1965 No. 2137 (L. 28)

SUPREME COURT OF JUDICATURE, ENGLAND

PROCEDURE

The Matrimonial Causes (Amendment) (No. 2) Rules 1965

Made - - - -	17*th December* 1965
Laid before Parliament	22*nd December* 1965
Coming into Operation	11*th January* 1966

We, the Rule Committee of the Supreme Court, being the authority having for the time being power under section 99(4) of the Supreme Court of Judicature (Consolidation) Act 1925(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature, hereby exercise those powers as follows :—

1.—(1) These Rules may be cited as the Matrimonial Causes (Amendment) (No. 2) Rules 1965 and shall come into operation on 11th January 1966.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) In these Rules a Rule referred to by number means the Rule so numbered in the Matrimonial Causes Rules 1957(c), as amended(d), and " Appendix II " means Appendix II to those Rules.

2. Rule 4(1) shall be amended as follows :—

(1) The following sub-paragraph shall be inserted after sub-paragraph (*c*):—

" (*cc*) in the case of a husband's petition, unless otherwise directed, whether there is any other living child whom the petitioner knows or believes to have been born to his wife during the marriage and (so far as known to him) the name of any such child and his date of birth or, if it be the case, that he has attained the age of twenty-one years ".

(2) Sub-paragraph (*cc*) shall stand as sub-paragraph (*ccc*).

3. In Rule 17 the following paragraph shall be inserted after paragraph (7) :—

" (7A) A husband who knows or believes that there is a living child who was born to his wife during the marriage and who is not referred to in the petition shall, unless otherwise directed, state that fact in his answer giving (so far as known to him) the name of any such child and his date of birth or, if it be the case, stating that the child has attained the age of twenty-one years."

(a) 15 & 16 Geo. 5. c. 49. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1957/619 (1957 II, p. 2406).
(d) The relevant amending instrument is S.I. 1958/2082 (1958 II, p. 2294).

4. In Rule 28 the following paragraph shall be inserted after paragraph (1):—

"(1A) The discretion statement of a wife who is petitioner or respondent in the cause shall give the name and date of birth of every living child under the age of twenty-one years who was born to her during the marriage and who is not referred to in the petition or answer."

5. In Appendix II before the word "Birmingham (A)" there shall be inserted the word "Bedford" and after the word "Southampton" there shall be inserted the word "Southend".

Gardiner, C.
Parker of Waddington, C.J.
Denning, M.R.
Cyril Salmon, L.J.
Edmund Davies, J.
Geoffrey Cross, J.
Eustace Roskill, J.
N. Browne-Wilkinson.
Hugh Griffiths.
W. Charles Norton.
W. O. Carter.

Dated 17th December 1965.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Matrimonial Causes Rules 1957 so as (1) to require the court to be given details of every living child who has been born to the wife during the marriage, in addition to those alleged to be children of the family (Rules 2, 3 and 4), and (2) to add Bedford and Southend to the list of towns at which matrimonial causes may be tried (Rule 5).