STATUTORY INSTRUMENTS

1962 No. 839 (L. 12)

SUPREME COURT OF JUDICATURE, ENGLAND

PROCEDURE

The Matrimonial Causes (Amendment) Rules, 1962

Made - - - -	18*th April*, 1962
Laid before Parliament	25*th April*, 1962
Coming into Operation	14*th May*, 1962

We, the Rule Committee of the Supreme Court, being the authority having for the time being power under subsection (4) of section ninety-nine 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) Rules, 1962, and shall come into operation on the 14th day of May, 1962.

(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).

2. The following amendments shall be made in Rule 31 :—

(1) The following paragraph shall be substituted for paragraph (3):—

"(3) No cause shall be entered for trial at assizes less than fourteen days before the appropriate day fixed for the assize town at which the cause is to be tried, except by order of a judge, to be obtained on motion."

(2) The following paragraph shall be added after paragraph (5):—

"(6) In this and the next following Rule 'appropriate day' means—

(*a*) in the case of any assizes at which the trial of matrimonial causes is to be begun on a day fixed pursuant to an Order in Council made under section 72 of the Supreme Court of Judicature (Consolidation) Act, 1925, the day so fixed ;

(*b*) in any other case, the commission day or the day fixed for the commencement of any adjourned assizes held after an interval of not less than fourteen days."

3. The following amendments shall be made in Rule 32 :—

(1) In paragraph (2) for the word "Within seven days" there shall be substituted the words "As soon as may be".

(2) In paragraph (4) for the words "Not less than fourteen days before the commission day" there shall be substituted the words "Not less than twelve days before the appropriate day".

(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 58 after paragraph (7) there shall be inserted the following paragraph:—

"(7A) If the respondent does not enter an appearance to the summons, the registrar may, on the application of the applicant, order the respondent to file an affidavit containing full particulars of his property and income within such time as the registrar may direct."

5. In Rule 58A after paragraph (6) there shall be inserted the following paragraph:—

"(6A) A respondent who does not enter an appearance to the summons may be ordered by the registrar on the application of the applicant to file an affidavit containing the particulars mentioned in paragraph (5) of this Rule within such time as the registrar may direct."

Dated the 18th day of April, 1962.

Kilmuir, C.
Parker of Waddington, C.J.
Evershed, M.R.
J. E. S. Simon, P.
B. Ormerod, L.J.
Colin H. Pearson, L.J.
Charles Russell, J.
John Megaw, J.
Reginald W. Goff.
Douglas Lowe.
Charles Norton.
W. O. Carter.

EXPLANATORY NOTE

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

Rules 2 and 3 amend the provisions of the Matrimonial Causes Rules, 1957, relating to the entry of causes for trial at assizes so as to take account of the new arrangements for assizes made by the Assizes (Circuits) Order, 1962 (S.I. 1962/640).

Rule 4 enables a registrar to order the filing of an affidavit of property and income by a respondent who has not entered an appearance to his wife's application alleging wilful neglect to provide reasonable maintenance for her or the infant children of the marriage. Rule 5 makes corresponding provision in regard to an application for the variation of a maintenance agreement.