STATUTORY INSTRUMENTS

1986 No. 1096

MATRIMONIAL CAUSES
SUPREME COURT OF ENGLAND AND WALES
COUNTY COURTS

The Matrimonial Causes (Amendment No. 2) Rules 1986

Made - - -	26*th June* 1986
Laid before Parliament	10*th July* 1986
Coming into Operation	1*st August* 1986

We, the authority having power to make rules of court for the purposes mentioned in section 50 of the Matrimonial Causes Act 1973(**a**), hereby exercise that power as follows—

1.—(1) These Rules may be cited as the Matrimonial Causes (Amendment No. 2) Rules 1986 and shall come into operation on 1st August 1986.

(2) In these Rules, except where the context otherwise requires, a rule referred to by number means the rule so numbered in the Matrimonial Causes Rules 1977(**b**).

2. In rule 95(3), for sub-paragraph (*b*) there shall be substituted the following—

"(*b*) after completing his investigation the officer shall file his report and the registrar shall send a copy of it to the parties;".

3. Rule 130 shall be amended as follows—

(*a*) after paragraph (1) there shall be inserted the following paragraph—

"(1A) Any person, not entitled to a copy of a document under paragraph (1) above, who intends to make an application under the Hague Convention (as defined in section 1(1) of the Child Abduction and Custody Act 1985(**c**)) in a Contracting State (as defined in section 2 of that Act) other than the United Kingdom shall, if he satisfies the registrar that he intends to make such an application, be entitled to obtain a copy bearing the seal of the court of any order relating to the custody of the child in respect of whom the application is to be made.";

(*b*) in paragraph (2) for the words "paragraph (1)" there shall be substituted the words "paragraphs (1) and (1A)".

(**a**) 1973 c.18.
(**b**) S.I. 1977/344; relevant amending instruments are S.I. 1980/977, 1984/1511 and 1985/1315.
(**c**) 1985 c.60.

4. In Form 5 the final sentence of paragraph 3 shall be deleted.

Hailsham of St. Marylebone, C.
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Dated 26th June 1986.

EXPLANATORY NOTE

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

These Rules amend the Matrimonial Causes Rule 1977 so as—

(*a*) to provide that a registrar shall send a copy of a Court Welfare Officer's report free of charge to the parties to the proceedings (rule 2);

(*b*) to provide that a person who intends to make an application under Part I of the Child Abduction and Custody Act 1985 shall be entitled to a copy of any court order relating to the child who is to be the subject of that application (rule 3);

(*c*) to remove the reference to the former requirement that, if a petition was defended, the case had to be transferred to High Court (rule 4).

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