing a bodily sample for a test required to give effect to a direction under section 12 of this Act any person personates another, or proffers a child knowing that it is not the child named in the direction, he shall be liable —

- (a) on conviction on information, to imprisonment for a term not exceeding two years, or
- (b) on summary conviction, to a fine not exceeding level 5 on the standard scale.^{30 31}

17 Interpretation of Part II

In this Part —

“**bodily sample**” means a sample of bodily fluid or bodily tissue taken for the purpose of scientific tests;

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

“**scientific tests**” means tests carried out under this Part and made with the object of ascertaining the inheritable characteristics of bodily fluids or bodily tissue.³²

PART III – MISCELLANEOUS AND GENERAL

18 [Repealed]³³

19 and 20 [Repealed]³⁴

21 [Repealed]³⁵

22 Amendment, revocation and repeal of Acts and instruments by order

Where at the commencement of the Act there is in force any Act, or any instrument made under any Act, containing provisions appearing to the Governor in Council to be inconsistent with any of the provisions of this Act or to be redundant in consequence of the passing of this Act, the Governor in Council may with the approval of Tynwald, and without prejudice to any power to amend, revoke or repeal those provisions, by order make such alterations, whether by amendment, revocation or repeal, in the said Act or instrument as appear to him to be necessary for the purpose of bringing those provisions into conformity with the provisions of this Act or for the purpose of removing the redundant provisions as the case may be.³⁶

23 Short title, interpretation and commencement

- (1) This Act may be cited as the Family Law Reform (Isle of Man) Act 1971.
- (2) This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys, but shall take effect on such day as the Governor may by order appoint, and different days may be appointed for different provisions of this Act.³⁷

SCHEDULE 1

STATUTORY PROVISIONS AMENDED BY SUBSTITUTING 18 FOR 21 YEARS

Section 1(3)

[Sch 1 amended by Marriage Act 1984 Sch 5, by Adoption Act 1984 Sch 5, by Administration of Estates Act 1990 Sch 5 and by Family Law Act 1991 Sch 6, and amends the following Acts —

The Industrial and Building Societies Act 1892 q.v.

Trustee Act 1961 q.v.]

SCHEDULE 2³⁸

SCHEDULE 3

TRANSITIONAL PROVISIONS AND SAVINGS

Section 1(4)

Interpretation

1. (1) In this Schedule “**the principal section**” means section 1 of this Act and “**the commencement date**” means the date on which that section comes into force.

(2) Subsection (6) of the principal section shall apply for the purposes of this Schedule as it applies for the purposes of that section.

Funds in Court

2. Any order or directions in force immediately before the commencement date by virtue of any rules of court or other statutory provisions relating to the control of money recovered by or otherwise payable to an infant in any proceedings shall have effect as if any reference therein to the infant’s attaining the age of twenty-one were a reference to his attaining the age of eighteen or, in relation to a person who by virtue of the principal section attains full age on the commencement date, to that date.

Wardship and custody orders

3. [Repealed]³⁹

4. [Repealed]⁴⁰

Power of trustees to apply income for maintenance of minor

5. (1) The principal section shall not affect section 31 of the *Trustee Act 1961* —
- (a) in its application to any interest under an instrument made before the commencement date;
 - (b) [Repealed]⁴¹

(2) In any case in which (whether by virtue of this paragraph or paragraph 8 of this Schedule) trustees have power under subsection (1)(i) of the said section 31 to pay income to the parent or guardian of any person who has attained the age of eighteen, or to apply it for or towards the maintenance, education or benefit of any such person, they shall also have power to pay it to that person himself.

6. [Repealed]⁴²

7. [Repealed]⁴³

Statutory provisions incorporated in deeds, wills, etc.

8. The principal section shall not affect the construction of any statutory provision where it is incorporated in and has effect as part of any deed, will or other instrument the construction of which is not affected by that section.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Subs (3) amended by Family Law Act 1991 Sch 6.

² Subs (4) amended by Statute Law Revision Act 1997 Sch 2.

³ S 2 repealed by Marriage Act 1984 Sch 5.

⁴ S 3 repealed by Administration of Estates Act 1990 Sch 5.

⁵ S 4 repealed by Family Law Act 1991 Sch 6.

⁶ Subs (1) repealed by Inheritance (Provisions for Family and Dependents) Act 1982 Sch.

⁷ Subss (2) and (3) repealed by Domestic Proceedings Act 1983 Sch 3.

⁸ Ss 6 and 7 repealed by Family Law Act 1991 Sch 6.

⁹ S 10 repealed by Statute Law Revision Act 1997 Sch 2.

¹⁰ Subs (1) substituted by Family Law Act 1991 s 21.

¹¹ Subs (2) substituted by Family Law Act 1991 s 21.

¹² Subs (2A) inserted by Family Law Act 1991 s 21.

¹³ Subs (6) amended by Family Law Act 1991 Sch 5.

¹⁴ Subs (1) amended by Family Law Act 1991 Sch 5.

¹⁵ Subs (2) amended by Family Law Act 1991 Sch 5.

¹⁶ Subs (3) amended by Family Law Act 1991 Sch 5.

¹⁷ Subs (4) amended by Family Law Act 1991 Sch 5.

¹⁸ Para (a) amended by Family Law Act 1991 Sch 5, by Transfer of Governor's Functions Act 1992 Sch 1, by SD155/10 Sch 4, by SD2014/08 and by Manx Care Act 2021 Sch 5.

¹⁹ Para (aa) inserted by Family Law Act 1991 Sch 5.

²⁰ Para (b) amended by Family Law Act 1991 Sch 5.

- ²¹ Para (c) amended by Family Law Act 1991 Sch 5.
- ²² Para (d) amended by Family Law Act 1991 Sch 5.
- ²³ Para (e) amended by Family Law Act 1991 Sch 5, by Transfer of Governor's Functions Act 1992 Sch 1, by SD359/11, by SD2014/08 and by Manx Care Act 2021 Sch 5.
- ²⁴ Para (f) amended by Family Law Act 1991 Sch 5.
- ²⁵ Para (g) repealed by Family Law Act 1991 Sch 5.
- ²⁶ Subs (1) amended by Governor's General Functions (Transfer) Act 1980 Sch 1.
- ²⁷ Subs (1A) inserted by Family Law Act 1991 Sch 5.
- ²⁸ Subs (2) amended by Family Law Act 1991 Sch 5.
- ²⁹ Subs (3) amended by Family Law Act 1991 Sch 5.
- ³⁰ Para (b) amended by Fines and Penalties Act 2024 Sch 5.
- ³¹ S 16 amended by Family Law Act 1991 Sch 5.
- ³² S 17 substituted by Family Law Act 1991 s 21.
- ³³ S 18 repealed by Legitimacy Act 1985 Sch 4.
- ³⁴ Ss 19 and 20 repealed by Civil Registration Act 1984 Sch 4.
- ³⁵ S 21 repealed by Marriage Act 1984 Sch 5.
- ³⁶ S 22 amended by Governor's General Functions (Transfer) Act 1980 Sch 1.
- ³⁷ ADO (whole Act) 1/4/1972 by (GC93/71).
- ³⁸ Sch 2 repealed by Statute Law Revision Act 1997 Sch 2.
- ³⁹ Para 3 repealed by Statute Law Revision Act 1997 Sch 2.
- ⁴⁰ Para 4 repealed by Adoption Act 1984 Sch 5.
- ⁴¹ Item (b) repealed by Administration of Estates Act 1990 Sch 5.
- ⁴² Para 6 repealed by Administration of Estates Act 1990 Sch 5.
- ⁴³ Para 7 repealed by Limitation Act 1984 Sch 4.