STATUTORY INSTRUMENTS

1985 No. 144

MATRIMONIAL CAUSES
SUPREME COURT OF ENGLAND AND WALES
COUNTY COURTS

The Matrimonial Causes (Amendment) Rules 1985

Made - - - -	*4th February* 1985
Laid before Parliament	*8th February* 1985
Coming into Operation	*1st March* 1985

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) Rules 1985.

(2) These Rules shall come into operation on 1st March 1985.

(3) In these Rules a rule referred to by number means the rule so numbered in the Matrimonial Causes Rules 1977(**b**).

2. In the definition of "undefended cause" in rule 2(2), sub-paragraph (*a*) and the words "(*b*) in any other case—" shall be omitted.

3. Rules 5 and 6 shall be revoked.

4. In rule 8(1) the words "other than an application under section 3 of the Act of 1973" shall be omitted.

5. In rule 12(4) for the words "three years" there shall be substituted the words "one year".

6. Rule 69 shall be amended as follows:—

(1) in sub-paragraph (*e*) the word "and" shall be omitted;

(2) in sub-paragraph (*f*) the word "and" shall be inserted after the comma;

(3) after sub-paragraph (*f*) there shall be added the following sub-paragraph—

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

"(*g*) a child of the family who has been given leave to intervene in the cause for the purpose of applying for ancillary relief,".

7. Form 1 shall be revoked.

8. In Form 11 the words "or variation order" shall be omitted.

Hailsham of St. Marylebone, C

Dated 4th February 1985.

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EXPLANATORY NOTE

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

These Rules amend the Matrimonial Causes Rules 1977 so as—

(*a*) to revoke rules 5 and 6 and Form 1, and to amend rules 2(2), 8(1) and 12(4) relating to leave to present a petition for divorce, following the substitution of a new section 3 of the Matrimonial Causes Act 1973 which was made by section 1 of the Matrimonial and Family Proceedings Act 1984 (c. 42);

(*c*) to provide that a child of the family who has been given leave to intervene may apply for ancillary relief in Form 11; and

(*c*) to amend Form 11 so that it does not require the respondent to an application for a variation order to file an affidavit in answer to the application.

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