4. These Rules may be cited as the Rules of the Supreme Court (Trinity Masters' Fees) 1954, and shall come into operation on the first day of October, 1954.

Dated the twenty-seventh day of July, 1954.

Simonds, C.
Goddard, C.J.
Raymond Evershed, M.R.
Merriman, P.
Donald Somervell, L.J.
H. B. Vaisey, J.
R. G. Micklethwait.
L. S. Holmes.
W. Charles Norton.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules increase the fees payable to the Elder Brethren of Trinity House when acting as assessors to the Admiralty Court.

PROCEDURE

1954 No. 138 (L.1)

The Matrimonial Causes (Amendment) Rules, 1954

Made - - - -	*8th February*, 1954
Laid before Parliament	*9th February*, 1954
Coming into Operation	*1st March*, 1954

We, the Rule Committee of the Supreme Court, hereby make the following Rules:—

1.—(1) These Rules may be cited as the Matrimonial Causes (Amendment) Rules, 1954, and shall come into operation on the first day of March, 1954.

(2) These Rules shall be construed as one with the Matrimonial Causes Rules, 1950(**a**) (hereinafter referred to as " the principal Rules ") and in these Rules any Rule referred to by number means the Rule so numbered in the principal Rules.

2. In paragraph (1) of Rule 36 (which relates to the re-hearing of a cause by a Divisional Court), there shall be inserted after the words " the opposite parties " the words " (whether they have appeared or not) ".

3. In Rule 41 (which relates to the reversal of a decree of judicial separation), paragraph (2) shall be deleted.

(**a**) S.I. 1950/1940 (1950 II, p. 929).

4. There shall be added at the end of Rule 54 (which relates to the custody of and access to children) the following new paragraph:—

"(3) An application for leave to remove a child under the age of 18 years permanently out of the jurisdiction of the court shall be made to a judge, and every other application relating to the removal of a child out of the jurisdiction shall be made to a registrar".

5. The following amendments shall be made in Rule 56 (which relates to applications in cases of wilful neglect to maintain a wife):—

(1) The following new paragraph shall be inserted after paragraph (8):—

"(8A) Any party may apply to a registrar for directions as to the giving of discovery or particulars, the filing of further affidavits and any other matters necessary for settling the issues to be determined by the court and the evidence by which they are to be proved."

(2) In paragraph (9) for the words "When all the affidavits have been filed" there shall be substituted the words "When the affidavits required by this Rule have been filed and any directions given by the registrar have been complied with."

6. The following amendments shall be made in Rule 64 (which relates to proceedings by and against infants and persons of unsound mind):—

(1) The following paragraphs shall be substituted for paragraphs (4) and (5):—

"(4) Where a petition, answer or originating summons has been served in accordance with the last foregoing paragraph and no appearance has been entered on behalf of the infant, the party at whose instance the petition, answer or originating summons was served shall, before proceeding further with the cause, apply for an order that some proper person be assigned guardian of the infant by whom he may appear and defend or intervene in the proceedings.

(5) Where in any cause to which these Rules apply any person on whom a petition, answer or originating summons is required to be served is of unsound mind, then, unless otherwise directed, the petition, answer or originating summons, as the case may be, shall be served on the Official Solicitor if he has consented to act as guardian ad litem in accordance with paragraph (8), and shall, in any other case, be served upon the person with whom the person of unsound mind resides or under whose care he is, and service so effected shall be deemed good service upon the person of unsound mind."

(2) After paragraph (7) there shall be inserted the following paragraphs:—

"(8) Where a person entitled to defend or intervene in any cause to which these Rules apply is of unsound mind and is detained in pursuance of any such order, inquisition or warrant as is mentioned in section 1 (2) (*a*), (*b*) or (*c*) of the Act, or is receiving treatment as a voluntary patient in the circumstances described in section 1 (2) (*d*) of the Act and not otherwise, the Official Solicitor shall, if he consents, be the guardian ad litem of that person:

Provided that at any stage of the proceedings an application may be made on not less than four days notice to the Official Solicitor for the appointment of some other person as guardian.

(9) In every other case in which a petition, answer or originating summons has been served upon a person whom there is reasonable ground for believing to be of unsound mind, the party at whose

instance the petition, answer or originating summons was served shall, before proceeding further with the cause, apply for an order that a guardian ad litem be assigned by whom such person may appear and defend or intervene in the proceedings, and on such application a registrar may, if he considers it necessary for the proper protection and representation of such person, order that some proper person be assigned guardian ad litem."

(3) Paragraph (9) shall be deleted and paragraphs (8) and (10) shall be re-numbered (10) and (11) respectively.

7. The following amendments shall be made in Rule 71 (which relates to appeals from courts of summary jurisdiction):—

(1) In paragraph (3) for the words "There shall be lodged at the same time" there shall be substituted the words "Unless otherwise directed, there shall be lodged at the same time or as soon as practicable thereafter".

(2) In paragraph (4) the words "not less than seven days before the date of hearing" shall be deleted.

(3) The following new paragraph shall be inserted after paragraph (4):—

"(4A) When the foregoing requirements of this Rule have been complied with, the appeal shall be listed for hearing on the first available day after the expiration of the time mentioned in the notice of motion."

8. In paragraph (5) of Rule 72 (which relates to legitimacy proceedings), the first sentence shall be amended by deleting the word "and" and adding at the end thereof the words "and a memorandum of appearance in duplicate in accordance with Form 12".

9. In paragraph (2) of Rule 77 (which relates to the issue of copies of documents from the Divorce Registry), there shall be inserted after the word "originals" the words "or official copies".

10. In paragraph (2) of Rule 78 (which prescribes the circumstances in which applications may be made to a registrar), for the words "leave to take a child out of the jurisdiction of the court" there shall be substituted the words "the discharge by consent of any injunction".

11. In Appendix III of the principal Rules, Form 5 shall be amended by inserting at the end of column A of question 5 the following words "Note: The fact that no claim under any of these heads is made in the petition does not mean that such a claim may not be made later."

Dated the eighth day of February, 1954.

Simonds, C.
Goddard, C.J.
Raymond Evershed, M.R.
Merriman, P.
D. B. Somervell, L.J.
H. B. Vaisey, J.
Frederic Sellers, J.
J. N. Gray.
R. G. Micklethwait.
L. S. Holmes.
W. Charles Norton.