STATUTORY INSTRUMENTS

# 1972 No. 774

# MATRIMONIAL CAUSES

## The Hong Kong (Non-Domiciled Parties) Divorce (Amendment) Rules 1972

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| *Made* - - - - | 15*th May* 1972 |
| *Coming into Operation* | 25*th May* 1972 |

In exercise of his powers under section 1(4) of the Indian and Colonial Divorce Jurisdiction Act 1926(**a**), as amended by article 2 of, and Part II of the Schedule to, the Government of India (Adaptation of Acts of Parliament) Order 1937(**b**) and section 1(*d*) of the Colonial and Other Territories (Divorce Jurisdiction) Act 1950(**c**), and section 2(1) of the said Act of 1926 as amended by the said article 2 and Part II of the Schedule to the said Order of 1937, and as applied by articles 2 and 3 of the Hong Kong Divorce Jurisdiction Order in Council 1935(**d**) as amended by article 2 of the Hong Kong Divorce Jurisdiction (Amendment) Order 1969(**e**), the Secretary of State for Foreign and Commonwealth Affairs, with the concurrence of the Lord Chancellor, hereby makes the following Rules:—

*Citation and commencement*

**1.**—(1) These Rules may be cited as the Hong Kong (Non-Domiciled Parties) Divorce (Amendment) Rules 1972, and shall be construed as one with the Hong Kong (Non-Domiciled Parties) Divorce Rules 1969(**f**) which rules are hereinafter referred to as " the principal Rules ".

(2) These Rules shall come into operation on 25th May 1972.

*Amendment of rule 7*

**2.** Rule 7(*c*) of the principal Rules is amended by inserting after " Matrimonial Causes Rules 1968(b) " the following—

" or Rule 5 or 6 of the Matrimonial Causes Rules 1971(**g**) ".

*Revocation and replacement of Rule 13*

**3.** Rule 13 of the principal Rules is revoked and replaced by the following—

" *Procedure generally*

13. Subject to the provisions of these Rules, all proceedings under the Acts shall be regulated by the rules regulating matrimonial causes in England and Wales, as in force immediately before these Rules come into operation, with such modifications as the circumstances may require:

(a) 1926 c. 40. (b) S.R. & O. 1937/230 (Rev. Vol. X, p. 545: 1937 p. 963). (c) 1950 c. 20.
(d) S.R. & O. 1935/836 (Rev. Vol. VI, p. 18: 1935 p. 585).
(e) S.I. 1969/1060 (1969 II, p. 3106). (f) S.I. 1969/1837 (1969 III, p. 5718).
(g) S.I. 1971/953 (1971 II, p. 2713).

Provided that, in the application of such rules to Hong Kong, references therein to a divorce county court and to the High Court shall be construed as references to the Supreme Court of Hong Kong.".

Given under my hand this 15th day of May 1972.

*Alec Douglas-Home,*
Secretary of State for Foreign and Commonwealth Affairs.

I concur.

Hailsham of St. Marylebone, C.

## EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

The Rules provide that the rules which apply to divorce proceedings in Hong Kong in cases where the parties are domiciled in the United Kingdom shall be the rules which at present apply to divorce proceedings in England. The rules of procedure under the Matrimonial Causes Ordinance of Hong Kong which have applied previously are no longer appropriate since there is no legislation in Hong Kong corresponding to the Divorce Reform Act 1969 (c. 55).

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