STATUTORY INSTRUMENTS

1980 No. 977

MATRIMONIAL CAUSES
SUPREME COURT OF JUDICATURE, ENGLAND
COUNTY COURTS

The Matrimonial Causes (Amendment) Rules 1980

Made - - - -	*9th July* 1980
Laid before Parliament	*21st July* 1980
Coming into Operation	*5th January* 1981

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 excercise that power as follows:—

1.—(1) These Rules may be cited as the Matrimonial Causes (Amendment) Rules 1980.

(2) These Rules shall come into operation on 5th January 1981.

(3) In these Rules a rule referred to by number means the rule so numbered in the Matrimonial Causes Rules 1977(**b**), an Appendix referred to by number means the Appendix to those Rules so numbered, and a Form referred to by number means the Form so numbered in Appendix 1.

Service of injunctions

2. Rule 60 shall be revoked.

Ordering attendance for examination

3. Rule 77(5) shall be amended by inserting, before the words "order the attendance", the words "at any stage of the proceedings, whether before or during the hearing," and by omitting the words "may at any stage of the proceedings", which appear later in paragraph (5).

Acknowledgment of service: admission of adultery

4. Form 5 shall be amended as follows:—

(1) After paragraph 3 there shall be inserted the following paragraph:—

"4.(2) Before you answer Yes to Question 5 you should understand that—

(*a*) you are under no obligation to answer this question but may do so if you wish;

(*b*) the answer Yes will be treated by the Court as an admission on which the petitioner is entitled to rely and may result in an order for costs being made against you;

(**a**) 1973 c. 18. (**b**) S.I. 1977/344.

(*c*) if you are in any doubt about the answer to give you should consult a solicitor."

(2) The existing paragraphs 4 to 12 shall be renumbered 5 to 13.

(3) For references, in the existing paragraphs 3 to 12, to questions 5, 6, 7, 8, 9, 10 and 11 of Form 6 there shall be substituted references to questions 6, 7, 8, 9, 10, 11 and 12, respectively.

5. Form 6 shall be amended as follows:—

(1) After question 4 there shall be inserted the following question:—

"*5.(3) [*In the case of a petition alleging adultery*] Do you admit the adultery alleged in the petition?"

(2) The existing questions 5 to 11 shall be re-numbered 6 to 12.

(3) In the footnote which is marked by an asterisk, for the words "*Question* 5" there shall be substituted the words "*Question* 5 *or Question* 6".

Children living at the date of the petition

6. Paragraph 1(*g*) of Appendix 2 shall be amended by substituting, for the words "any other living child", the words "any other child now living".

Statement of arrangements for respondent's support

7. Paragraph 1(*k*) of Appendix 2 shall be amended by inserting, at the beginning, the words "where the fact on which the petition is based is five years' separation,".

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Dated 9th July 1980.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Matrimonial Causes Rules 1977 so as —

(*a*) to require injunctions and similar orders to be served personally on the respondent, not delivered to his solicitors (rule 2);

(*b*) to enable the court to make orders, in advance of the hearing of an application for ancillary relief, for the attendance of any person for examination (rule 3);

(*c*) to require a respondent, when acknowledging service of a petition based on adultery, to say whether the adultery is admitted or denied (rules 4 and 5);

(*d*) to make it clear that the requirement to state in the petition whether children other than children of the family have been born to the petitioner is limited to children living at the date of the petition (rule 6);

(*e*) to restrict the requirement to state in the petition what, if any, arrangements have been made, or are proposed, to petitions based on five years' separation (rule 7).