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Case No: SO23P00294

Neutral Citation Number: [2023] EWFC 337 (B)

**IN THE FAMILY COURT AT SOUTHAMPTON**

Southampton Family Court,  
London Road,  
Southampton,  
SO15 2XQ

Date: Tuesday, 7<sup>th</sup> November 2023  
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**Before:**

**HER HONOUR JUDGE HARVEY**

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**Between:**

**RICHARD FRANCIS WILLIAMS**

**Applicant**

**- and -**

**(1) DOROTHY WILLIAMS**

**Respondents**

**(2) SAMUEL RODGERS**

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**MISS EMMA SPRUCE** (instructed by **Stowe Family Law**) for the **Applicant**  
The **Respondents** did not appear and were not represented

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**APPROVED JUDGMENT**

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**HER HONOUR JUDGE HARVEY:**

1. This application comes before the court on application by Richard Francis Williams a 65 year old man who seeks a declaration of parentage. However, unusually his application is in respect of this mother. His mother (sadly deceased) was named Dorothy Salt and her mother (Mr Williams' maternal grandmother) was named Jane Salt. His putative maternal grandfather is a gentleman by the name of Samuel Rodgers.
2. It is important to briefly outline the timescales the court is dealing with. Dorothy Salt, his mother was born in 1916. It has been submitted, and I accept, that society was different at that time and there was a different attitude to children being born out of wedlock. Mr Williams is aware his mother was born out of wedlock.
3. Mr Williams has become aware that his maternal grandfather is Samuel Rodgers and he seeks a declaration of parentage in order that his mother's birth certificate can be amended accordingly.
4. The relevant provisions for declaration of parentage comes from Family Law Act 1986, section 55A which reads as follows:
  - (1) Subject to the following provisions of this section, any person may apply to the High Court or the family court for a declaration as to whether or not a person named in the application is or was the parent of another person so named.
  - (2) A court shall have jurisdiction to entertain an application under subsection (1) above if, and only if, either of the persons named in it for the purposes of that subsection—
    - (a) is domiciled in England and Wales on the date of the application, or

(b) has been habitually resident in England and Wales throughout the period of one year ending with that date, or

(c) died before that date and either—

(i) was at death domiciled in England and Wales, or

(ii) had been habitually resident in England and Wales throughout the period of one year ending with the date of death.

(3) Except in a case falling within subsection (4) below, the court shall refuse to hear an application under subsection (1) above unless it considers that the applicant has a sufficient personal interest in the determination of the application (but this is subject to section 27 of the Child Support Act 1991).

(4) The excepted cases are where the declaration sought is as to whether or not—

(a) the applicant is the parent of a named person;

(b) a named person is the parent of the applicant; or

(c) a named person is the other parent of a named child of the applicant.

(5) Where an application under subsection (1) above is made and one of the persons named in it for the purposes of that subsection is a child, the court may refuse to hear the application if it considers that the determination of the application would not be in the best interests of the child.

(6) Where a court refuses to hear an application under subsection (1) above it may order that the applicant may not apply again for the same declaration without leave of the court.

(7) Where a declaration is made by a court on an application under subsection (1) above, the prescribed officer of the court shall notify the Registrar General, in such a manner and within such period as may be prescribed, of the making of that declaration.

5. Following on is section 58, that reads:

(1) Where on an application to a court for a declaration under this Part the truth of the proposition to be declared is proved to the satisfaction of the court,

the court shall make that declaration unless to do so would manifestly be contrary to public policy.

6. I was also referred to the case of Re: E [2022] EWFC 180 and the judgment of Theis J.
7. I then turn to the evidence I have read and heard. Mr Williams told me that during the Covid pandemic he decided to try and trace his family tree, to have a better understanding of his own lineage. It is then he discovered his mother's birth certificate did not have her father named. He turned to his cousin, a lady by the name of Pamela Pratt.
8. Ms Pratt has filed a statement in this application, dated 13<sup>th</sup> July 2023 that says as follows: Dorothy Williams (aka Salt) was her mother's younger sister and she was born on 21<sup>st</sup> December 1916. She says that Dorothy (her aunt), and her mother, Jessie, shared the same mother, Jane Salt, but had different fathers. They lived together for a while when they were younger. She cannot remember specific dates, but she recalls having a conversation with Dorothy regarding her parentage. She remembers it specifically because they had not discussed it before. Dorothy told her that she and Jessie had always known they had different fathers and that she understood her father to be Samuel Rodgers who was married to someone else when she was born, hence why he was not named on her birth certificate. When his first wife died he married her mother and they lived together as a family for a period of time before they separated.
9. Ms Pratt said Dorothy told her she was always aware during her childhood that Samuel Rodgers was her father and that during the 1950s she decided to find him and that she found him at a Salvation Army house in Derby. This is

pertinent because all of the family were from Derby. Dorothy visited him a few times in the Salvation Army house in Derby before he died in 1956.

10. I have also seen the relevant birth and death certificates that show the family connections as are known.
11. I turn then to my analysis. Can the court, on the balance of probabilities be satisfied that Samuel Rodgers is the father of Dorothy Salt? At the outset I should say I have no concerns as to the credibility of Mr Williams. He has made no effort to hide the fact that his knowledge comes from his cousin. He has been open and honest with the court in that regard. I accept this evidence. Equally, I accept the unchallenged evidence of Pamela Pratt. She is clear in her statement as to her recollection and why. She cannot be precise on the date.
12. I am satisfied that Dorothy Salt's mother (Jane Salt) married Samuel Rodgers in 1927, after the death of his first wife. Dorothy reported to Pamela that she was very aware after that marriage that Samuel was her father. I have evidence that Dorothy Salt visited Samuel Rodgers in the Salvation Army house in Derby. Samuel Rodgers' death certificate shows he did die in Derby.
13. I am satisfied and accept the evidence of Pamela Pratt. I can see no reason as to why she would embellish or mislead Mr Williams when he is simply trying to understand his family history.
14. I am satisfied the court has jurisdiction to consider this application and make the order sought. Mr Williams is domiciled in England and Wales. I am satisfied Mr Williams has sufficient personal interest in the determination of the

application. He is trying to complete his own lineage as a direct descendant. It is clear to me his Article 8 rights are engaged.

15. I turn to the question of whether any other person should have been notified of this application, per FPR 2010 (r8.18-8.22). Mr Williams tells me the only surviving member of his family (other than descendants), in addition to himself is his cousin Ms Pratt. The application sought is simply to demonstrate a fact. On the basis Mr Williams meets the gateway criteria then the court is bound to make the declaration unless to do so would be contrary to public policy. I do not consider with those matters in mind that there is any other person who should be notified of the application.
16. I am satisfied on the basis of the evidence seen and heard, skeleton argument read and submissions made that the court can find Samuel Rodgers is the father of the Dorothy Salt. The court must then go on to make the declaration of parentage unless to do so would be manifestly contrary to public policy. This order will simply declare a fact. I have not identified any reason why to do so would be contrary. I therefore make the order sought.

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