

APPENDIX

(Made on the 29th March, 1952.)

ORDERS OF THE ROYAL COURT MADE
IN PURSUANCE OF ARTICLE 64 OF THE
REFORM (GUERNSEY) LAW, 1948.

No. 4 Order, 1952.

ENTITLED

The Matrimonial Causes Rules, 1952.

The ROYAL COURT, in exercise of the powers conferred on it by Article 6 of the Matrimonial Causes Law (Guernsey) 1939, and by Article 64 of the Reform (Guernsey) Law, 1948, and of all other powers thereunto enabling it hereby orders :—

1. The Rules of Court set out in the Schedule hereto shall regulate the practice and procedure in matrimonial causes and matters.

2. Copies of this Order shall be transmitted by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the Records of those Islands respectively " par être logé au Greffe ".

3. (1) Rules 1 to 42 inclusive and Rules 56 to 73 inclusive of the Matrimonial Causes Rules, 1945, are hereby repealed.

(2) This Order in its application to matrimonial causes and matters pending on the 1st day of May, 1952, shall have effect subject to such directions as the Matrimonial Causes Division of the Royal Court may in any particular case think fit to give.

4. This Order shall come into force on the 1st day of May, 1952.

SCHEDULE

The Matrimonial Causes Rules, 1952.

**RULES OF COURT REGULATING THE
PRACTICE AND PROCEDURE IN MATRI-
MONIAL CAUSES AND MATTERS.**

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Rules of Court regulating the Practice and Procedure in Matrimonial Causes and Matters.

PART I.—GENERAL PROVISIONS REGARDING COMMENCEMENT OF PROCEEDINGS AND FAILURE TO PROCEED

Rule 1.—Commencement of Proceedings.

(1) Every matrimonial cause shall be commenced by filing a petition addressed to the Royal Court of

Guernsey, Matrimonial Causes Division (hereinafter referred to as "the Court").

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(2) A petition shall not be filed if there is before the Court another petition by the same petitioner which has not been dismissed or otherwise disposed of by a Final Order.

(3) Every application in a matrimonial cause for ancillary relief, and every interlocutory application which may not lawfully be made *ex parte*, shall be made by notice in accordance with Form 1.

Rule 2.—Failure to Proceed.

(1) Where a petitioner fails, within the time specified in these Rules or allowed by the Court, to proceed with the suit, the respondent or any other party who has filed an answer may make an application to the Court to have the petition dismissed.

(2) Except by leave of the Court, every matrimonial suit shall be brought to trial within a year and a day after the filing of the petition, and, unless the Court otherwise orders, Her Majesty's Greffier shall, on the expiration of that period, remove from the Register containing the Roll of Matrimonial Causes any cause therein which has not been brought to trial accordingly.

PART II.—PETITION AND PROCEEDINGS IN CONNECTION THEREWITH

Rule 3.—Form of Petition.

- (1) The petition in a matrimonial suit shall state—
- (a) The full names of the petitioner and respondent (hereinafter in general referred to as "the parties");
 - (b) The occupation or status of the husband at the date of the institution of the proceedings;

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- (c) The place and date of the marriage and the full name and the status of the wife before the marriage ;
- (d) The last principal permanent addresses within the jurisdiction at which the parties have cohabited, or, if it be the case, that there has been no place of cohabitation within the jurisdiction ;
- (e) Whether there are living any children of the marriage and, if so, the names and dates of birth or ages of such children and, if it be the case, that the paternity of any and, if so, which, child of the wife is disputed ;
- (f) (i) The residence and domicil of the parties to the marriage at the date of the institution of the proceedings ;
(ii) Where it is material under the provisions of Article 15 (entitled " Conditions of Exercise of Jurisdiction with regard to Divorce ") of the Law, the total number of days for which the party whose presence within the Bailiwick is relied upon to give jurisdiction, was actually present within the Bailiwick during the period of three years immediately preceding the presentation of the petition ;
- (g) If at the date of the institution of the proceedings by a wife her husband has deserted her or has been deported from the United Kingdom or from any of the Channel Islands, and there is reason to believe that he has changed his domicil since the desertion or deportation, the domicil of the husband immediately before the desertion or deportation and the date when and the circumstances in which the alleged desertion began or the date and place of the deportation order ;
- (h) Whether there have been in the Bailiwick or elsewhere any, and if so what, previous

proceedings, with reference to the married relationship of the parties, by or on behalf of either of the parties, the date, effect and purport of any decree or order made in such proceedings, and whether there has been any resumption of cohabitation since the making thereof ;

- (i) The matrimonial offences alleged or other grounds upon which relief is sought, set out specifically, in a separate paragraph for every such offence or ground ;
- (j) Where it is material in the case of a petition for judicial separation or a petition for restitution of conjugal rights, the place in the Island of Guernsey at which the parties had their matrimonial home at the time when their cohabitation ceased, and when that cohabitation ceased ;
- (k) In the case of a petition for restitution of conjugal rights, the date when and the circumstances in which the respondent refused or ceased to render conjugal rights to the petitioner, the desire of the petitioner for a restitution of conjugal rights and the petitioner's willingness to render such rights to the respondent ;
- (l) In the case of a petition for presumption of death and dissolution of the marriage, the last place of cohabitation of the parties, the circumstances in which the petitioner and the other party ceased to cohabit, and the date when and the place where that other party was last seen or heard of ; and
- (m) In the case of a petition for divorce or judicial separation, or an application to the Ordinary Court or the Court for Matrimonial Causes for the granting of a judicial separation by consent—

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- (i) whether any, and if so, what attempt has been made to reconcile the parties ;
 - (ii) whether the petitioner is willing that a member of the Panel of Mediators shall, at the request of the Court, endeavour to reconcile the petitioner and respondent, and, if the petitioner is not so willing, the reasons for refusing such mediation.
- (2) In a petition for divorce, judicial separation, restitution of conjugal rights or nullity of marriage, a wife petitioner may in her petition ask for an interim order directing her husband to make payments for or towards her support, or with respect to the custody, maintenance or education of, or access to the children of the marriage, and if she does so the petition shall contain a statement in general terms of her husband's income and property in so far as they are within her knowledge or belief.
- (3) The Petition shall conclude with a prayer setting out particulars of the relief claimed, including :—
- (a) The amount of any claim for damages and the name of the person from whom they are claimed ;
 - (b) Any claim for custody of the children of the marriage ;
 - (c) Any claim for an award of payments to be made, pending suit, by the husband for or towards the support of his wife, or the maintenance or education of the children of the marriage ;
 - (d) Any claim for costs ; and
 - (e) In appropriate cases a prayer that the Court will exercise its discretion to grant a decree notwithstanding that the petitioner has committed adultery during the marriage which is the subject of the proceedings.

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(4) Subject to the provisions of the next ensuing paragraph, every petition shall be signed

- (a) by the petitioner : or
- (b) where the petitioner is an infant, by the petitioner and his guardian ad litem ; or
- (c) where the petitioner is a person of unsound mind, by his guardian ad litem.

(5) If, when the petition is ready for signature, and it is desired to file the petition, it is impossible, for a reason other than the petitioner's unsoundness of mind, to obtain his signature thereto, his advocate may, with the permission of the Court, sign the petition on his behalf : provided that, before the trial of the suit, an identical petition signed by the petitioner, and accompanied by an affidavit by the petitioner verifying the facts in support thereof, shall be filed.

(6) Except by leave of the Court, every petition, when filed, shall have annexed thereto a certified copy of the marriage certificate of the parties.

Rule 4.—Excusal of Joinder of Co-Respondent.

If a petitioner or respondent desires to apply to the Court to be excused, in virtue of the provisions of Article 10 (entitled " Joinder of Co-respondent, damages and costs.") of the Law, from citing any person with whom such petitioner or respondent alleges in his or her petition or cross-petition that the other spouse has committed adultery, application for such excusal shall be made to the Court in accordance with Form 14.

Rule 5.—Affidavit in Support of Petition.

(1) With every petition in a matrimonial suit shall be filed an affidavit by the petitioner verifying the facts of which the deponent has personal cognizance and deposing as to belief in the truth

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of the other facts alleged in the petition, and, except in the case of a petition for the restitution of conjugal rights or a petition for presumption of death and dissolution of marriage thereon, stating whether the petition is presented or prosecuted in collusion with the respondent or any co-respondent.

(2) The affidavit shall also state—

(a) In the case of every petition for divorce or judicial separation where the ground of the petition is adultery, whether the petitioner has in any manner been accessory to or connived at or condoned the adultery, and, where the ground of the petition is cruelty, whether the petitioner has in any manner condoned the cruelty; and

(b) In the case of a petition for nullity on any of the grounds mentioned in paragraphs (4), (5), (6) and (7) of Article 34 (entitled "Grounds for Decree of Nullity") of the Law, whether the petitioner was at the time of the marriage ignorant of the facts alleged and whether marital intercourse with the consent of the petitioner has taken place since the discovery by the petitioner of the existence of the grounds for a decree; and

(c) In the case of a petition for presumption of death and dissolution of marriage thereon, the steps which have been taken to trace the respondent.

(3) Where a petition alleges adultery against a person who has died before the petition is filed, the affidavit shall prove the death of such person by reference to a death certificate exhibited thereto or by reference to such other evidence as is available.

(4) Where the ground of a petition for nullity is that the marriage in respect of which the petition

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is presented was bigamous on the part of the respondent, the affidavit shall tender proof of the prior marriage of the respondent by reference to a marriage certificate exhibited thereto or other the best evidence available in the matter. The acceptance by the Court of such certificate or evidence shall be without prejudice to any requirement by the Court of good and sufficient evidence of the identity of the respondent as a party to the alleged prior marriage of the respondent and of the subsistence of that marriage at the time when the respondent intermarried with the petitioner.

(5) Where the ground of a petition for nullity is that the marriage has been annulled in an extraneous jurisdiction, the affidavit shall state—

- (a) by what court such annulment was made ;
- (b) the place in which the party who is the respondent in the proceedings in the Bailiwick was domiciled when the suit for such annulment was instituted in the extraneous jurisdiction ;
- (c) the ground on which the said annulment was made ; and
- (d) whether or not by reason of such ground of annulment the marriage was, in the extraneous jurisdiction, voidable, or void ab initio.

(6) In the case of every petition for divorce where the petitioner, or, if the petitioner is the wife, the husband of the petitioner, though domiciled in the Bailiwick when the suit is instituted, has not been domiciled therein during the whole of the three years immediately preceding the presentation of the petition, the affidavit shall give the dates of the days on which, within the said period of three years, the petitioner or respondent was actually present within the Bailiwick and the addresses at which such petitioner or respondent was present at such time.

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Rule 6.—Notice of Petition and Notice of Proceedings.

(1) Every copy of a petition for service on a respondent spouse shall be accompanied by a notice of petition in accordance with Form 2, a form of acknowledgment of service in accordance with Form 3 and a memorandum of appearance in duplicate in accordance with Form 4.

(2) Every copy of a petition for service on a co-respondent or person charged with adultery or sodomy, whether made a respondent or not, shall be accompanied by a notice of proceedings in accordance with Form 5, a form of acknowledgment of service in accordance with Form 3 and a memorandum of appearance in duplicate in accordance with Form 6

Rule 7.—Notice of Application for Ancillary Relief.

(1) A notice of an application for ancillary relief and every copy thereof for service shall if the respondent to the application has not already entered an appearance to the petition in the matrimonial cause in which the application is made, contain a notice to appear in accordance with Form 7, and shall be accompanied by a form of acknowledgment of service in accordance with Form 3 and a memorandum of appearance in duplicate in accordance with Form 8.

(2) A notice of an application for contributions for support pending suit, maintenance of the children, maintenance, a secured provision, permanent contributions for support, periodical payments or for securing periodical payments to a wife, and every copy thereof for service, shall contain a notice to file evidence in accordance with Form 9.

Rule 8.—Service of Petition and Notice of Application for Ancillary Relief.

(1) Unless the Court otherwise directs—

- (a) a copy of every petition shall be served personally or by registered post upon every respondent, co-respondent and person charged with adultery or sodomy who is named in the petition ; and
- (b) a copy of every notice of an application for ancillary relief shall be served personally or by registered post upon the respondent thereto, unless the respondent thereto is the petitioner or, being respondent in the cause, has entered a general appearance to the petition in the cause in which the application is made, in which case the notice may be served by leaving it at, or sending it by pre-paid post to, the address for service.

Personal service shall in no case be effected by the petitioner or the intended petitioner.

(2) For the purposes of the last foregoing paragraph a document shall be deemed to have been duly served by registered post if it is sent by pre-paid registered post to the party to be served, and an acknowledgment of service in accordance with Form 3, of his identity and of his receipt of the document is signed by him and returned to the advocate for the petitioner or, if the petitioner is acting in person, to the petitioner, at the address for service :

Provided that where the party to be served is a respondent spouse, his signature on the acknowledgment of service shall be proved at the trial or hearing.

(3) Where it is desired to effect service by substituted service, application ex parte shall be made to the Court for leave to do so specifying (a) the kind of substituted service desired and (b) the reasons for which the application is made.

(4) Where it is desired to effect substituted service by means of advertisement, there shall be submitted to the Court, at the time of the application, a draft of the advertisement which it is

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proposed to issue and a list of the newspapers in which it is proposed to insert the advertisement. The advertisement shall be issued in the form, and in the newspapers, approved by the Court.

Rule 9.—Service of Other Documents.

(1) Unless the Court otherwise directs, service or delivery of any notice or other document in a matrimonial cause may, if no other mode of service or delivery is prescribed, be effected—

- (a) where the party to be served is the petitioner or has entered an appearance, by leaving the notice or document at, or by sending it by pre-paid registered post to, the address for service ;
- (b) in any other case, by delivering the notice or document to the party to be served or by leaving it at, or by sending it to him by pre-paid registered post to, his last known address.

(2) A copy of every affidavit filed in support of or in answer to an application for ancillary relief shall be delivered to the opposite party, if he is the petitioner or has entered an appearance, within forty-eight hours after the affidavit has been filed. If the opposite party is not the petitioner and has not entered an appearance and the time for entering an appearance has not expired, a copy of the affidavit shall be served upon him with the notice in support of which the affidavit is filed.

Rule 10.—Addresses for Service.

(1) Every party to a matrimonial suit, and every person seeking to become a party to any such suit, shall furnish to Her Majesty's Greffier and to every opposite party an address within the Island of Guernsey which he elects as his address for the service by or on behalf of any opposite party of process relating to the suit or arising thereout.

The address so furnished shall be the address for service of the party furnishing it until the expiration of the twelve calendar months next following—

- (a) in the case of a decree of divorce or a decree of nullity of marriage, the making of a Final Order, or as the case may be, the issue of an Order of Her Majesty in Council such as is referred to in sub-paragraph (b) of paragraph (1) of Article 12 (entitled "Decrees and Final Orders") of the Law: and
- (b) in the case of any other decree, the making of the decree;

unless, during such period, that party furnishes some other address within the Island of Guernsey, and if he does so, the address for service thus last furnished shall be the address for service during the remainder of the period appropriate to the case under this Rule or such other period as the Court allows.

(2) Unless and until a party who has initiated process under these Rules, or who is proved to have been served with such process, furnishes an address for service conformably to the provisions of paragraph (1) of this Rule, his address for subsequent service shall be the office of Her Majesty's Sergeant in Guernsey.

Rule 11.—Service out of the Jurisdiction.

(1) A petition, notice, or other document in a matrimonial cause, may be personally served out of the Bailiwick without leave of the Court by any person, subject to the provisions of the ensuing paragraph of this Rule.

(2) Subject to the provisions of any relevant Convention between Her Majesty and the Government of a Foreign Country, the provisions of which extend to the Bailiwick of Guernsey the under-mentioned procedure shall apply to service

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where the person to be served is not a British subject and is not within any part of Her Majesty's dominions :

- (a) Request for service abroad shall be made to the Court, in accordance with Form 15.
- (b) On the granting of the request, the document to be served shall be sealed with the seal of the Royal Court and transmitted by the Bailiff to His Excellency the Lieutenant-Governor, together with a copy thereof translated at the instance and cost of the person making the request into an official language of the country in which service is to be effected, if such language is not the language in which the document is expressed, and with a request, in accordance with Form 16 for the further transmission of the same, through Her Majesty's Principal Secretary of State for Foreign Affairs, to the Government of the foreign country in which it is proposed to serve the document.
- (c) An official certificate, or declaration on oath or otherwise, transmitted through the diplomatic channel by the Government of the foreign country to the Bailiff, if it certifies or declares the document to have been personally served, or to have been duly served in accordance with the law of the foreign country, or words to that effect, shall be deemed sufficient proof of such service.
- (d) Where an official certificate or declaration, transmitted to the Bailiff in the aforesaid manner, certifies or declares that endeavours to serve a document have been unsuccessful, or where it otherwise appears that personal service probably cannot be effected, the Court may, upon the ex parte application of the petitioner, order that the petitioner may,

through the Bailiff, in the aforesaid manner, bespeak a request for substituted service of such document. The said order and request shall be respectively in accordance with Forms 17 and 18.

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Rule 12.—Proof of Service.

(1) A petition shall not be listed for trial unless the respondent and every co-respondent thereto has entered an appearance, or unless, in the absence of appearance by any such person, the appropriate proof of service under this rule that such person has been duly served with the petition has been filed.

(2) An application, other than an *ex parte* application, shall not proceed to hearing unless it has been shown by the appropriate proof of service under this Rule that every respondent thereto has been duly served with notice of the application.

(3) The appropriate proof of service within the meaning of this Rule shall be—

(a) the receipt by the advocate for the petitioner, or by the petitioner if he is acting in person, of an acknowledgment of service in accordance with Form 3, which shall be filed at the Greffe ;

(b) in the case of personal service :—

(i) of service in the Island of Guernsey, a certificate of service by Her Majesty's Sergeant of that Island, which certificate shall be in accordance with Form 11 ;

(ii) of service in the Island of Alderney, a certificate of service by the Clerk of the Court of that Island ;

(iii) of service in the Island of Sark, a certificate of service by the Prévôt of that Island ;

(iv) of service elsewhere, an affidavit of service in accordance with Form 10 by the person effecting the same.

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- (c) of substituted service by advertisement in a newspaper, a copy of the issue of such newspaper containing the said advertisement.

Rule 13.—Entry of Appearance.

(1) Unless the Court otherwise directs, and subject to the provisions of—

- (a) section (1) of Rule 43 relating to the time allowable for the taking of procedural steps in the case of minors and persons of unsound mind, and

- (b) Rule 54 (entitled “ Time Allowance in Process, for Absentees ”),

appearance shall be entered within fourteen days after service of the process to which appearance is required.

(2) If the person desiring to appear is acting in person he shall either leave with or send by post to Her Majesty’s Greffier a memorandum of appearance in duplicate in accordance with Form 4, 6, 8 or 12, whichever is appropriate, containing an address for service within the Island of Guernsey.

(3) If an advocate is acting on behalf of the person desiring to appear, he shall leave with or send by post to Her Majesty’s Greffier a memorandum of appearance in duplicate in accordance with Form 4, 6, 8 or 12, whichever is appropriate, containing an address for service within the Island of Guernsey.

(4) Upon receipt of the memorandum of appearance, Her Majesty’s Greffier shall forthwith record the appearance under the date on which the same was entered in a Register of Appearances in Matrimonial Causes provided for the purpose, and shall deliver or send by post to the person entering the appearance one copy of the memorandum sealed with the seal of Her Majesty’s Greffier. The memorandum so sealed shall be a certificate that the appearance has been entered as stated therein.

(5) Notice of such appearance, in accordance with Form 13, shall be given by the person entering the appearance or his advocate, as the case may be, to the petitioner.

Rule 14.—Application for Appointment of Mediators.

(1) Where any person has presented a petition to the Court for Matrimonial Causes for a decree of divorce or judicial separation such person or the respondent to the petition may at any time before the suit is listed for trial, make application to the Court for the appointment of one or more mediators to act between the parties.

(2) The Court on making such appointment may give such directions as to the listing of the suit for trial as it sees fit.

Rule 15.—Proceedings Preparatory to Hearing of Application.

(1) Before any application in virtue of the Law or of these Rules is made to the Court the person intending to make the application, or his advocate,—

- (a) shall file with Her Majesty's Greffier a detailed statement, in writing, of the nature of the application;
- (b) shall thereupon, or in due course, ascertain from Her Majesty's Greffier the date which is assigned for the hearing of the application; and
- (c) upon ascertaining such date, shall cause to be served upon every opposite party concerned not less than fourteen days' notice of the hearing in accordance with Form 1.

(2) The provisions of sub-paragraph (c) of paragraph (1) of this Rule shall not apply to applications which may be made ex parte.

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Rule 16.—Form of Appearance.

(1) Appearance may be entered under protest, and may be either general or limited to any claim made in the petition for an interim order for contributions for or towards the support of the petitioner, or for other ancillary relief.

(2) Notwithstanding that the respondent has not entered an appearance within the time limited for so doing, he may thereafter, by leave of the Court, but not otherwise, do so; and, in the case of an application for ancillary relief, the fact that the respondent thereto has not entered an appearance to the petition following upon which the application arises shall not disentitle him from contesting the application.

(3) Any appearance under protest shall state concisely the grounds of protest, and the party thus protesting shall, before the expiration of the time allowed for filing an answer to the petition, make application ex parte to the Court for directions as to the determination of any question arising by reason of such appearance under protest, and, in default of making such application, shall be deemed to have entered an unconditional appearance. Any such directions may provide for the trial of a preliminary issue with or without a stay of proceedings, or for determination of the matters in question at the hearing of the suit, and for any interlocutory matters incidental thereto; and if such protest as aforesaid is in terms, or is held by the Court to be, a plea to the jurisdiction, or if it is a plea of 'litispendance', such directions shall provide for the hearing and determination of the issue raised thereby before the hearing of the suit on the merits or dealing with any other issue therein.

The provisions of Rule 15 shall apply in the case of an application under this section, except that

the person entering an appearance under protest, in accordance with the provisions of this section, shall be deemed thereby to have filed the detailed statement required under paragraph (1) of that Rule.

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Rule 17.—Amended and Supplemental Petitions.

(1) A petition may be amended before service—

(a) upon the filing of an affidavit by the petitioner, or

(b) with leave of the Court, upon the filing of an affidavit by the advocate acting for the petitioner, verifying the new facts alleged.

After service a petition may be amended only with leave of the Court.

(2) A supplemental petition may be filed only after service of the original proceedings and only with leave of the Court.

(3) An application for leave to amend a petition after service or for leave to file a supplemental petition shall, unless the Court otherwise directs, be supported by an affidavit by the petitioner verifying the new facts alleged and notice thereof shall, unless the Court otherwise directs, be served on every opposite party who has entered an appearance, or, if no appearance has been entered, the application may be made *ex parte* by filing the affidavit.

(4) Any affidavit filed under this Rule shall verify the new facts of which the deponent has personal knowledge and depose as to belief in the truth of the other new facts alleged. The affidavit shall, in relation to those facts, contain the information required by Rule 5 in the case of the original petition.

(5) An order made under this Rule shall, in cases where an appearance has been entered in the original proceedings, fix the time within which the memorandum of appearance must be amended or the answer must be filed or amended.

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(6) Unless the Court otherwise directs, a copy of the amended petition or of the supplemental petition, together with a copy of the order (if any) made under this Rule, shall be served upon the respondent, co-respondent or person named therein and, in the case of a respondent, co-respondent or person who is not named in the original petition or who is named therein but has not entered an appearance thereto, the amended petition or supplemental petition shall be accompanied by a notice of petition in accordance with Form 2 or, as the case may be, by a notice of proceedings in accordance with Form 5, a form of acknowledgment of service in accordance with Form 3 and a memorandum of appearance in duplicate in accordance with whichever of Forms 4 or 6 is appropriate. The provisions of Rules 8, 10, 11 and 12 shall apply to amended petitions and supplemental petitions as they apply to petitions.

Rule 18.—Answer.

(1) A respondent, co-respondent or person named who has entered an appearance to a petition and who wishes to defend all or any charges made therein shall, within fourteen days after the expiration of the time limited for the entry of appearance, file an answer to the petition by sending it by pre-paid registered post to, or by leaving it with, Her Majesty's Greffier :

Provided that a co-respondent or person named, whether made a respondent or not, who indicates in the memorandum of appearance that he intends only to deny the charges of adultery, or any of them, shall be entitled, without filing an answer, to defend at the trial by denying such charges.

(2) Every answer or subsequent pleading containing more than a simple denial of the facts stated in the petition or answer, as the case may be,

shall set out with sufficient particularity the facts relied upon but not the evidence by which they are to be proved.

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(3) Where the answer of a husband alleges adultery and prays for relief, or where the answer of a husband or a wife contains a claim for costs against an alleged adulterer, the alleged adulterer shall, if living at the date of the filing of the answer, be added to the title of the cause as "A.B. cited" and shall, unless the Court otherwise directs, be served with a copy of the answer accompanied by a notice of proceedings in accordance with Form 5, a form of acknowledgment of service in accordance with Form 3, and a memorandum of appearance in duplicate in accordance with Form 6, as if it were a petition.

(4) Where the answer of a husband alleges adultery, but does not pray for relief and does not contain a claim for costs against the alleged adulterer or where the answer of a wife alleges adultery or sodomy with a person named, a copy of the answer shall, unless the Court otherwise directs, be served on the alleged adulterer or person named, together with a notice of proceedings in accordance with Form 5, a form of acknowledgment of service in accordance with Form 3, and a memorandum of appearance in duplicate in accordance with Form 6, and the alleged adulterer or person named shall be entitled to appear and intervene in the proceedings.

(5) A party or his advocate who files any pleading subsequent to a petition shall, within forty-eight hours thereafter, deliver a copy thereof to every opposite party.

(6) A party cited or person named in an answer who has entered an appearance to the answer and who wishes to defend all or any charges made therein, shall, within fourteen days after the ex-

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piration of the time limited for the entry of appearance, file an answer to the charges by sending it by pre-paid registered post to, or by leaving it with, Her Majesty's Greffier :

Provided that a party cited or person named in an answer who indicates in the memorandum of appearance that he intends only to deny the charges of adultery, or any of them, shall be entitled, without filing an answer, to defend at the trial by denying such charges.

Rule 19.—Affidavit in Support of Answer.

With every answer or subsequent pleading containing more than a simple denial of the facts stated in the petition or answer, as the case may be, there shall be filed an affidavit made by the person who files the answer, verifying such other matter so far as he has personal cognizance thereof and deposing as to his belief in the truth of the rest of such other matter and, where that person is the husband or wife of the petitioner, deposing, in so far as such other matter is concerned, to the existence or otherwise of collusion, connivance, and condonation in the manner required by Rule 5 in the case of a petition.

Rule 20.—Reply.

(1) No reply shall be filed without leave except where the answer contains counter-charges and a prayer for relief, in which case a reply may be filed within fourteen days from the delivery of the answer.

(2) No subsequent pleading shall be filed without leave.

Rule 21.—Particulars of Pleadings.

(1) Any party may by letter require any other party to furnish particulars of any allegation or

other matter pleaded and, if the other party fails to furnish such particulars within a reasonable time, the party requiring the particulars may apply for an order that particulars be given.

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(2) All particulars, whether given in pursuance of an order or otherwise, shall be filed by the party giving them within forty-eight hours after being furnished to the party requiring them.

Rule 22.—Discretion Statement.

(1) Every party to a matrimonial cause praying that the Court shall exercise its discretion to grant a decree notwithstanding that party's adultery, shall, when filing the petition, lodge with Her Majesty's Greffier, for the information of the Court, a statement (in this Rule called a "discretion statement") signed by him or by leave of the Court, by his advocate, stating that the Court will be asked to exercise its discretion on his behalf, notwithstanding his adultery, and giving particulars of the acts of adultery committed and of the facts which it is material for the Court to know for the purpose of the exercise of its discretion.

(2) A discretion statement shall be open to the inspection of the Investigating Officer but, except by direction of the Court, shall not be open to inspection by any other person.

(3) Where a discretion statement contains an allegation of adultery or other matrimonial offence on the part of the other spouse which is not referable to any specific allegation in the pleadings, notice of such allegation contained in the discretion statement shall be given forthwith to the said spouse by the party making that statement:

Provided that if the Court, at the hearing, is satisfied that omission to give such notice is justified it may be dispensed with.

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(4) Neither the fact that a discretion statement has been lodged, nor the fact that the said notice has been given, nor the contents of the discretion statement or notice, shall be given as evidence against the party lodging or giving the same in any matrimonial suit, except when that party has put in evidence in open Court the discretion statement or the said notice or the contents thereof.

Rule 23.—Keeping of Records and Listing of Causes.

(1) Her Majesty's Greffier shall keep the Rolls of Matrimonial Causes and any other Records and Books ordered or approved by the Court, and such Rolls, Records and Books shall deal exclusively with matrimonial causes and any other matters within the jurisdiction of the Court or on appeal from the Court.

(2) Her Majesty's Greffier shall post up from time to time in the vestibule of the Royal Court the Roll of Matrimonial Causes which are due to come before the Court, or before the Appeal Court, in pursuance or in virtue of the Law.

Rule 24.—Listing Suit for Trial.

(1) Subject to the provisions of these Rules and to compliance with any directions in the suit given by the Court, it shall be the duty of the petitioner—

- (a) to procure the suit to be listed for trial;
- (b) thereupon, or in due course, to ascertain from Her Majesty's Greffier the date which is assigned for the trial;
- (c) upon ascertaining such date, to give to, or cause to be served upon, every party who has entered an appearance not less than fourteen days' notice of the trial, which notice shall include mention of that date, and to file, before the date of trial, an acknowledgment

of the receipt of such notice or a certificate of Her Majesty's Sergeant to the effect that such notice has been given.

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(2) If, within twenty-one days after the earliest date on which the petitioner could have complied with the provisions of the foregoing section, he has not done so, thereafter the respondent, or any party defending the suit, may perform any part of the duty which the petitioner has not performed thereunder, and the respondent or such other party shall thereupon give immediate notice thereof to the petitioner.

(3) The date assigned for the trial of a suit for divorce or nullity of marriage or decree of presumption of death and dissolution of marriage thereon shall not, except with the assent of a Law Officer of the Crown, be a date earlier than sixty days after the filing of a petition in that suit. If in the suit there is a cross-petition, whether separate or contained in some other pleading, the said period of sixty days shall be computed from the filing of such cross-petition.

PART III.—INTERLOCUTORY PROCEEDINGS AND PROCEEDINGS FOR ANCILLARY RELIEF.

Rule 25.—Interveners.

(1) Application to the Court for leave to intervene in any suit shall be supported by an affidavit which shall be filed. The applicant shall, when filing the detailed statement required by Rule 15, give to Her Majesty's Greffier an address for service within the Island of Guernsey.

Subject to compliance with the provisions of this Rule, leave to intervene may be given with such directions as to procedure as the Court thinks fit.

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(2) A person seeking to intervene in a suit may make application for leave to intervene as aforesaid within such time as, under these Rules, would have been available to him for entering an appearance if he had been a respondent in such suit.

(3) Unless the Court otherwise directs, a party intervening shall join in the proceedings at the stage which those proceedings have reached at the time when leave to intervene is given, and, except in the case of the Investigating Officer, the name of that party shall thenceforth appear in the title to the suit.

The intervention of the Investigating Officer in a suit shall be signified in the title to the suit by the addition thereto of the expression, "The Investigating Officer intervening".

Rule 26.—Amendment of Pleadings and Other Documents.

Any application, pleading or other document may be amended by leave of the Court, subject to any directions given by the Court as to consequential amendment of other pleadings and as to re-service.

Rule 27.—Pleadings and Other Procedural Steps out of Time.

(1) The Court may, on application, with regard to any pleading or other procedural step, direct such delimitation of time as it thinks fit.

(2) Except in virtue of a direction given by the Court under paragraph (1) of this Rule, no pleading shall be filed out of time as delimited by these Rules.

Rule 28.—Staying Proceedings for Restitution.

At any time after the commencement of proceedings for restitution of conjugal rights the

respondent may apply to the Court for an order to stay the proceedings in the cause on the grounds that he or she is willing to resume cohabitation with the petitioner.

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Rule 29.—Separate Trial of Issues.

The Court may of its own motion give directions, and a petitioner and any party who has entered an appearance in a matrimonial suit may make application to the Court for directions, for the separate trial of any issue therein.

Rule 30.—Right of Respondent or Co-Respondent to be heard on Question of Costs, Custody, Access and Damages.

(1) After entering an appearance, a respondent, co-respondent or party cited in an answer may, whether or not he has filed an answer, be heard in respect of any question as to costs, and a respondent spouse may, whether or not he has filed an answer, be heard as to any question of the custody of or access to any children of the marriage.

(2) A co-respondent shall not be heard on any question as to damages until he has filed an answer in the suit.

Rule 31.—Public Notice of Suits, and Duty to give Information to Investigating Officer in Certain Cases.

Her Majesty's Greffier shall, after the filing of any petition, cause to be published in the vestibule of the Royal Court for seven consecutive days a notice of the following particulars as given in the petition and of the following requirement, namely:—

- (a) in the case of every suit for divorce of nullity of marriage, the full name and address of the petitioner and of the respondent ;

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- (b) in the case of every suit for presumption of death and dissolution of marriage thereon, the full name and address of the petitioner and the full name and last known address of the other spouse ;
- (c) in the case of every suit for divorce or nullity of marriage or presumption of death and dissolution of marriage thereon—
 - (i) the nature of the decree prayed for in the petition, and
 - (ii) requiring every person who can show cause why the decree prayed for should not be granted to inform the Investigating Officer of such cause, within twenty-one days of the first publication of the said notice.

Rule 32.—Delivery of Documents in Suit to Investigating Officer.

Whenever the powers, rights and duties of Investigating Officer are vested in Her Majesty's Procureur and Her Majesty's Comptroller, either of them may from time to time, and for such time or times as he requires, require Her Majesty's Greffier to deliver to him any papers filed in any suit of the kinds mentioned in Rule 31.

Rule 33.—Intervention by Investigating Officer.

- (1) (a) When the Investigating Officer wishes to intervene in any proceedings, he shall file a statement notifying his intention to intervene and setting forth the grounds of his intervention and shall as soon as reasonably practicable thereafter deliver to each of the parties to the suit a copy of such statement, endorsed with a notice that such party is entitled to file an answer to that statement.

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The Court, if it thinks fit, may suspend the proceedings in a suit, at any stage, to enable the Investigating Officer to comply with, or to act in pursuance of, any of the provisions of Article 8 (entitled "Investigating Officer") of the Law or any order made thereunder.

(b) Where the Investigating Officer alleges a petitioner's adultery with any person, he shall, unless otherwise directed by the Court, cause every such person to be served with a copy of the Statement mentioned in the last foregoing subsection, omitting any part thereof which contains any allegation in which the person so served is not named. Such copy shall be accompanied by a notice in accordance with Form 5, a form of acknowledgment in accordance with Form 3 and a memorandum of appearance in duplicate in accordance with Form 6.

(c) These Rules shall apply to all subsequent pleadings and proceedings in respect of the Investigating Officer's statement as if such statement were an original petition.

(2) In any suit to which this Rule applies and in which the provisions of paragraph (1) of this Rule have been fulfilled, no hearing by the Court shall, as the case may be, begin or be proceeded with, until it is shown to the Court that the Investigating Officer has had due notice thereof.

Rule 34.—When Entry of Appearance Unnecessary to Pleading of Investigating Officer.

(1) In a suit in which the Investigating Officer intervenes, neither the petitioner nor any person who has entered an appearance in such suit, nor any person who obtains leave to intervene in the suit, shall be required to enter an appearance to the pleading filed by the Investigating Officer under the provisions of Rule 33; and the petitioner or

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such person may file an answer to such pleading within fourteen days after service upon him under Rule 33.

(2) A person who subsequently obtains leave to intervene may, within fourteen days thereafter, file an answer.

Rule 35.—Contribution for Support Pending Suit.

A wife petitioner who has not included in her petition a prayer for contribution for support pending suit may apply for contribution for support pending suit at any time after filing the petition, and a respondent wife, or a respondent husband against whom a petition for divorce or judicial separation is presented on the ground of his insanity, may apply for contribution for support pending suit at any time after entering appearance to a petition.

Rule 36.—Care of Children.

- (1) (a) A petitioner, at any time after service of a petition in which the custody of any children of the marriage is claimed ;
- (b) the respondent to any such petition, after entering an appearance to the petition ;
- (c) any person who has the custody or control of such children : and
- (d) any person to whom the Court gives leave for the purpose ;

may apply to the Court for an order under Part VII (entitled " Care of Children ") of the Law.

(2) The Court, on the making of an application under this Rule by a person other than a person having the de facto custody or control of such children, shall hear such last-mentioned person if he or she so desires, and the Court may refuse to make

an order until it is satisfied that that person has received such notice, through the post or otherwise, as would be sufficient to enable such person to make representations to the Court in the matter.

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(3) An order made by the Court under this Rule may include the appointment of any person or persons approved by the Court to safeguard the interests of the children in the execution of such order.

Rule 37.—Applications under Part VIII of the Law.

(1) Except by leave of the Court, no respondent may make an application under Part VIII (entitled "Property and Contributions for Support") of the Law, later than six calendar months next after the making of the decree in the suit out of which the application arises.

In this paragraph, the expression "the making of the decree" means, in the case of a decree which is provisional, the making of a Final Order in relation to that decree.

(2) If the relevant decree is provisional no order of the Court under Part VIII of the Law, other than an interim order under Article 47 (entitled "Contributions for Support"), shall take effect, save in so far as it relates to the preparation, execution or approval of a deed or other instrument, and no settlement made in pursuance of any such order shall take effect, unless and until a Final Order is made in relation to that decree.

(3) Upon an application under Part VIII of the Law for the variation of marriage settlements or any other proceeding provided for in Article 45 (entitled "Power of Court to vary Settlements, etc.") of the Law, the vesting or division of property, the securing of payments for or towards support, or the settlement of a wife's property in favour of husband

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or children, the Court, unless it is satisfied that the proposed variation or other proceeding would not adversely affect the rights or interests of any children of the marriage or, as the case may be, that the said vesting or division of property, securing of payments or settlement would make adequate provision for any children of the marriage, may direct that the children be separately represented by counsel and may also assign a guardian ad litem in the matter for any minor children and administer the appropriate oath to such guardian.

Rule 38.—Evidence on Applications for Contributions for Support, &c.

(1) Where a husband is served with a petition in which contributions for support pending suit, maintenance of the children, maintenance or a secured provision is claimed, and enters an appearance, he shall, within fourteen days after the expiration of the time limited for appearance, file an affidavit setting out full particulars of his property and income.

(2) Where a husband is served with a notice of an application for contributions for support pending suit, maintenance of the children, maintenance, a secured provision, permanent contributions for support, periodical payments or for securing periodical payments to a wife, he shall, within fourteen days after service of the notice upon him, or if he has not at the time of such service entered an appearance, after entering an appearance and within fourteen days after the expiration of the time limited for appearance, file an affidavit setting out full particulars of his property and income, unless in the case of any such application, other than an application for contributions for support pending suit, the wife at the time of service of the application gives notice to the husband of her

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intention to proceed with the application upon the evidence already filed on her application for contributions for support pending suit.

(3) Within fourteen days after delivery of any affidavit by a husband under this Rule, the wife may file an affidavit in reply.

(4) Where a wife is served with a notice of an application for contributions for support pending suit, maintenance, a secured provision, permanent contributions for support, or periodical payments paragraphs (2) and (3) of this Rule shall have effect as if for the references to the husband there were substituted references to the wife, and for the references to the wife there were substituted references to the husband.

Rule 39.—Evidence on Applications for Settlement of Wife's Property or Variation of Settlements.

(1) An application for settlement of a wife's property or variation of marriage settlements shall state the nature of the settlement or variation proposed and shall, unless otherwise directed, be supported by an affidavit by the petitioner stating the facts relied on in support of the application. The affidavit shall set out, in the case of an application for settlement of a wife's property, full particulars of the property to which she is entitled either in possession or reversion, or, in the case of an application for variation of marriage settlements, full particulars of the marriage, any children of the marriage, all settlements, whether antenuptial or post-nuptial, and of the funds brought into the settlements by the husband and the wife.

(2) The application shall, in addition to being served on the respondent, be served on the trustees of any settlements and upon such other persons as the Court may direct, and any party so served

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may, within fourteen days after such service and after entering an appearance in accordance with Form 12, file an affidavit in answer.

Rule 40.—Security for Wife's Costs.

(1) A wife who is a petitioner or who has filed an answer may apply to the Court for an order that her husband shall pay into Court or give security for her costs of and incidental to—

- (a) the taking of evidence outside the jurisdiction of the Court,
- (b) other matters preparatory to presenting her case to the Court,
- (c) the trial or other hearing in the suit.

(2) Unless the husband proves that the wife has sufficient separate estate or shows other good cause the Court may make an order accordingly in respect of such sum or sums as it is satisfied have been or are likely to be properly incurred by the wife for any one or more of the purposes mentioned in sub-paragraphs (a), (b) and (c) of paragraph (1) of this Rule.

PART IV.—DECREES AND ORDERS.

Rule 41.—Form of Decree.

(1) Every decree of the Court shall be signed by Her Majesty's Greffier.

(2) Where in any case there has been a finding of adultery against one of the parties to the cause, but the Court has refused to exercise its discretion under Article 18 (2) (entitled "Duty of Court on Presentation of Petition for Divorce") of the Law, that finding and the refusal shall be set out in the decree, and where there has been such a finding but the Court has exercised its discretion, the

decree shall state that it is made in the exercise of the discretion conferred on the Court by the said Article.

(3) A sealed or other copy of any decree of the Court may be issued to any person requiring it on payment of the prescribed fee.

Rule 42.—Application out of Time for Final Order.

If an application for a Final Order under Article 12 (entitled "Decrees and Final Orders") of the Law is made after the expiration of twelve calendar months from the date on which it might first have been made, there shall be filed with the statement filed under Rule 15 an affidavit by the applicant accounting for the delay; and the application shall not proceed without the leave of the Court.

PART V.—SPECIAL PROVISIONS RELATING TO MINORS OR PERSONS OF UNSOUND MIND

Rule 43.—Minors and Persons of Unsound Mind as Parties.

(1) A minor or person of unsound mind commencing, prosecuting, defending or intervening in any suit to which these Rules relate, shall do so by a guardian appointed to him, and sworn for the purpose, by the Court.

Before appointing such a guardian to a minor who is not of unsound mind, for the purpose of the presentation and prosecution of a petition, the Court shall satisfy itself that the minor consents to the proposed proceedings in the matrimonial suit.

The time limited or provided by these Rules for the taking of any procedural step, after the service of any document, shall, where the litigant affected by the relevant Rule is a minor or person of unsound

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mind, commence to run from the date of the appointment of a guardian under this section.

(2) When in any such suit any document is required to be served, and the person on whom service is to be effected is a minor who is not of unsound mind, then, unless the Court otherwise directs, such document shall be served on the said minor, and a copy of that document shall be served—

(a) on the guardian, if any, already appointed under the foregoing paragraph, or, if no such appointment has been made, on one of the Law Officers of the Crown, who shall, as soon as practicable, take steps to procure the appointment of such a guardian, and

(b) on any such guardian thereupon or thereafter appointed.

(3) When in any such suit any document is required to be served, and the person on whom service is to be effected is of unsound mind, then, unless the Court otherwise directs, such document shall be served on the person with whom the person of unsound mind resides or under whose care he is, and service so effected shall be deemed good service on the person of unsound mind ; and a copy of that document shall be served—

(a) on the guardian, if any, already appointed under paragraph (1) of this Rule, or, if no such appointment has been made, on one of the Law Officers of the Crown, who shall, as soon as practicable, take steps to procure the appointment of such a guardian, and

(b) on any such guardian thereupon or thereafter appointed.

(4) Any document served in accordance with the last foregoing paragraph shall be endorsed with a notice that the contents or purport of the document shall be communicated to the person of unsound

mind to whom it relates, unless the person on whom the document was served is satisfied—

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(a) if he is the medical attendant of the person of unsound mind or the medical officer of the institution in which the person of unsound mind is, or

(b) if he is not such medical attendant or officer, then after consultation with that medical attendant or officer,

that such communication would be detrimental to the mental condition of the person of unsound mind, or be without proper significance for that person.

(5)(a) After service of any document has been effected upon a person of unsound mind in accordance with the foregoing provisions of this Rule the party at whose instance the document was served shall, unless the Court otherwise directs, file either—

(i) an affidavit made by the person with whom the person of unsound mind resides or under whose care he is, stating whether or not the contents or purport of the document were communicated to the person of unsound mind, and, if they were not, giving the reasons why they were not so communicated ; or

(ii) a statement in writing accounting for the absence of such affidavit.

(b) The Court may require the attendance before it, and may examine on oath or otherwise any person who ought to have made an affidavit, conformably to the provisions of the foregoing sub-paragraph (a).

(6) For the purposes of this Rule, a person is of unsound mind if—

(a) he has been certified as being of unsound mind—

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- (i) under the Mental Treatment Law (Guernsey), 1939, or any Law amending or supplementing that Law ; or
- (ii) by the competent authority elsewhere than in this Island ;
and a certificate to that effect is still in force at the material time ; or
- (b) he is a temporary patient within the meaning of the Law or Laws referred to in the foregoing provisions of this paragraph or of a substantially similar enactment in force in an extraneous jurisdiction ; or
- (c) he is a mental defective within the meaning of the " Loi ayant rapport aux Faibles d'Esprit, 1926 ", or of any Law amending or supplementing that Law.

PART VI. MISCELLANEOUS

Rule 44.—Evidence.

(1) Subject to the provisions of the Law and of this Rule, the witnesses at the hearing of any matrimonial suit shall be examined viva voce and in open Court :

Provided that the Court may—

- (a) subject to the provisions of paragraph (3) of this Rule, order that any particular facts specified in the order may be proved by affidavit ;
- (b) order that the affidavit of any witness may be read at the hearing on such conditions as the Court may think reasonable ;
- (c) order that evidence of any particular facts specified in the order shall be given at the hearing by statement on oath of information and belief, or by production of documents or entries in books or by copies of documents or entries or otherwise as the Court directs.

(2) The Court may order that not more than a specified number of expert witnesses may be called.

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(3) Where it appears to the Court that any party reasonably desires the production of a witness for cross-examination and that such witness can be produced, an order shall not be made authorising the evidence of such witness to be given by affidavit, but the expenses of such witness on attendance at the hearing shall be the subject of special consideration and direction by the Court.

(4) Any party may apply to the Court for the appointment of a commission or for letters of request to examine a party or witness in any suit and for leave to give the depositions taken on the examination in evidence at the hearing, and the Court, if it thinks fit, may grant the application and may give leave on such terms and conditions as it deems advisable.

(5) Nothing contained in any order made in virtue of this Rule shall affect the power of the Court at the hearing to refuse to admit evidence tendered in accordance with any such order if in the interests of justice it thinks fit to do so.

Rule 45.—Affidavits.

(1) An affidavit for the purposes of these Rules shall—

- (a) if made in the Island of Guernsey, be made before the Bailiff, or Lieutenant-Bailiff, and any two Jurats, or before a Notary Public ;
- (b) if made in the Island of Alderney, be made before any two Jurats ;
- (c) if made in the Island of Sark, be made before the Seneschal ;
- (d) if made in the Island of Jersey, or in Great Britain, Northern Ireland, or the Isle of Man, be made before any person authorised by law

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in the place in which it is made to take sworn declarations or administer oaths ;

- (e) if made elsewhere, be made before—(i) a Consular Officer of Her Majesty, or (ii) any person authorised by law in the place in which it is made to take sworn declarations or administer oaths.

(2) To every affidavit made under the provisions of sub-paragraph (e) of paragraph (1) of this Rule, other than an affidavit made before a Consular Officer of Her Majesty, shall be annexed a certificate that the person before whom it was sworn was, when it was sworn, a person duly authorised to administer oaths in the jurisdiction in which the affidavit was made, and such certificate shall be—

- (a) sealed with the seal of the High Court or of any Court of Record of such jurisdiction, or
- (b) signed by a member of the judiciary of such jurisdiction, or by the Registrar or similar officer of a Court of Justice in such jurisdiction, or by a Consular Officer of Her Majesty holding office in such jurisdiction.

(3) In this Rule, the expression “Consular Officer” has the meaning assigned to that expression in the Interpretation Act, 1889, registered on the Records of this Island on the 20th March, 1926.

Rule 46.—Questions suggesting Witness's Adultery.

Before any question is put to a witness tending to show that he has been guilty of adultery, the advocate or other person who wishes to put that question shall inform the Court of the proposed question, and the Court shall thereupon determine whether or not the question is, conformably to the provisions of the second paragraph of Article 61 (entitled “Evidence”) of the Law, admissible.

Rule 47.—Reversal of Decree of Judicial Separation.

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(1) A petition to the Court for the reversal of a decree of judicial separation shall set out particulars of the decree the reversal of which is being prayed and the grounds on which the petitioner relies.

(2) All pleadings and proceedings arising out of such petition and any answer thereto shall be filed and carried on in the same manner as is by these Rules directed in respect of the original petition and answer thereto.

Rule 48.—Rescission and Discharge of Judicial Separations

Her Majesty's Greffier shall keep a Register of Declarations of Rescission of Judicial Separations, made conformably to the requirements of sub-paragraph (a) of paragraph (1) of Article 29 (entitled "Provisions regarding Termination of Separation etc.") of the Law, in accordance with Form 19 or Form 20, as the case requires, and shall cause a memorandum of any such declaration and of any discharge made under sub-paragraph (b) of the said paragraph, to be entered in the margin of the minute which records the Act of Court pronouncing the separation to which the said declaration relates.

Rule 49.—Appeals: Notice to H.M. Greffier.

Wherever due notice of appeal from a judgment of the Court for Matrimonial Causes is received at the Greffe, Her Majesty's Greffier shall, in addition to any customary record thereof, cause a memorandum of such notice, and of the date of its receipt, to be entered in the margin of the minute recording the said judgment in the Register of Divorce and other Matrimonial Causes.

Rule 50.—Priority of "Hypothèque".

Upon the registration of an order whereby the Court makes a declaration pursuant to Article 52

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(entitled "Power of Court to Award Particular Priority to 'Hypothèque'") of the Law, awarding particular priority to a "hypothèque", Her Majesty's Greffier shall, in entering the same in the Record of Hypothèques, etc. to which an Alphabetical Index is attached, make a sufficient note of the priority awarded by the Court.

Rule 51.—Medical Inspection.

(1) In proceedings for nullity on the ground of impotency, the petitioner shall, as soon as may be, apply to the Court for the appointment of medical inspectors to examine the parties. The Court shall, upon such application—

- (a) appoint two medical inspectors, neither of whom shall be the ordinary medical attendant of either party, to examine the parties and report to the Court the result of the examination; and
- (b) order the parties to attend the said inspection for the purposes of the examination.

The above-mentioned order, endorsed with the date, time and place of the inspection for each party, shall be served personally upon the respondent or his advocate at least four days before that date.

(2) An advocate to whom the party is known shall accompany each of the parties at the time and place fixed for the inspection, for the purpose only of identifying the parties respectively to the inspectors. After each identification, which shall take place at a separate interview for each party, each party and the said advocate shall sign a minute of identification bearing date of that day, and the minute shall be annexed to the report submitted by the inspectors to the Court.

(3) On a petition for nullity on the ground that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage, either party may apply to the Court

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for the appointment of medical inspectors to examine the parties. The Court shall, upon such application, appoint two medical inspectors as aforesaid and either of the parties shall be at liberty to undergo examination by such inspectors. The provisions of paragraph (2) of this Rule shall apply to any such examination and the inspectors shall report to the Court the result of the examination.

(4) In order to ensure that the parties shall not meet at the place appointed for the medical inspection, the times of their respective appointments with the inspectors shall be arranged at a suitable interval, or alternatively, separate waiting rooms shall be provided for them.

(5) Every report made in pursuance of this Rule shall be filed in a file which shall not be available to the public, and either party shall be entitled to be supplied with a copy upon payment of the prescribed fee.

(6) The Court may grant a decree of nullity of marriage notwithstanding that the respondent has not submitted to medical inspection.

Rule 52.—Security for Costs.

Any Court exercising jurisdiction under the Law may require security for costs to be given by a petitioner or an applicant for leave to intervene, as a condition of proceeding with his petition or application.

Rule 53.—Dating of Procedural Document.

Every petition and notice, and every other procedural document issued under these Rules, shall bear the date of the day on which it is signed. If any document is signed by more than one person and bears no more than one date as the date of its having been signed, that date shall, unless the contrary appears, be presumed to be the date on which it was signed by each of those persons.

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Rule 54.—Time Allowance in Process, for Absentees.

(1) (a) Where, under these Rules, a period from the date of the service of process on any person who has not, either voluntarily or in compliance with these Rules, furnished an address for service in the Island of Guernsey is limited for the taking by that person of some procedural step, then if at such date as aforesaid, that person is absent from the Island of Guernsey, the period so limited shall, unless the Court otherwise directs, be increased by a period equivalent to one half of the period of the " Terme à Ecrire " which, under the provisions of the Ordinance entitled " Ordonnance au sujet des termes à écrire " dated the 8th day of February, 1936, and any Ordinance amending the same, would be appropriate in the circumstances of that person in proceedings, other than matrimonial suits, directed against that person, before the Royal Court ; or

(b) if the service of such process on that person was by means of substituted service, the period so limited shall, unless the Court otherwise directs, be increased by a period of sixty days.

(2) For the purposes of a notice under Rule 15 (entitled " Proceedings Preparatory to Hearing of Application "), the period of notice required by that Rule shall be increased by the period allowed under this Rule for the taking of such a procedural step as is referred to in paragraph (1) of this Rule.

Rule 55.—Computation of Time.

(1) Except as provided in the next ensuing paragraph and unless the Court otherwise directs, Sunday, Christmas Day, Good Friday and Public Holidays declared by Ordinance of the Royal Court, shall be included in any period of time delimited in these Rules for the taking of a procedural step.

(2) When such time as aforesaid expires on a Sunday or other day mentioned in the foregoing paragraph, that time shall be computed so as to extend to and include the next working day following that Sunday or other such day, as the case may be.

(3) The days of August and September shall, unless the Court otherwise directs in any particular case, and except for the purpose of an application for such a direction, be dies non juridici so far as regards the computation of time, under these Rules, for the taking of any procedural step.

(4) Where any limited time from or after any date or event is appointed or allowed by these Rules or by an order of the Court for doing any act or taking any procedural step or any proceeding, then, unless the Court otherwise directs,—

- (a) in the computation of such limited time, that time shall be taken as exclusive of the day of that date or the happening of that event, and as commencing at the beginning of the next following day ; and
- (b) the act, procedural step or proceeding shall be done or taken at the latest on the last day of that limited time, unless the last day is a day mentioned in paragraph (1) of this Rule, and, if it is such a day, the provisions of paragraph (2) of this Rule shall apply.

Rule 56.—General Provision regarding Procedure.

With regard to any matter for which these Rules do not specifically provide, the procedure applicable shall, as nearly as circumstances permit, be that of the Royal Court in civil cases.

Rule 57.—Interpretation.

(1) The provisions of Article 1 (entitled “Definitions and Interpretation”) of the Law shall apply

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in like manner to the words and expressions therein mentioned, when they occur in these Rules.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of these Rules as it applies to the interpretation of an enactment.

(3) In these Rules, unless the context otherwise requires or it is otherwise specially provided, the following words and expressions have the meanings hereby respectively assigned to them, namely:—

“ affidavit ” means a declaration in writing which is deposed to on oath or by affirmation or solemn declaration by the declarant, and which complies with the provisions of Rule 45 ;

“ ancillary relief ” means relief by way of the award of pecuniary, proprietary or personal rights (including an order under Part VII (entitled “ Care of Children ”) of the Law) granted in virtue of the Law or of these Rules, subordinately to, or in consequence or furtherance of, the granting of a decree under the Law or in connection with proceedings directed to obtaining such a decree ;

“ endorsed ” includes the placing of any written or printed matter to which the expression relates after and on the same document as any antecedent written or printed matter, but such subsequently written or printed matter shall not be on the back of any part of the said document ;

“ filed ” means handed to Her Majesty’s Greffier for filing as a document for inclusion in the dossier relating to the suit in question ; and “ file ” and “ filing ” shall be construed accordingly ;

“ Her Majesty’s Greffier ” includes any Deputy Greffier ;

“ interlocutory application ” means an application in a suit or cause after the filing of the

petition but does not include an application for ancillary relief ;

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“ interlocutory matter ” means a matter in a suit or cause after the filing of the petition ;

“ matrimonial cause ” and “ matrimonial suit ” each include any proceedings in which there is an applicant, petitioner or plaintiff for divorce, judicial separation, restitution of conjugal rights, nullity of marriage or presumption of death and dissolution of marriage thereon, in the Matrimonial Causes Division of the Royal Court of Guernsey ;

“ opposite parties ” means parties between whom there is some right to be adjusted in the proceedings ;

“ petition ” means a petition for the purposes of these Rules and includes “ cross-petition ”, whether made separately or in another pleading, in so far as is necessary, and the word “ petitioner ” shall be construed accordingly ;

“ the Island ” and “ this Island ” mean the Island of Guernsey ;

“ the Law ” means the Matrimonial Causes Law (Guernsey) 1939, and any Law amending, supplementing or superseding that Law.

(4) In these Rules, unless the context otherwise requires, a Rule referred to by a number means the Rule so numbered in these Rules, and a Form referred to by number means the Form so numbered in the Appendix to these Rules.

(5) The forms in the Appendix to these Rules, or forms to the like effect shall, subject to all relevant specific requirements contained in these Rules, be used in the cases to which they refer, with such variations as circumstances may require.

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APPENDIX.

Rules 1,
15(1)(c).

FORM 1.

NOTICE OF APPLICATION

IN THE ROYAL COURT OF GUERNSEY
MATRIMONIAL CAUSES DIVISION.

IN THE MATTER OF A PETITION BY

for (here set out particulars of the matrimonial cause
in which the application is made)

TO of

TAKE NOTICE that the petitioner (respondent)
intends to apply to the Court on the day
of 19 , for an order that (here set out a
detailed statement of the ancillary relief claimed or
other the nature of the proceedings).

(Insert here in appropriate cases the contents of
Forms 7, 8 and 9).

THIS NOTICE is issued by (Name of applicant
or his advocate) of

Dated this day of , 19 .

FORM 2.

1952

Rules 6(1),
17(6).

NOTICE OF PETITION

IN THE ROYAL COURT OF GUERNSEY
MATRIMONIAL CAUSES DIVISION.

Between A.B. Petitioner
and
C.B. Respondent
and
E.F. Co-Respondent.

TO :—

TAKE NOTICE that a Petition has been presented to the Royal Court of Guernsey by
A copy of it is delivered with this Notice.

You must complete the accompanying Form of Acknowledgment of Service and send it to (the advocate for)⁽¹⁾ the Petitioner, at (address) ^{(1) Delete if not applicable}

If you do not intend to answer the charges, nor to be heard on the other claims made in the Petition, and if you do not wish to make any application on your own account, you need not do anything more than send the Form of Acknowledgment of Service to the above address. The Court may then, without further notice to you, proceed to hear the Petition and pronounce judgment, notwithstanding your absence.

If you wish to be heard on any matter in connection with the Petition you (or your advocate) must complete the accompanying Memorandum of Appearance *in duplicate* and send or deliver *both* copies (without fee) so as to reach Her Majesty's Greffier, Guernsey, within fourteen days⁽²⁾ after you received this Notice. You (or your advocate) will receive notice of the case being set down for hearing. ^{(2) Or as the case may be.}

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When the case is heard, you must attend the hearing if you wish to be heard.

If you wish to defend the case at the hearing, you (or your advocate) must, in addition to sending the Memorandum of Appearance, send or deliver an Answer in writing together with a fee of 2s. 6d. so as to reach Her Majesty's Greffier within fourteen days after the time allowed for sending the Memorandum of Appearance. You (or your advocate) must at the same time send a copy of Your Answer to (the advocate for)⁽³⁾ the Petitioner.

(3) Delete if not applicable.

(4) Delete or amend this paragraph as necessary.

(4) If you wish to oppose the claim for contributions for support, maintenance of the children, maintenance or a secured provision, you (or your advocate) must, in addition to sending the Memorandum of Appearance, also send or deliver, so as to reach Her Majesty's Greffier within fourteen days after the time allowed for sending the Memorandum of Appearance, an affidavit (which must be sworn before a person authorised to administer oaths) giving full particulars of your property and income, together with a fee of 2s. 6d. You (or your advocate) must at the same time send a copy of your affidavit to (the advocate for)⁽⁵⁾ the Petitioner. If you wish to allege that your wife has property or income you should say so in your affidavit.

(5) Delete if not applicable.

Note :—If you intend to instruct an advocate to act for you in these proceedings, you should at once complete and sign the Form of Acknowledgment of Service and then give him all the documents which have been served upon you, so that he may take the necessary steps on your behalf within the time specified.

DATED the day of , 19 ..

.....
H.M's Sergeant,
Guernsey.

FORM 3.

ACKNOWLEDGMENT OF SERVICE

IN THE ROYAL COURT OF GUERNSEY
MATRIMONIAL CAUSES DIVISION

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 Rules 6(1),
 6(2), 7(1),
 8(2), 12(3)(a),
 17(6), 18(3),
 18(4),
 33(1)(b).

Between A.B. Petitioner
 and
 C.B. Respondent
 and
 E.F. Co-Respondent.

I am the person named as _____ in the Petition ⁽¹⁾ (1) Or as the
 case may be.

I received on the _____ day of _____, 19____,
 at (place of receipt)

1. A copy of the Petition ⁽¹⁾ filed in this case.
2. Notice of Petition Proceedings ⁽²⁾.
3. Memorandum of Appearance in duplicate ⁽³⁾.

(2) Delete
 whichever
 is not
 applicable.
 (3) Delete if
 not applic-
 able.

(Signed)

DATED

TO (the Petitioner [or the Respondent] or his
 advocate)

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Rules 6(1),
13(2), 13(3),
17(6).

FORM 4.

MEMORANDUM OF APPEARANCE
(Respondent Spouse)

IN THE ROYAL COURT OF GUERNSEY
MATRIMONIAL CAUSES DIVISION

Between A.B. Petitioner
and
C.B. Respondent
and
E.F. Co-Respondent.

(1) Or as the case may be.
(2) Delete whichever is not applicable.

1. Have you received and read the Petition for divorce ⁽¹⁾ by your wife/husband ⁽²⁾ and the Notice of Petition which are delivered with this Form?

2. On what date and at what address did you receive them?

3. Are you the person named as _____ in the Petition?

4. Do you intend to defend the case at the hearing?
(Answer " Yes " or " No ".)

5. Even if you do not wish to defend the case :—

(3) To be struck out or altered if not applicable.

A ⁽³⁾

B

Do you wish to be heard as to other claims made in the Petition, namely :—

Do you wish to make any application on your own account, namely :—

(1) Costs.

(1) Access to the children.

(2) Custody of the children.

(2) Custody of the children.

A⁽³⁾

B

1952

- | | |
|----------------------------------|----------------------------------|
| (3) Maintenance of the children. | (3) Maintenance of the children. |
| (4) Contributions for support. | (4) Contributions for support. |
| (5) Maintenance. | (5) Maintenance. |
| (6) A secured provision. | |

(Answer " Yes " or " No " against each item.)

6. What is your address to which communications should be sent ?

(It must be in Guernsey)

Dated the day of 19 .

Signed ⁽⁴⁾

(4) To be signed by the Respondent only if an advocate is not being instructed.

Note—If you intend to instruct an advocate to act for you in these proceedings, give this form to him. In any event, leave the space below blank.

To be completed only by the Respondent's advocate.

On the instructions of my/our client, enter an appearance in the terms of the above Memorandum, for the Respondent in this cause.

(Signed)

(Address for Service)

Note—If this Form is used, *both* copies must be completed and sent to Her Majesty's Greffier.

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FORM 5.

Rules 6(2),
17(6), 18(3),
18(4),
33(1)(b).

NOTICE OF PROCEEDINGS
(*Co-Respondent, party cited or person named*)

IN THE ROYAL COURT OF GUERNSEY
MATRIMONIAL CAUSES DIVISION

Between A.B. Petitioner
and
C.B. Respondent
and
E.F. Co-Respondent.

TO :—

TAKE NOTICE that in proceedings in the Royal Court of Guernsey by _____ for divorce⁽¹⁾, it has been alleged by _____ that you have committed adultery⁽¹⁾ with _____. A copy of the Petition⁽¹⁾ is delivered with this Notice.

(1) Or as the case may be.

(2) Delete if not applicable.

You must complete the accompanying Form of Acknowledgment of Service and send it to (the Advocate for)⁽²⁾ the Petitioner⁽³⁾ at (address)

(3) Or as the case may be.

If you do not intend to answer the charges, nor to be heard on the other claims made in the Petition⁽³⁾, you need not do anything more than send the Form of Acknowledgment of Service to the address given below. The Court may then without further notice to you, proceed to hear the Petition⁽³⁾ and pronounce judgment, notwithstanding your absence.

If you wish to be heard on any matter in connection with the Petition⁽³⁾, you (or your advocate) must complete the accompanying Memorandum of Appearance *in duplicate* and send or deliver *both*

copies (without fee) so as to reach Her Majesty's Greffier within fourteen days⁽³⁾ after you received this Notice.

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If you wish to defend the case only by denying the charges of adultery, or by resisting the claim for damages⁽⁴⁾, or if you wish to be heard only as to costs⁽⁴⁾, you need take no further step after sending the Memorandum of Appearance until the case is heard, when you must attend the hearing. You (or your advocate) will receive notice of the case being set down for hearing.

(4) Delete if not applicable.

If you wish to defend the case at the hearing on some other ground, you (or your advocate) must, in addition to sending the Memorandum of appearance, send or deliver an Answer in writing, together with a fee of 2s. 6d. so as to reach Her Majesty's Greffier, Guernsey, within fourteen days after the time allowed for sending the Memorandum of Appearance. You (or your advocate) must at the same time send a copy of your Answer to (the advocate for)⁽⁴⁾ the Petitioner⁽⁵⁾.

(5) Or as the case may be.

Note—If you intend to instruct an advocate to act for you in these proceedings you should at once complete and sign the Form of Acknowledgment of Service and then give him all the documents which have been served upon you, so that he may take the necessary steps on your behalf within the times specified.

Dated the day of 19 .

.....
Her Majesty's Sergeant,
Guernsey.

1952

Rules 6(2),
13(2), 13(3),
17(6), 18(3),
18(4),
33(1)(b).

FORM 6.

MEMORANDUM OF APPEARANCE

(Co-Respondent, party cited or person named)

IN THE ROYAL COURT OF GUERNSEY
MATRIMONIAL CAUSES DIVISION

Between A.B. Petitioner
and
C.B. Respondent
and
E.F. Co-Respondent.

(1) Or as the
case may be.

1. Have you received and read the Petition⁽¹⁾
by _____ and the Notice of Proceedings which are
delivered with this Form ?

2. On what date and at what address did you
receive them ?

3. Are you the person named as _____ in the
Petition⁽¹⁾ ?

4. Do you intend to defend the case by denying
the charges of adultery made against you, and if so,
which of them ?

5. Do you intend to defend the case on any ground
other than a denial of the charges of adultery made
against you ? (Answer " Yes " or " No ")

(2) Not ap-
plicable if no
claim for
damages.

6. (2) Do you intend only to resist the claim for
damages against you ?
(Answer " Yes " or " No ")

(3) Not ap-
plicable if no
claim for
costs.

7. (3) If you do not intend to defend the case, do
you wish to be heard as to costs ?
(Answer " Yes " or " No ")

8. What is your address to which communications should be sent ? 1952

(It must be in Guernsey)

Dated the day of , 19 .

(Signed)(4)

(4) To be signed by the party appearing only if an advocate is not being instructed.

Note—If you intend to instruct an advocate to act for you in these proceedings, give this form to him. In any event, leave the space below blank.

To be completed only by the advocate for the party appearing.

On the instructions of my/our client, enter an appearance in the terms of the above Memorandum for the in this cause.

(Signed)

(Address for Service)

Note—If this Form is used, *both* copies must be completed and sent to the Greffe.

1952

Rule 7(1).

FORM 7.

Additional Notice to be included in Form 1 only if there has been no appearance to the petition.

AND FURTHER TAKE NOTICE that you must complete the accompanying Form of Acknowledgment of Service and send it to (the advocate for)⁽¹⁾ the applicant, at (address)

(1) Delete if not applicable.

If you do not intend to oppose the application, you need not do anything more than send the Form of Acknowledgment of Service to the above address. The Court may then, without further notice to you, proceed to hear the application and make such order as it may think fit notwithstanding your absence.

If you do wish to be heard on the application you (or your advocate) must complete the accompanying Memorandum of Appearance *in duplicate* and send or deliver *both* copies (without fee) so as to reach the Greffe within fourteen days after you receive this notice.

FORM 8.

1952

Rules 7(1),
13(2), 13(3).

MEMORANDUM OF APPEARANCE

*(Limited to application for ancillary relief made by
notice)*

IN THE ROYAL COURT OF GUERNSEY
MATRIMONIAL CAUSES DIVISION

Between A.B. Petitioner
and
C.B. Respondent.

1. Have you received and read the Notice of application for⁽¹⁾ which is delivered with this Form? ^{(1) Insert nature of ancillary relief claimed.}

2. On what date and at what address did you receive it?

3. Are you the person named as in the Notice?

4. Do you wish to oppose the Applicant's claim for⁽¹⁾?

5. What is your address to which communications should be sent?
(It must be in Guernsey)

Dated the day of , 19 .

Signed⁽²⁾

^{(2) To be signed by the Respondent only if an advocate is not being instructed.}

Note—If you intend to instruct an advocate to act for you in these proceedings, give this form to him. In any event, leave the space below blank.

1952

To be completed only by the Respondent's advocate.

On the instructions of my/our client, enter an appearance in the terms of the above Memorandum, for the Respondent in this cause.

(Signed)

(Address for Service)

Note—If this Form is used, *both* copies must be completed and sent to the Greffe.

FORM 9.

1952

Rule 7(2).

NOTICE TO FILE EVIDENCE

And further take notice that, if you wish to oppose the application, and unless at the time of the service hereof upon you, the applicant (or the applicant's advocate)⁽¹⁾ gives notice to you dispensing with this requirement, you (or your advocate)⁽¹⁾ must (in addition to sending the Memorandum of Appearance) ⁽²⁾ send or deliver to Her Majesty's Greffier within fourteen days an affidavit giving full particulars of your property and income, and that, in default of your so doing, the Court may make such order against you as it deems fit.

(1) Delete if not applicable.

(2) Delete if an appearance has been entered.

You (or your advocate) must also send a copy of your affidavit to (the advocate for)⁽³⁾ the applicant. If you wish to allege that the applicant has property or income, you should say so in your affidavit.

(3) Delete if not applicable.

1952

Rule
12(3)(b)(iv).

FORM 10.

AFFIDAVIT OF SERVICE

(Heading in the Cause)

I, of make oath and say :—

That a copy of the (petition or notice) bearing date the day of 19 filed in this Court together with a Memorandum of Appearance in duplicate, Notice of Petition/Proceedings⁽¹⁾ and Form of Acknowledgment of Service was duly served by me on the... in this Cause at on the day of 19 by delivering to the said personally a copy thereof.

(1) Delete whichever is not applicable.

(Means of knowledge of identity of the person served must be inserted here)

SWORN etc.

Rule
12(3)(b)(i).

FORM 11.

CERTIFICATE OF PERSONAL SERVICE

(Heading in the Cause.)

A copy of the petition (or as the case may be), in the above Cause, dated the day of 19 , was duly served by the undersigned on (give name of person served) at , on the day of , 19 .

I identified.....by
(set out means of identification, e.g. personal knowledge, photo, etc.)

Dated this day of , 19 .

(Signed)
Her Majesty's Sergeant.

FORM 12.

MEMORANDUM OF APPEARANCE
(Heading as in Cause)

1952

Rules 13(2),
13(3), 39(2).

Enter an appearance (in person)⁽¹⁾ for
the respondent⁽²⁾ in this Cause.

(1) If such is
the case.
(2) Or as the
case may be.

(Signed)

whose address for service is
agent for of .

(3) (3) The ad-
dress must
be in
Guernsey.

Dated the day of 19 .

FORM 13.

Rule 13(5).

NOTICE OF APPEARANCE

IN THE ROYAL COURT OF GUERNSEY
MATRIMONIAL CAUSES DIVISION

Between A.B. Petitioner
and
C.B. Respondent
and
E.F. Co-Respondent (in appropriate cases)

TO THE PETITIONER, TAKE NOTICE that
appearance has been entered in this suit for the
respondent (or co-respondent, or as the case may be)
(name of person appearing) (state whether appear-
ance is general or limited to any particular relief).

Dated this day of 19 .

(Signed)

of , whose address for service is in
the Island of Guernsey.

FORM 15.

REQUEST FOR SERVICE ABROAD
IN THE ROYAL COURT OF GUERNSEY
MATRIMONIAL CAUSES DIVISION

Between A.B. Petitioner
and
C.B. Respondent
and
E.F. Co-Respondent.

TO THE COURT FOR MATRIMONIAL CAUSES :

I hereby request that a notice of a petition (or, as the case may be) in this Cause be transmitted through the proper channel to (name of country) for service (or, substituted service) on the co-respondent at , or elsewhere in (name of country).

And I hereby personally undertake to be responsible for all expenses incurred by Her Majesty's Principal Secretary of State for Foreign Affairs in respect of the service hereby requested, and I undertake that, on receiving due notification of the amount of such expenses, I will pay the same to the Chief Clerk, the Foreign Office, or as the Court directs, and that I will produce the receipts for such payment to Her Majesty's Greffier, if required so to do.

Dated at this day of ,19 .

(Signed)

Advocate for the petitioner.

1952
Rule 11(2)(b).

FORM 16.

REQUEST TO LIEUTENANT-GOVERNOR FOR TRANSMISSION OF NOTICE OF PROCEDURAL DOCUMENT TO FOREIGN GOVERNMENT.

The Bailiff of Guernsey presents his compliments to His Excellency the Lieutenant-Governor, and begs to forward herewith a notice of a petition in a Matrimonial Cause between and and issued, pursuant to order, out of the Royal Court of Guernsey, for transmission, through Her Majesty's Principal Secretary of State for Foreign Affairs, to the Ministry of Foreign Affairs in (name of country), with the request that the same may be served personally upon , against whom proceedings have been taken as aforesaid in the Royal Court of Guernsey, and with the further request that evidence of the service of the same upon the said may be officially certified to the Royal Court of Guernsey, or declared upon oath, or otherwise, in such manner as is consistent with the usage or practice of the Courts of (name of country), in proving service of legal process.

The Bailiff begs further to request that if efforts to effect personal service of the said notice of petition prove ineffectual, the Government or Court of the said country may certify accordingly to the Royal Court of Guernsey.

Dated at the Royal Court House, Guernsey, this
day of , 19 ,

(Signed)

Bailiff.

FORM 17.

1952
Rule 11(2)(d).

ORDER GIVING LEAVE TO A PETITIONER TO
BESPEAK A REQUEST FOR SUBSTITUTED
SERVICE OF NOTICE OF PETITION ON A
FOREIGN COUNTRY

IN THE ROYAL COURT OF GUERNSEY
MATRIMONIAL CAUSES DIVISION

Between A.B. Petitioner
and
C.B. Respondent
and
E.F. Co-Respondent.

THE COURT, upon reading the (certificate or declaration provided for in sub-paragraph (d) of paragraph (2) of Rule 11 (entitled "Service out of the Jurisdiction") of the Matrimonial Causes Rules, 1951),

ORDERS that the petitioner be at liberty to bespeak a request for substituted service of notice of the petition in this Cause on the co-respondent at or elsewhere in (name of country), and that the said co-respondent have days after such substituted service in which to enter an appearance.

Dated at the Royal Court House, Guernsey, this
day of, 19

(Signed)

Seal of the Her Majesty's Greffier.
Royal Court

1952

Rule 11(2)(d).

FORM 18.

REQUEST TO LIEUTENANT-GOVERNOR IN
CASE OF SUBSTITUTED SERVICE, IN A
FOREIGN COUNTRY, OF NOTICE OF PETI-
TION

The Bailiff of Guernsey presents his compliments to His Excellency the Lieutenant-Governor, and begs to forward herewith a Notice of a Petition in a Matrimonial Cause between and and in which the petitioner has obtained an Order of the Royal Court of Guernsey (which order is also enclosed), giving leave to bespeak a request that the said notice of petition may be served by substituted service on the co-respondent at in (name of country).

The Bailiff requests that the said Notice of Petition and Order may be forwarded, through Her Majesty's Principal Secretary of State for Foreign Affairs, to the proper authority in (name of country), with the request that the same may be transmitted by post addressed to the co-respondent at (the last known place of abode or place of business of the said co-respondent), or there delivered in such manner as may be consistent with the usage or practice of the Courts of (name of country) for service of legal process where personal service cannot be effected ; and with the further request that the same may be officially certified to the Royal Court of Guernsey or declared upon oath, or otherwise in such manner as is consistent with the practice of the Courts of (name of country) in proving service of legal process.

Dated at the Royal Court House, Guernsey, this
day of , 19 .

(Signed)

Bailiff

FORM 19.

1952
Rule 48.

DECLARATION OF RESCISSION

BAILIWICK OF GUERNSEY

DECLARATION OF RESCISSION OF JUDICIAL SEPARATION MADE BY THE HUSBAND AND WIFE

WHEREAS, on the _____ day of _____ 19____, the Royal Court, sitting as an Ordinary Court (or, as the case may be, the Court for Matrimonial Causes), pronounced, in the exercise of its jurisdiction under sub-paragraph (a) of paragraph (4) of Article 2 of the Matrimonial Causes Law (Guernsey), 1939, a judicial separation between us, the undersigned _____, the Husband and _____ his Wife, to which separation we then and there consented :

NOW WE, by these presents, DECLARE THAT WE HAVE RESCINDED the said Judicial Separation by having resumed co-habitation.

Signed by the above-named Husband and Wife, in the presence of Her Majesty's Greffier, this day of _____ 19____ .

Signature of Husband

Signature of Wife

This declaration was signed by the above-named Husband and Wife in my presence, both being present at the same time.

Dated this _____ day of _____ 19____ .

(Signed)
Her Majesty's Greffier.

1952

Rule 48.

FORM 20.

DECLARATION OF RESCISSION

BAILIWICK OF GUERNSEY

DECLARATION OF RESCISSION OF JUDICIAL
SEPARATION MADE BY THE ATTORNEYS
OF THE HUSBAND AND WIFE.

WHEREAS, on the day of 19 ,
the Royal Court, sitting as an Ordinary Court (or,
as the case may be, the Court for Matrimonial
Causes), pronounced, in the exercise of its jurisdiction
under sub-paragraph (a) of paragraph (4) of Article 2
of the Matrimonial Causes Law (Guernsey), 1939, a
judicial separation between , the Husband
and , his Wife, to which separation they
then and there consented :

NOW WE, the undersigned, being the attorneys of
the said Husband and Wife, hereby DECLARE

That the above-named Husband and Wife HAVE
RESCINDED the said Judicial Separation by having
resumed co-habitation.

Signed by

Attorney of the said Husband
and , Attorney of the said Wife, in
the presence of Her Majesty's Greffier, this
day of , 19 .

Signature of Husband's Attorney

Signature of Wife's Attorney

This declaration was signed by the above-named Attorneys in my presence, both being present at the same time.

Dated this day of , 19 .

(Signed)

Her Majesty's Greffier.