

# Orders of the Royal Court

I  
1993



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 19th day of April, 1993 before de Vic Graham Carey, Esquire, Deputy Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley, Kenneth John Rowe, Lawrence Oscar Ozanne and John Richard Rowe Henry, Esquires, Jurats.*

No. 1 Order, 1993

ENTITLED

## **The Domestic Proceedings and Magistrate's Court (Amendment) Rules, 1993**

THE ROYAL COURT, in exercise of the powers conferred upon it by section 34 of the Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988, as amended(a), and of all other powers enabling it in that behalf, hereby orders:-

### Amendment to Rules of 1989.

1. In the Domestic Proceedings and Magistrate's Court Rules, 1989(b)-

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(a) Order in Council No.XVI of 1988; and No.II of 1992.

(b) O.R.C. No.IX of 1989.

- (a) in the Table in Rule 1 insert, at the appropriate places, in column 1 a reference to section 10(1) and in column 2 a reference to Form 4A;
- (b) in Rule 3(1), for the words and numbers following "section" and preceding "of the Law" substitute "2(1)(a), 5(1), 6(2), 7(1)(i) (where financial provision is to be sought), 10(1), 19(4), 28 or 31(1)(b)";
- (c) in Rule 4(1), 5(1) and 5(2)(a) and (b), after "15(1)" insert "or 25(1)";
- (d) in the side-note to Rule 5, after "violence" insert "or non-removal";
- (e) in Schedule 1, insert at the appropriate place in the table of contents the following-

"Form 4A Application for order under section 10(1) (orders for financial provision for children)";
- (f) in Schedule 1, insert immediately beneath the expression "Dated" in each of forms 1 to 14 the words "And the applicant claims costs." and in form 4 insert immediately after those words the following-

"NOTE - If you also intend to apply for financial provision for the child, you

should complete a statement of means in the prescribed form.";

(g) in Schedule 1, insert after Form 4 the following -

"FORM 4A

Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988

Application for order under section 10(1) (orders for financial provision for children)

Name of applicant: .....

Address of applicant: .....  
.....

Name of respondent: .....

Address of respondent: .....  
.....

I hereby apply to the Magistrate's Court for an order under section 10(1) of the above Law for financial provision for the child(ren) mentioned below.

Give brief details of the financial provision sought:  
.....

State to whom payment is to be made:  
.....

Give name(s) of child(ren):.....  
.....

and date(s) of birth of child(ren):  
.....

And the applicant claims costs.

Signed .....  
(Applicant or Advocate)

Dated .....

NOTE - you must also complete a statement of means in the prescribed form.";

(h) in Schedule 1, for form 7 substitute the following -

"FORM 7

Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988

Application for order under section 15(1) (orders for protection against domestic violence)

Name of applicant: .....

Address of applicant: .....  
.....

Name of respondent: .....

Address of respondent: .....  
.....

I hereby apply to the Magistrate's Court for a domestic violence order under section 15(1) of the above Law.

On hearing this application, the court can order the respondent -

- (a) not to molest or threaten to molest the applicant, any child of the family or any child living with the applicant;
- (b) to leave, or not to enter, the matrimonial home or any part thereof, any other specified premises or any specified area;
- (c) to permit any person described in (a) to enter and remain in the matrimonial home or any part thereof;
- (d) not to do or omit to do any other thing likely or calculated to cause harm or serious distress to any person described in (a);
- (e) not to incite or assist any other person to do anything which, by virtue of the order, the respondent could not lawfully do.

Give brief details of the order sought:  
.....  
.....  
.....

Give name(s) of child(ren) of the family or child(ren) living with you  
.....  
.....

and date(s) of birth of child(ren)  
.....

The respondent is my spouse/the respondent and I live or have lived together in the same household as husband and wife.\*

The court can also attach a power of arrest to the order if necessary for the protection of you or your children.

If you wish a power of arrest to be attached, give brief statement of your reasons:.....  
.....

Signed .....  
(Applicant or Advocate)

Dated .....

And the applicant claims costs.

\*Delete as appropriate.".

**Citation.**

2. These Rules may be cited as the Domestic Proceedings and Magistrate's Court (Amendment) Rules, 1993.

**Commencement.**

3. These Rules shall come into force on the 26th day of April, 1993.

A. G. LE CHEMINANT,  
Her Majesty's Deputy Greffier.

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