STATUTORY INSTRUMENTS

1963 No. 989 (L. 9)

SUPREME COURT OF JUDICATURE, ENGLAND

PROCEDURE

The Matrimonial Causes (Amendment) Rules 1963

Made - - - -	23*rd May* 1963
Laid before Parliament	30*th May* 1963
Coming into Operation	
Rules 1, 2, 3 - -	11*th June* 1963
Rule 4 - - -	1*st January* 1964

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) Rules 1963.

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

2.—(1) The following paragraphs shall be substituted for paragraphs (5) and (6) of Rule 24 (which relates to medical inspection in proceedings for nullity):—

"(5) Every examination under this Rule shall be held at the consulting room of the medical inspector or, as the case may be, of one of the medical inspectors appointed to conduct the examination:

Provided that the registrar may, on the application of a party, direct that the examination of that party shall be held at the Divorce Registry or at such other place as the registrar thinks convenient.

(6) The identity of every party presenting himself for examination shall be established as follows:—

(*a*) If the party is accompanied by his solicitor, his solicitor shall identify him to the medical inspector or inspectors and he and his solicitor shall sign a statement verifying the identification, and the statement shall be signed by the inspector or inspectors and annexed to his or their report.

(*b*) If the party is not accompanied by his solicitor, he shall produce to the medical inspector or inspectors a photograph certified by his solicitor to be a true likeness of the party and shall sign in the presence of the inspector or inspectors a statement in accordance with Form 24, and at the conclusion of the examination the statement shall be attested by the inspector or inspectors in the manner prescribed by the Form and annexed with the photograph to his or their report."

(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 instruments are S.I. 1957/1177, 2202, 1958/2082 (1957 II, pp. 2461, 2462; 1958 II, p. 2294).

(2) After Form 23 there shall be added the following Form:—

"FORM 24

Statement as to identity of party attending medical examination Rule 24(6)

In the High Court of Justice,
Probate, Divorce and Admiralty Division
(Divorce)

(District Registry)[1] (1) If appropriate.

Between Petitioner
and Respondent.

I am the person referred to as the [2] in the order for medical inspection in this case. (2) Petitioner or Respondent, as the case may be.

(Signature of Party) .....

I/We certify that the forgoing statement was signed in my/our presence and that the annexed photograph is a true likeness of the person who signed the statement and who was this day examined by me/us.

(Signature(s) of Inspector(s)) .....

.....

Dated the day of 19 ."

3. In paragraph (6) of Rule 32 (which relates to trial in the provinces) for the words "Divorce Registry or of a district registry" there shall be substituted the word "court".

4. The following amendments (being amendments consequential on the coming into operation of the Rules of the Supreme Court (Revision) 1962(a)) shall be made in the principal Rules:—

(1) In paragraph (1) of Rule 10—

(*a*) for the words "Rules 8 and 11 of Order XI" there shall be substituted the words "Rules 5, 6 and 8 of Order 11";

(*b*) the words from "in that case" to "the document" shall be omitted; and

(*c*) for the words "paragraph (3) of Rule 8 of that Order" there shall be substituted the words "paragraph (5) of the said Rule 5".

(2) In paragraph (2) of Rule 10 for the words "Rule 5 of the said Order XI" there shall be substituted "paragraph (4) of Rule 4 of the said Order 11".

(3) In paragraph (4) of Rule 25 for the words "Order XXXVII" there shall be substituted the words "Order 37".

(4) In paragraph (10A) of Rule 58A for the words "Rule 1 of Order XLIX" there shall be substituted the words "Rule 3 of Order 4".

(5) In Rule 61 for the words "Rule 24(2) of Order LIV" there shall be substituted the words "Rule 12(3) of Order 17 or Rule 24(2) of Order 54".

(6) In Rule 77 for the words "Order LIV" there shall be substituted the words "Order 54".

(7) In Rule 81 for the words "Rules 4, 5, 6 and 13 of Order LXIV" there shall be substituted the words "Rules 3 and 6 of Order 3, Rule 5 of Order 18 and Rule 6 of Order 20".

(a) S.I. 1962/2145 (1962 III, p. 2529).

(8) In Rule 82 the words "notwithstanding the provisions of Order LXVIII thereof" shall be omitted.

5. Rules 1, 2 and 3 of these Rules shall come into operation on 11th June 1963 and Rule 4 shall come into operation on 1st January 1964.

Dated 23rd May 1963.

Dilhorne, C.
Parker of Waddington, C.J.
Denning, M.R.
J. E. S. Simon, P.
B. Ormerod, L.J.
Colin H. Pearson, L.J.
Geoffrey Cross, J.
John Megaw, J.
Arthur Bagnall.
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.)

These Rules amend the Matrimonial Causes Rules 1957 so as—(i) to provide for the medical inspection of the parties in proceedings for nullity to take place at the inspector's consulting room unless the registrar otherwise orders (Rule 2); (ii) to enable any officer of the court to attend the judge during the trial of a matrimonial cause at a divorce town (Rule 3); (iii) to substitute for references to the Rules of the Supreme Court references to those Rules as amended by the Rules of the Supreme Court (Revision) 1962 (Rule 4).