

Island of Guernsey

Ordinance of the States **XX**

1987

Made	29th July, 1987.
Came Into Operation ...	29th July, 1987.

The Matrimonial Causes (Assisted Persons) (Amendment) Ordinance, 1987

THE STATES, in pursuance of their Resolution of the 27th day of May, 1987, and in exercise of the powers conferred on them by Article 7 of the Matrimonial Causes Law (Guernsey), 1939, as amended(a), hereby order:—

1. In the Matrimonial Causes (Poor Persons) Ordinance, 1952, as amended(b)— Amendment.

- (a) for the word “ a ”, wherever it appears immediately before the word “ poor ”, substitute “ an ”;
- (b) for the word “ poor ”, wherever it appears, substitute “ assisted ”;
- (c) after section 4 insert—

(a) Ordres en Conseil Vol. XI, p. 318; Vol. XII, p. 278; Vol. XIII, p. 38; Vol. XV, p. 422; Vol. XVII, p. 249; Vol. XXII, p. 102; Vol. XXIII, p. 489; and No. VI of 1979.

(b) Recueil d'Ordonnances Tome X, p. 288; Tome XVII, p. 74.

“Citation. 5. This Ordinance may be cited as the Matrimonial Causes (Assisted Persons) Ordinance, 1952.”;

(d) for Regulation 2(1)(a) and (b) of the Schedule substitute—

“(a) whose assets (including any interest in real property but excluding wearing apparel and tools of the trade) do not exceed in value £2,000; and

(b) (i) whose usual weekly income from all sources does not exceed the amount specified as the “normal requirements” of such a person in paragraph 5 of Part II of the First Schedule to the Supplementary Benefit (Implementation) Ordinance, 1971, as amended from time to time; or

(ii) who is in receipt of supplementary benefit or parish relief and has been in receipt of such benefit or relief for a period of not less than 8 weeks immediately before his application for an assisted person’s certificate under Regulation 3.”;

(e) repeal Regulation 3(6) of the Schedule;

(f) after Regulation 3 of the Schedule insert—

“*Regulation 3A—Divorces by Consent*

(1) An assisted person’s certificate granted by the Magistrate under Regulation 3 shall not entitle a person to legal assistance under these Regulations in respect

of any proceedings for a decree of divorce where, of the facts referred to in Article 16A(1) of the Law, the petitioner in the proceedings relies only on the fact that the parties to the marriage have lived apart for a continuous period of at least 2 years immediately preceding the presentation of the petition and the respondent consents to a decree being granted, unless the Magistrate endorses the certificate, on an application by the person to whom the certificate is granted, to the effect that he is satisfied that the other party to the proceedings is also an assisted person within the meaning of Regulation 2.

(2) In determining, for the purposes of paragraph (1) of this Regulation, whether the other party to the proceedings is also an assisted person within the meaning of Regulation 2, the reference in Regulation 2(1)(b)(ii) to a period of not less than 8 weeks shall be construed as a reference to a period of not less than 8 weeks immediately before the application for the endorsement of the certificate.”;

(g) in Regulation 4(a) of the Schedule, for “ten pounds” substitute “£50”; and

(h) in Regulation 4(b)(i) and (ii) of the Schedule, for “four pounds” substitute “£25”.

2. The Matrimonial Causes (Poor Persons) (Amendment) Ordinance, 1971(c), is repealed. Repeal.

Citation.

3. This Ordinance may be cited as the Matrimonial Causes (Assisted Persons) (Amendment) Ordinance, 1987.

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Her Majesty's Greffier.

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