PART 6

DECLARATIONS AS TO PARENTAGE OR LEGITIMACY

54. Application under section 10A of the Legitimacy Act 1985

(1) An application for a declaration under section 10A(1) or (2) of the Legitimacy Act 1985 must be supported by an affidavit by the applicant or, in the case of an applicant under the age of 18, by his litigation friend, verifying the application and giving particulars of every person whose interest may be affected by the proceedings and his relationship to the applicant.

(2) Where the jurisdiction of the Court to entertain an application is based on habitual residence, the application must include a statement of the addresses of the places of residence of the person so resident and the length of residence at each place either —

(a) during the period of one year ending with the date of presentation of the application, or

(b) if that person is dead, throughout the period of one year ending with the date of death.

(3) An affidavit for the purposes of paragraph (1) may contain statements of information or belief with the sources and grounds thereof.

(4) A copy of the application and every document accompanying it must be sent by the applicant to the Attorney General at least one month before the application is filed and it shall not be necessary thereafter to serve those documents on him.

(5) A copy of every application, together with a copy of every affidavit in support and a form of acknowledgement of service, must be served personally or by post on every respondent.

(6) A copy of an application shall be deemed to be duly served if an acknowledgement of service is signed by the party to be served or by an advocate on his behalf and is filed.

(7) Where a copy of an application has been sent to a party and no acknowledgement of service has been filed, the Chief Registrar, if satisfied by affidavit or otherwise that the party has nevertheless received the document, may direct that the document shall be deemed to have been duly served on him.

(8) Where a copy of an application has been served on a party and no acknowledgement of service has been filed, service shall be proved by filing a certificate of service.

(9) Where an acknowledgement of service has been filed, the Chief Registrar shall send a certified copy of it to the applicant.

55. Application for declaration of parentage

(1) Unless otherwise directed, an application under section 10A(1)(a) of the Legitimacy Act 1985 for a declaration of parentage must state —

(a) the name (including forenames and surname) of the applicant and, if the applicant is known by a name other than that which appears in the certificate of his birth, that other name shall be stated in the application and in any declaration made thereon;

(b) the sex of the applicant;

(c) the date and place of birth of the applicant;

(d) if they are known, the name (including forenames and surname) of the father of the applicant, his place and date of birth, residential address and his occupation;

(e) if they are known, the place and date of birth, the residential address and occupation of the mother of the applicant and her names (including forenames and surname) at the following times —

(i) at the date of her birth;

(ii) if it is different, at the date of her first marriage;

(iii) if it is different, at the date of the birth of the applicant;

(iv) if it is different, at the date of her most recent marriage;

(v) if it is different, at the time of the presentation of the application;

(f) the grounds on which the applicant relies and all other material facts alleged by him to justify the making of the declaration;

(g) whether there are or have been any other proceedings in any court, tribunal or authority in the Island or elsewhere relating to the parentage of the applicant, and if so-

(i) particulars of the proceedings, including the court, tribunal or authority before which they were begun, and their nature, outcome or present state;

(ii) the date when they were begun;

(iii) the names of the parties;

(iv) the date or expected date of any trial in the proceedings;

(h) either that the applicant is domiciled in the Island on the date of the presentation of the application or that he has been habitually resident in the Island throughout the period of one year ending with that date; and

(i) the nationality, citizenship or immigration status of the applicant and any person named in the application as his parent, and the effect which the granting of a declaration of parentage would have on the applicant's status as regards his nationality, citizenship or right to be in the Island.

(2) Unless otherwise directed there must be annexed to the application a copy of the applicant's birth certificate.

(3) The applicant's parents shall both, if alive, be respondents to the application.

56. Application for declaration of legitimacy or legitimation

(1) Unless otherwise directed, an application under section 10A(1)(b) or (2) of the Legitimacy Act 1985 for a declaration of legitimacy or legitimation must state —

(a) the name of the applicant and, if the applicant is known by a name other than that which appears in the certificate of his birth, that other name shall be stated in the application and in any declaration made on it;

(b) the date and place of birth of the applicant;

(c) if they are known, the name of the father of the applicant and the maiden name of the applicant's mother and, if it is different, her current name, and the residential address of each of them at the time of the presentation of the application;

(d) the grounds on which the applicant relies and all other material facts alleged by him to justify the making of the declaration;

(e) either that the applicant is domiciled in the Island on the date of the presentation of the application or that he has been habitually resident in the Island throughout the period of one year ending with that date.

(2) Unless otherwise directed there must be annexed to the application a copy of the applicant's birth certificate.

(3) The applicant's father and mother, or the survivor of them, shall be respondents to the application.

57. Proceedings on an application for a declaration

(1) The Chief Registrar shall send a copy of every answer to the Attorney General if he has notified the Chief Registrar that he wishes to intervene in the proceedings.

(2) When all answers to the application have been filed the applicant shall apply to a judge for directions as to any other persons who should be made respondents to the application or given notice of the proceedings.

(3) When giving directions under paragraph (2) the judge shall consider whether it is necessary that the Attorney General should argue before him any question relating to the proceedings and, if he does so consider, the Attorney General need not file an answer and the judge shall give directions requiring him to serve on all parties to the proceedings a summary of his argument.

(4) Persons given notice of proceedings pursuant to directions under paragraph (2) shall within 21 days of service of the notice upon them be entitled to apply to the Chief Registrar to be joined as parties.

(5) The Attorney General may file an answer to an application within 21 days after directions have been given under paragraph (2) and no directions for trial shall be given until that period and the period referred to in paragraph (4) have expired.

(6) The Attorney General, in deciding whether it is necessary or expedient to intervene in the proceedings, may have a search made for, and may inspect and bespeak a copy of, any document filed or lodged in the General Registry which relates to any other proceedings referred to in the proceedings.

Rule 5.

SCHEDULE

RULES REVOKED

Reference	*Title*	*Extent of revocation*
—	Rules of the High Court of Justice 1952	Orders 44, 44A, 51D, 51E, 51F and 55
GC 232/91	Rules of the High Court of Justice (Child Custody) 1991	The whole Rules
GC 4/92	Rules of the High Court of Justice (Amendment) 1992	Rules 4 and 5 Schedule 2
SD 732/02	Rules of the High Court of Justice (Amendment) 2002	The whole Rules

MADE 2009

Her Majesty's First Deemster and Clerk of the Rolls

Second Deemster

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules replace the provisions of the Rules of the High Court of Justice 1952 which deal with family proceedings, with amendments consequential on the Administration of Justice Act 2008 and the Rules of the High Court of Justice 2009.