



Neutral Citation Number: [2024] EWHC 2572 (Fam)

Case No: PE24P30500

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 1st August 2024

Before :

Mrs Justice Arbuthnot DBE

MARK MOORE

Applicant

The Applicant was a litigant in person.

Hearing dates: 1st July 2024 and 1st August 2024

EX TEMPORE JUDGMENT
DECLARATION OF PARENTAGE – ADULT APPLICANT

This judgment was given on 1st August 2024 and then the final version of the judgment was sent to the Applicant via email and released to the National Archives on 10th October 2024.

Mrs Justice Arbuthnot :

Application

1. The Applicant, Mark Moore, applied on Form C63 for a declaration of parentage pursuant to section 55A of the Family Law Act 1986. The Applicant sought a declaration in the Family Court that Andrew Joseph Moore was his biological father. He would like to obtain citizenship of the Republic of Ireland and wanted the Registrar for Births and Deaths to amend his birth certificate pursuant to section 14A of the Births and Deaths Registration Act so as to replace the person identified as his father John Henry Sims with Andrew Joseph Moore.
2. FPR Rule 8.20(2)(6) provides that the Applicant must include in the application particulars of every person whose interest may be affected by the proceedings and his or her relationship to the Applicant.
3. The Applicant was born on 24th May 1954 and is now aged 70. He changed his family name to Fraser on 26th July 1987 and to Moore on 23rd August 2009. Both his putative father and the Applicant's mother, Eira May Sims, died years ago. The Applicant was his mother's executor but I have no information about who was his putative father's. There are no people alive whose interests may be affected by the proceedings but there are nephews and nieces of the putative father who support the Applicant's application.
4. The Applicant has one half-brother who remains alive but severed all contact with the Applicant in 2015, he is probably alive and resident in Tasmania but his whereabouts are unknown. FPR Rule 8.20(1) cannot be satisfied, there can be no respondents to the application.
5. I do not consider that the lack of persons whose interests may be affected by the proceedings should prevent the Court from proceeding to hear the Applicant's application.

6. It is clear from section 55A that a declaration can be made in relation to a person named in the application who was the parent but who is now dead.
7. At the first directions hearing, I ordered that the Applicant provide DNA evidence which could be added to the documentary evidence produced by the Applicant in support of his application.
8. I was provided by the Applicant with letters in support of his application from his putative father's nephews and nieces. His putative paternal aunt had provided him with a sample for an earlier DNA test, before she died.

Background

9. The Applicant's stepfather John Sims and his mother Eira Sims married on 22nd December 1940. The Applicant had three older brothers, two of whom have died. The Applicant was born in 1954 in Rochford, Essex. The Applicant is domiciled in England and Wales and has been so for more than a year. He is habitually resident here.
10. Andrew Joseph Moore, the putative father was born in Ireland on 10th January 1925. He became a Catholic priest known as Father Andrew in 1949.
11. He came to England when ordained and met Mr and Mrs Sims and their three sons. The mother and their three sons were not Catholics, but they received religious instruction from the priest and later they converted to Catholicism. The priest went to Rome and then took a position back in England as Professor of Theology at a seminary.
12. The Sims family and Father Andrew visited Ireland in 1950 and met the priest's family. The Applicant produced photographs of the visit showing the priest and the Sims family together.
13. After the birth of the Applicant, the priest remained a constant in the life of his family. He paid for the mother to learn to drive and bought her a car. He gave her other presents. He also helped the Applicant in various ways.

14. In 1967 Mrs Sims, the priest and the Applicant went to Spain via Lourdes. Shortly after this Mr and Mrs Sims' relationship broke down. At some point the priest proposed to Mrs Sims. She refused him, fearing the public scandal and that she would lose her family.
15. In 1969, Mr Sims and Mrs Sims were divorced. He had issued a divorce petition on the grounds that the marriage had broken down irretrievably due to her adultery with Father Andrew.
16. In 1987 the Applicant changed his name from Sims to Fraser. As an adolescent, he had had a difficult relationship with Mr Sims.
17. The priest returned to Ireland and died in 1994. In the years leading up to his death he had regular correspondence with the Applicant's mother. Some of these letters were exhibited by the Applicant.
18. The Applicant's relationship with Mr Sims had recovered and when the latter died in 2007 the Applicant was the executor of his will.
19. In October 2007 the mother wanted to see the priest's grave so the Applicant took her to Ireland to visit it. This ignited his interest in his ancestry. The Applicant got in touch with Father Andrew's sisters and after the initial shock, they accepted him.
20. The Applicant is invited now to family gatherings in Ireland and is widely accepted as Father Andrew's son.
21. In 2009, the Applicant changed his family name to Moore.
22. In 2015, the Applicant's mother Mrs Sims died.

Evidence

23. Before the matter came to court, the Applicant obtained a DNA test from one of Father Andrew's sisters. This was via a US company MyFamilyTree which stipulated that any result

could not be used in Court. Since that DNA test the aunt had died.

24. The Applicant has provided a number of testimonials from his first cousins and other members of Father Andrew's family. They all accepted the Applicant was the son of Father Andrew.
25. In terms of the DNA test that the Applicant relies on, he asked one of Father Andrew's nieces to be tested. The Alphabiolabs test proved 11 times more likely than not that they were cousins.

Conclusion

26. The Applicant wanted to mark the centenary of Father Andrew's birth by applying for citizenship of the Republic of Ireland and to do that he had to show a biological parent or grandparent was an Irish national. He could have done it through his stepfather, Mr Sims, who was of Irish descent, but he wanted it to be obtained using a true picture of his heritage. This brought him to Court on 1st July 2024 to obtain this declaration.
27. I am satisfied I should make the declaration sought, namely, that Father Andrew Moore was the Applicant's father. I am making the declaration under section 55(a) of the Family Law Act 1986.