



In the Royal Court of the Island of Guernsey

The

Orders of the Royal Court

III

2024

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 15th day of July, 2024 before Sir Richard James McMahon, Bailiff; present:- Stephen Murray Jones, OBE, Esquire, Claire Helen Le Pelley, Jonathan Grenfell Hooley, David John Robilliard, Stuart Michael Crisp, Esquires, Marilyn Jasmine King, Tina Jane Le Poidevin, James Robert Toynton, Esquire, Jurats.

No. III Order, 2024

ENTITLED

THE MATRIMONIAL CAUSES RULES, 2024

The Matrimonial Causes Rules, 2024

ARRANGEMENT OF RULES

PART I

APPLICATION AND OVERRIDING OBJECTIVE

1. Application of Rules.
2. Statement and application of overriding objective.

PART II

PROCEDURE FOR APPLICATIONS FOR MATRIMONIAL ORDERS

Commencement of application for matrimonial order

3. Meaning of matrimonial order.
4. Application for matrimonial order: filing and accompanying documents.
5. Application for matrimonial order: notice to respondent.
6. Limitation on applications in respect of same marriage.

Procedures to be followed by respondent

7. Acknowledgement of service.
8. Statement of arrangements for children: respondent's views.
9. Disputed application.
10. Application by respondent.
11. Procedure: disputed cases and cross-applications.

Amending and withdrawing

12. Amending an application.
13. Amending an answer.
14. Withdrawal of application.

Further applications in proceedings for matrimonial order

15. Application for provisional order or judicial separation order.
16. Procedure on application for provisional order or judicial separation order.
17. Application for final order.
18. Application to prevent provisional order being made final.

PART III
ANCILLARY RELIEF

19. Applications for ancillary relief.
20. Practice directions concerning ancillary relief applications.

PART IV
JUDICIAL SEPARATION BY CONSENT

21. Application under section 13 of the Law (judicial separation by consent).

PART V
PRESUMPTION OF DEATH AND DISSOLUTION OF MARRIAGE

22. Application.

PART VI
GENERAL PROVISIONS RELATING TO APPLICATIONS

23. Method for service of documents.
24. Form and manner of application.
25. Notice of application.
26. Parties to give address for service.
27. Ex parte applications.
28. Failure to proceed.
29. Discharge or rescission of an order etc.

PART VII
CASE MANAGEMENT BY COURT

30. Court's duty to manage cases.

PART VIII
CONDUCT OF PROCEEDINGS

31. Privacy.
32. General powers of Court.
33. Court's power to make orders on an application or of its own initiative.
34. Consent orders.
35. Rectification of errors of procedure.
36. Correction of errors in judgments and orders.
37. Obtaining further information.
38. Costs and security therefor.

- 39. Full or partial indemnity costs.
- 40. Interim assessment of costs.

PART IX
EVIDENCE IN PROCEEDINGS

General rule

- 41. Power of Court to control evidence.

Documentary evidence

- 42. Documentary evidence.
- 43. Power of Court to direct a party to provide information.

Expert evidence

- 44. Expert evidence.

PART X
DISCLOSURE OF DOCUMENTS

- 45. Disclosure of documents.

PART XI
STAY OF PROCEEDINGS IN CERTAIN CASES

- 46. Application for stay under Schedule 1 to the Law.

PART XII
MISCELLANEOUS

- 47. Parties.
- 48. Representation of persons lacking capacity.
- 49. Appeals against enforcement orders.
- 50. Personal details.
- 51. Communication of information relating to proceedings.
- 52. Dissemination of judgments.
- 53. Computation of time.
- 54. Interpretation.
- 55. Statement of arrangements for children.
- 56. Service.
- 57. Repeals and amendments.

58. Citation.

59. Commencement.

SCHEDULE 1: Method for service of documents

SCHEDULE 2: Expert Evidence

SCHEDULE 3: Disclosure of Documents

SCHEDULE 4: Repeals

The Matrimonial Causes Rules, 2024

THE ROYAL COURT, in exercise of the powers conferred upon it by sections 30, 44, 46, 47, and 49 of the Matrimonial Causes (Bailiwick of Guernsey) Law, 2022^a, section 34 of the Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988^b and all other powers enabling it in that behalf, hereby orders:-

PART I

APPLICATION AND OVERRIDING OBJECTIVE

Application of Rules.

1. Subject to the provisions of these Rules, these Rules apply to -
 - (a) all proceedings in matrimonial causes in which the Court has jurisdiction under the Law, and
 - (b) an appeal under section 30 of the Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988 from a decision made under that Law.

Statement and application of overriding objective.

2. (1) The overriding objective of these Rules is to enable the Court to deal with cases justly.

^a Order in Council No. I of 2023.

^b Ordres en Conseil Vol. XXXI, p171. This enactment has been amended.

- (2) Dealing with a case justly includes, so far as is practicable -
- (a) ensuring that it is dealt with expeditiously and fairly,
 - (b) dealing with the case in ways which are proportionate to the nature, importance and complexity of the issues,
 - (c) ensuring that the parties are on an equal footing,
 - (d) saving expense, and
 - (e) allocating to it an appropriate share of the Court's resource, while taking into account the need to allocate resources to other cases.

(3) The Court must seek to give effect to the overriding objective when it -

- (a) exercises any power given to it by these Rules, or
- (b) interprets any Rule.

(4) The parties are required to help the Court to further the overriding objective.

PART II
PROCEDURE FOR APPLICATIONS FOR MATRIMONIAL ORDERS

Commencement of application for matrimonial order

Meaning of matrimonial order.

3. For the purposes of these Rules, a "**matrimonial order**" means -
- (a) a divorce order made under section 6 of the Law,
 - (b) a nullity of marriage order made under section 9 of the Law, or
 - (c) a judicial separation order made under section 12 of the Law.

Application for matrimonial order: filing and accompanying documents.

4. (1) An application for a matrimonial order must be filed with the Court in the prescribed form and manner.

(2) An application for a matrimonial order must, unless the Court orders otherwise, be accompanied by -

- (a) a sworn statement of truth,
- (b) a certified copy of the marriage certificate of the parties to the marriage,
- (c) where the marriage certificate is not in English, a

translation of the marriage certificate certified as a true and accurate translation of the original document,

- (d) where the application discloses that there is a child of the marriage to whom section 15 of the Law applies, a statement of arrangements for children in accordance with Rule 55 together with any relevant medical report,

together with such other documents as may be prescribed.

Application for matrimonial order: notice to respondent.

5. (1) This rule applies to an application for a matrimonial order that is not made jointly.

(2) After an application for a matrimonial order has been filed, notice of it in the prescribed form must be served on the respondent in accordance with this Rule.

(3) Where notice of an application is served on the respondent, it must be accompanied by -

- (a) a form of acknowledgement of service,
- (b) a copy of any statement filed under Rule 4(2)(d),
- (c) a statement of the earliest date on which any application under Rule 15 may be made,

and such other document as may be prescribed.

(4) Unless otherwise ordered, the applicant must, within seven days after the filing of the application -

- (a) commence the relevant process in Schedule 1 to serve the application, or
- (b) file evidence that the respondent accepts service of the application.

Limitation on applications in respect of same marriage.

6. A person may not make more than one application for a matrimonial order in respect of the same marriage unless -

- (a) the first application has been dismissed or finally determined, or
- (b) the Court gives leave.

Procedures to be followed by respondent

Acknowledgement of service.

7. (1) Subject to any direction of the Court to the contrary, the respondent must -

- (a) file an acknowledgement of service in the prescribed form, and

- (b) send a copy of the acknowledgement of service to the applicant,

within 14 days beginning with the date on which notice of the application for a matrimonial order was served on the respondent.

- (2) The acknowledgement of service must -
 - (a) be signed by the respondent (and, if the respondent is not represented by an advocate, contain a sworn statement that the signature is that of the respondent),
 - (b) include the respondent's address for service, and
 - (c) indicate whether or not the respondent intends to dispute the application.

Statement of arrangements for children: respondent's views.

8. A respondent upon whom there is served a statement of arrangements for children may, at any time before the Court makes a declaration under section 15 of the Law, file a written statement of the respondent's views on the present and proposed arrangements for the children, and must serve a copy of any such statement on the applicant.

Disputed application.

- 9. (1) In these Rules, "**dispute**" means -
 - (a) in relation to an application for a matrimonial order other than a nullity of marriage order, dispute the

validity or subsistence of the marriage or the jurisdiction of the Court to entertain the proceedings, or

(b) in relation to an application for a nullity of marriage order, oppose the grant of an order on the application.

(2) A respondent who wishes to dispute an application for a matrimonial order ("**the application**") must file an answer, supported by affidavit, within 28 days beginning with the date on which notice of the application was served on the respondent.

(3) A respondent may file an answer even if the intention to do so was not indicated in the acknowledgement of service.

(4) Where a respondent files an answer under paragraph (2), a copy of the answer must be served on the applicant and any other party within seven days of such filing.

Application by respondent.

10. (1) A respondent may not make an application for a matrimonial order for the same relief in respect of the same marriage unless -

(a) the first application has been dismissed or finally determined, or

(b) the Court gives leave.

(2) A respondent who wishes to make an application for a

matrimonial order, other than an order for the same relief, must make the application for that order within 28 days beginning with the date on which notice of the application was served on the respondent, unless the Court gives leave to make the application after that time has passed.

(3) Where the respondent makes an application under this Rule, that application is to be treated as an application in the same proceedings for the purposes of these Rules.

(4) Where a respondent makes an application for a matrimonial order, unless the context otherwise requires, these Rules shall apply with necessary modifications as if the reference to a respondent is a reference to the applicant in the other party's application for a matrimonial order.

Procedure: disputed cases and cross-applications.

11. Where a respondent -

- (a) files an answer under Rule 9,
- (b) applies for leave under Rule 10(1)(b), or
- (c) files an application for a matrimonial order under Rule 10(2),

the Court shall give directions as to the subsequent steps to be taken in the proceedings.

Amending and withdrawing

Amending an application.

12. (1) Subject to paragraph (2), a party making an application for a matrimonial order may not amend the application without the agreement of all other parties or with leave of the Court.

(2) Where an application has been amended under this Rule, the Court may give directions as to the service of the amended application and as to any other matters it thinks fit.

Amending an answer.

13. (1) A party who has filed an answer may not amend the answer without the leave of the Court.

(2) Where an answer has been amended under this Rule, the Court may give directions as to the service of the amended answer and as to any other matters it thinks fit.

Withdrawal of application.

14. (1) Subject to paragraph (2), an application for a matrimonial order may be withdrawn only with leave of the Court.

(2) An application for a matrimonial order made by one party to the marriage may be withdrawn at any time before notice of it has been served.

(3) Subject to paragraph (4), a person seeking leave under paragraph (1) must file a written request, supported by affidavit, setting out the

reasons for the request and serve notice on all other parties.

(4) A request under paragraph (3) may be made orally if the parties are present.

(5) An application under paragraph (1) may only be granted if the other parties, and any other persons directed by the Court, have had an opportunity to make representations, whether written or oral, or by such other means as the Court considers appropriate, to the Court.

Further applications in proceedings for matrimonial order

Application for provisional order or judicial separation order.

15. (1) An application for a provisional order of divorce or a judicial separation order may be made in the prescribed form not earlier than the end of the period of 60 days from the date on which the application for a divorce order or a judicial separation order (as the case may be) was filed, provided that -

(a) the time for filing the acknowledgement of service has expired and no party has filed an acknowledgement of service indicating an intention to dispute the proceedings, and

(b) in any other case, the time for filing an answer to the application has expired.

(2) The Court may extend the period specified in paragraph (1) for making an application for a provisional order as it thinks fit.

(3) An application under paragraph (1) may be made -

- (a) by the applicant,
- (b) by the respondent,
- (c) in a joint application, by both parties, or
- (d) in a joint application that is to proceed as an application by one party only, by that party.

(4) An application for a provisional order of nullity of marriage may be made in the prescribed form by the applicant or respondent -

- (a) after the time for filing the acknowledgement of service has expired, provided that no party has filed an acknowledgement of service indicating an intention to dispute the proceedings, and
- (b) in any other case, the time for filing an answer to the application has expired.

(5) An application under paragraph (1) or (4) must be accompanied by a statement in the prescribed form, supported by affidavit -

- (a) stating whether there have been any changes in the information given in the application,
- (b) confirming that, subject to any changes stated, the

contents of the application are true, and

- (c) where the acknowledgement of service has been signed by the other party to the marriage, confirming that party's signature on the acknowledgement of service.

(6) Without prejudice to the generality of Rule 25, a copy of the application made under paragraph (3)(a) or (c), together with a statement of the date when the application will be tabled, must be served on the other party to the marriage.

Procedure on application for provisional order or judicial separation order.

16. Subject to Rule 11, where an application is made under Rule 15(1) or (4), the Court must -

- (a) if it is satisfied that the applicant is, or the applicants are, entitled to a provisional order of divorce or nullity of marriage, or a judicial separation order (as the case may be), make the order, or
- (b) if it is not so satisfied, give such directions including, without limitation, the provision of such further information, or the taking of such other steps, by any party, as the Court thinks fit.

Application for final order.

17. (1) An application for a final order may be made by any party to the proceedings.

(2) The Court must make the provisional order final if it is satisfied that -

- (a) no application under Rule 29 for discharge of the provisional order is pending,
- (b) at least 28 days has elapsed since the making of the provisional order, and no appeal against the making of that order is pending,
- (c) no application to prevent the provisional order being made final, including any application under section 7(1) of the Law, is pending, and
- (d) there is no other reason not to.

Application to prevent provisional order being made final.

18. (1) This Rule applies where, after a provisional order is made, a party makes an application under section 7(1) of the Law for consideration of the applicant's financial position after the divorce order is made final.

(2) The person making an application to which this Rule applies must, at the time of filing the application, apply to the Court for directions for the hearing of the application.

(3) Where the person making an application to which this Rule applies does not apply for directions under paragraph (2), the person in whose favour the provisional order was made may apply for directions or for the dismissal of the

application.

PART III
ANCILLARY RELIEF

Applications for ancillary relief.

19. (1) An application for any of the following orders -
- (a) an interim order under section 21 or 22 of the Law,
 - (b) a financial provision order under section 23 of the Law,
 - (c) a property adjustment order under section 24 of the Law,
 - (d) a variation of settlements order under section 25 of the Law, and
 - (e) an order under section 36 of the Law for the avoidance of transactions intended to prevent or reduce financial relief,

("ancillary relief") may not, except with leave of the Court, be filed later than the expiration of one year after the filing of the application for a matrimonial order.

(2) An application mentioned in paragraph (1)(e) may be made ex parte.

(3) An application mentioned in paragraph (1), other than an

application made ex parte under paragraph (2), must -

- (a) contain a statement of the date when the application will be tabled for directions as to the subsequent steps to be taken,
- (b) be -
 - (i) served at least seven days, and
 - (ii) filed at least three days,before the date referred to in subparagraph (a).

Practice directions concerning ancillary relief applications.

20. (1) The Court may, by practice direction, make provision for the practice and procedure concerning applications for ancillary relief including (without limitation) for the holding of an FDR hearing.

(2) In paragraph (1), "**FDR hearing**" means a Financial Dispute Resolution hearing held for purposes including -

- (a) discussion and negotiation concerning applications for ancillary relief,
- (b) reviewing the evidence filed and considering if a settlement can be facilitated at that time, and
- (c) if settlement is reached, giving directions for a consent

order to be drafted.

PART IV
JUDICIAL SEPARATION BY CONSENT

Application under section 13 of the Law (judicial separation by consent).

21. (1) An application under section 13 of the Law must be accompanied by the following documents -

- (a) a statement signed by or on behalf of both the parties that they seek to be judicially separated from each other,
- (b) a certified copy of the marriage certificate of the parties to the marriage,
- (c) where the marriage certificate is not in English, a translation of the marriage certificate certified as a true and accurate translation of the original document,
- (d) where there is a child of the marriage to whom section 15 of the Law applies, a statement of arrangements for children in accordance with Rule 55,
- (e) where a vesting order is sought, a draft vesting order, and
- (f) a financial statement in the prescribed form.

(2) A "**judicial separation by consent**" is an order made under section 13 of the Law.

PART V

PRESUMPTION OF DEATH AND DISSOLUTION OF MARRIAGE

Application.

22. (1) Without prejudice to the generality of Rule 24, an application for an order under section 16 of the Law (presumption of death and dissolution of marriage) must include information about the missing person's property and details of the interest of any other person in such property and be accompanied by any evidence the applicant relies on in support of the application.

(2) Unless otherwise directed, the applicant must, at least 14 days before filing the application, publish notice of the application -

- (a) in La Gazette Officielle,
- (b) in the Alderney Gazette, and
- (c) on at least one of the official notice boards in Sark.

(3) The Court may -

- (a) require notice of the application to be served on any person, including any person appearing to have an interest in the property of the missing person,
- (b) require notice of the application to be published, in

addition to the manner set out in paragraph (2), in such manner as the Court directs, and

- (c) give such directions as to the subsequent steps to be taken in the proceedings,

as it thinks fit.

PART VI

GENERAL PROVISIONS RELATING TO APPLICATIONS

Method for service of documents.

23. Where these Rules provide that a document must be served, the document must be served in accordance with Schedule 1, except where -

- (a) any other provision of these Rules, any other enactment or a practice direction makes a different provision, or
- (b) the Court directs otherwise.

Form and manner of application.

24. An application to the Court in matrimonial proceedings must be made in the prescribed form and manner or, if no such form has been prescribed, by a statement in writing of the order sought and a summary of the reasons for which the order is sought.

Notice of application.

- 25. (1) An applicant must give notice of an application to all other

parties, except where an application may lawfully be made ex parte.

(2) An applicant gives notice by serving on all parties, at least seven days before the date of the first hearing -

- (a) a copy of the application,
- (b) any relevant documents, and
- (c) a statement of the date when the application will be tabled.

(3) Rule 5 also applies in the case of an application for a matrimonial order.

Parties to give address for service.

26. (1) An application must include an address for service for the applicant (if not already given in the proceedings) and must be accompanied by such information and documents as may be prescribed.

(2) Each party on whom an application is served must, no later than the first hearing at which that party is present or represented, give an address for service (if not already given in the proceedings).

Ex parte applications.

27 (1) An application may be made ex parte only where -

- (a) provision enabling the application to be made ex parte is made in these Rules, in any other enactment or in a

practice direction, or

- (b) the Court, having regard to all the circumstances, gives leave.

(2) Where the Court refuses to make an order on an ex parte application, it may direct that the application shall be made inter partes and may, if it thinks fit, set a date for the inter partes hearing; and the applicant shall thereupon serve a copy of the application in accordance with Rule 25.

(3) Subject to a direction of the Court to the contrary, where the Court makes an order on an ex parte application, it shall fix a date as soon as just and convenient for the hearing of the matter inter partes; and the applicant shall serve a copy of the order and any supporting documentation, together with a notification of the date set for the inter partes hearing, on all parties to the application.

Failure to proceed.

28. (1) Subject to paragraph (2), every application for a matrimonial order must be tabled within six months after the filing of the application.

(2) Where an application is not tabled within the time specified in paragraph (1) -

- (a) the application cannot proceed except with the agreement of all other parties or the leave of the Court, and
- (b) the respondent or any other party may apply to the Court for the application to be dismissed.

(3) The provisions of paragraphs (1) and (2) are without prejudice to the provisions of sections 6(9) and 9(5) of the Law.

Discharge or rescission of an order etc.

29. (1) Either party, or both parties, to the marriage may apply, after a provisional order has been made but before it has been made final, for the discharge of the order on the grounds that the parties are reconciled and both consent to the discharge.

(2) For the avoidance of doubt, an order made on an application under paragraph (1) does not affect a prior vesting order.

(3) Discharge of a judicial separation order, or of a decree or pronouncement of judicial separation, under section 14(3) of the Law may be made on the grounds that the parties are reconciled and both consent to the discharge.

(4) A Declaration of Rescission of Judicial Separation for the purposes of section 14(2)(b) of the Law shall be made in the prescribed form.

PART VII

CASE MANAGEMENT BY COURT

Court's duty to manage cases.

30. (1) The Court must further the overriding objective by actively managing cases.

(2) Active case management includes -

- (a) encouraging the parties to co-operate with each other in the conduct of the proceedings,
- (b) identifying the issues, and the parties, at an early stage,
- (c) deciding promptly which issues need full investigation and hearing and which do not,
- (d) deciding the procedure to be followed in the case and the order in which issues are to be resolved,
- (e) encouraging the parties to use any appropriate form of alternative dispute resolution and facilitating the use of such procedures,
- (f) actively encouraging and assisting parties to settle the whole or part of the case on terms that reflect the overriding objective of these Rules,
- (g) fixing timetables or otherwise controlling the progress of the case,
- (h) dealing with as many aspects of the case as is practicable on the same occasion,
- (i) dealing with the case, or any aspect of it, where it appears appropriate to do so, without requiring the parties to attend Court,

- (j) making appropriate use of technology,
- (k) giving directions to ensure that the case proceeds quickly and efficiently, and
- (l) ensuring that no party gains an unfair advantage by reason of that party's failure to give full disclosure of all relevant facts prior to the trial or the hearing of any application.

PART VIII
CONDUCT OF PROCEEDINGS

Privacy.

31. The hearing of any application under the Law shall be heard in private unless otherwise directed by the Court.

General powers of Court.

32. (1) The Court has the powers set out in this Rule, in addition to any powers under the customary jurisdiction of the Court or conferred on the Court by these Rules or any other rules, practice direction or enactment.

- (2) The Court may -
 - (a) extend or shorten the time for compliance with any rule, practice direction, order or direction of the Court, even if the application for an extension is made after the time for compliance has expired,

- (b) adjourn or bring forward a hearing,
- (c) stay the whole or any part of any proceedings or judgment generally or until a specified date or event,
- (d) decide the order in which issues are to be determined, and give directions as to the steps to be taken in the proceedings,
- (e) direct that part of any proceedings be dealt with separately,
- (f) consolidate any proceedings, or make an order that two or more proceedings be tried at the same time, or one immediately after another, or that any of them shall be stayed until any other of them is determined,
- (g) exclude an issue from determination if in the opinion of the Court the determination of that issue is unnecessary in order to achieve substantive justice between the parties,
- (h) dismiss or give judgment in any proceedings after a decision on a preliminary issue,
- (i) waive any requirement that evidence in support of any application be given by affidavit,
- (j) require the maker of an affidavit to attend Court for

cross-examination or generally to give evidence in the proceedings,

(k) require any party or party's Advocate to attend the Court,

(l) deal with any matter in the absence of any party,

(m) hold a hearing and receive evidence by telephone, video link or other electronic means or by using any other method of direct oral communication: provided that where evidence is received by telephone, video link or other electronic means, all persons participating must be able to hear one another and to identify one another so far as is practicable,

(n) deal with a matter on written representations submitted by the parties instead of by oral representations,

(o) direct that notice of any proceedings or application be given, or not given, to any person, and

(p) take any step, including the giving, varying or revoking of directions, or make any other order for the purpose of managing the proceedings and furthering the overriding objective of these Rules.

(3) When the Court makes an order or gives a direction, it may -

- (a) make the order or give the direction subject to conditions, and
 - (b) specify the consequences of failure to comply with the order, direction or a condition.
- (4) The conditions which the Court may impose include -
- (a) requiring a party to pay costs or give security for costs in accordance with Rule 39,
 - (b) requiring a party to give any undertakings, and
 - (c) requiring a sum of money to be paid into court or as the Court may direct.
- (5) In considering whether to make an order, the Court may take into account whether a party is prepared to give an undertaking.
- (6) A power of the Court under these Rules to make an order -
- (a) may be made at any stage of the proceedings, and
 - (b) includes a power to stay, vary or revoke that order.

Court's power to make orders on an application or of its own initiative.

33. (1) Except where a rule or enactment provides otherwise, the Court may exercise its powers on an application or of its own initiative.

(2) Where the Court proposes to make an order of its own initiative, it must consider whether any person likely to be affected should be given an opportunity to make representations, whether written or oral, or by such other means as the Court considers appropriate, before the order is made.

Consent orders.

34. (1) Where the parties to any proceedings reach agreement as to the disposal of the proceedings or any part thereof, the Court may, if it considers it appropriate to do so, approve the proposals and make an order accordingly without the necessity for a hearing.

(2) Where the Court does not consider that it is appropriate to approve any proposals for the disposal of proceedings or part thereof agreed by the parties, it may make such directions as it thinks fit for the continuation of the proceedings.

(3) Where the parties reach an agreement that, if approved, would cause the Court to make a financial provision order, each party must file and serve, or the parties jointly must file, a financial statement in the form prescribed for the purposes of this Rule.

Rectification of errors of procedure.

35. Where there has been an error of procedure such as a failure to comply with a rule or practice direction -

(a) the error does not invalidate any step taken in the proceedings unless the Court so orders, and

- (b) the Court may make an order to remedy the error.

Correction of errors in judgments and orders.

36. The Court may at any time correct an accidental slip or omission in a judgment or order.

Obtaining further information.

37. The Court may at any time order any party to -

- (a) clarify any matter which is in dispute in the proceedings, or
- (b) give additional information in relation to any such matter.

Costs and security therefor.

38. (1) The Court may, in any proceedings -

- (a) make such order as to the costs of the proceedings, or of any stage or application in the proceedings, and
- (b) order any party to give security for costs in such amount, on such terms and in such manner,

as the Court thinks just.

(2) An order under paragraph (1)(b) for the giving of security for costs shall -

- (a) determine the amount of security, and
- (b) direct the manner in which, and the time within which, the security must be given.

Full or partial indemnity costs.

39. (1) Notwithstanding the provisions of any other rule of court or enactment, the Court may, in the circumstances mentioned in paragraph (2), order that costs or security for costs shall be paid on a full or partial indemnity basis.

(2) The circumstances referred to in paragraph (1) are as follows -

- (a) where, in the special circumstances of the case, it is the opinion of the Court that costs should be ordered otherwise than on the basis provided by the Matrimonial Causes (Costs and Fees) Rules, 2024, or
- (b) where any party has pleaded or otherwise pursued or defended the proceedings unreasonably, scandalously, frivolously or vexatiously, or has otherwise abused the process of the Court.

(3) In the event of any difference or dispute between the parties as to the costs recoverable under an order of the Court, the difference or dispute should be determined in accordance with the Matrimonial Causes (Costs and Fees) Rules, 2024.

Interim assessment of costs.

40. (1) The Court may, at the conclusion of a hearing or application at

any interim stage of the proceedings, which hearing or application has lasted not more than one day, order a party to pay to another party the costs ("interim costs") of such hearing or application.

(2) Where the Court orders a party to pay interim costs to another party, it may, subject to paragraph (3), determine, by way of a summary assessment of costs, the amount payable by the party liable to pay the costs, such costs to be payable forthwith.

(3) Where a party applies for a summary assessment of costs, the Court may order that party, and any other party in the proceedings, to submit to the Court, within such period as the Court may order, a Statement of Costs.

PART IX EVIDENCE IN PROCEEDINGS

General rule

Power of Court to control evidence.

41. The Court may control the evidence by giving directions as to -
- (a) the issues on which it requires evidence,
 - (b) the nature of the evidence which it requires to decide those issues, and
 - (c) the way in which the evidence is to be placed before the Court.

Documentary evidence

Documentary evidence.

42. (1) At a directions or other hearing, no party shall file or serve any document, nor adduce any documentary evidence or seek to rely on a document, other than in accordance with these Rules or any practice direction or with leave of the Court.

(2) The Court may, if it thinks fit, in exceptional circumstances, order that a document, or part thereof, or any information contained therein, should be withheld from a party to the proceedings, or that disclosure of such document or information should be subject to conditions.

Power of Court to direct a party to provide information.

43. Where a party has access to information which is not reasonably available to another party, the Court may direct the party who has access to the information to -

- (a) prepare and file a document recording the information,
and
- (b) serve a copy of that document on the other party.

Expert evidence

Expert evidence.

44. Schedule 2, which contains provisions about expert evidence, has effect.

PART X
DISCLOSURE OF DOCUMENTS

Disclosure of documents.

45. Schedule 3, which contains provisions about disclosure of documents, has effect.

PART XI
STAY OF PROCEEDINGS IN CERTAIN CASES

Application for stay under Schedule 1 to the Law.

46. (1) Where, in proceedings for a divorce, nullity of marriage or judicial separation order, it appears to the Court that there are proceedings continuing in another jurisdiction which are in respect of the marriage in question, or which are capable of affecting its validity or subsistence, and the Court considers that the question whether the proceedings should be stayed under paragraph 4 of Schedule 1 to the Law ought to be determined by the Court, the Court shall give directions for the hearing of that question.

(2) For the purposes of paragraph (1), the reference to proceedings continuing in any other jurisdiction has the same meaning as in paragraph 1(f) of Schedule 1 to the Law.

PART XI
MISCELLANEOUS

Parties.

47. Subject to any order to the contrary, the parties to matrimonial

proceedings are the parties to the marriage concerned.

Representation of persons lacking capacity.

48. (1) Where a party involved in any matrimonial proceedings lacks capacity within the meaning of the Capacity (Bailiwick of Guernsey) Law, 2020^c, the proceedings must be conducted on that party's behalf by -

- (a) a person appointed by the Royal Court as guardian ("curateur aux biens") of the party,
- (b) a person appointed for that purpose pursuant to an application under paragraph 1 of the Third Schedule of the Mental Health (Bailiwick of Guernsey) Law, 2010^d,
- (c) such other person as the Royal Court may appoint.

(2) Subject to any direction to the contrary, a person conducting proceedings pursuant to paragraph (1)(a) to (c), will be treated as a party for the purpose of any provision in these Rules requiring a document to be served on, or notice to be given to, a party to the proceedings.

Appeals against enforcement orders.

49. (1) An appeal from a decision of the Court under Part VI of the Law shall be instituted by notice served on all the parties to the proceedings in the course of which the decision was made, stating the grounds of appeal and the order sought.

^c Order in Council No. II of 2021. This enactment has been amended.

^d Order in Council No. XV of 2011. This enactment has been amended.

(2) The grounds of appeal shall be any ground of appeal which involves -

- (a) a question of law alone,
- (b) a question of fact alone, or
- (c) a question of mixed fact and law.

(3) A notice served under paragraph (1) must be served within the time period specified in Rule 3 of the Court of Appeal (Civil Division) (Guernsey) Rules, 1964^e.

Personal details.

50. (1) Where an applicant or other party to an application does not wish to disclose to any person -

- (a) the party's home address or other contact details,
- (b) the address or other contact details of any child,
- (c) the name of a person with whom the child is living, if that person is not the applicant,

the party may apply to the Court for an order under paragraph (2) giving notice of the

^e G. S. I. No. 15 of 1964. This enactment has been amended.

particulars which the party does not wish to reveal.

(2) An application under paragraph (1) must be accompanied by -

(a) a written summary of the reasons why the order is sought, and

(b) any relevant documents relied on in support.

(3) The Court may order that such of the particulars specified in paragraph (1) as may be mentioned in the order must not be revealed to any person unless the Court directs otherwise.

(4) An application under paragraph (1) may be made ex parte.

(5) Where a party changes home address during the course of the proceedings to which an order under paragraph (2) relates, that party must give notice of the change to the Court.

Communication of information relating to proceedings.

51. (1) Subject to the provisions of this Rule, no person may disclose or communicate information relating to proceedings to which these Rules apply, whether or not such information is contained in a document filed with the Court.

(2) An Act of Court evidencing a decision of the Court made in the course of any such proceedings may be disclosed to the extent that the decision so evidenced relates to the making of a matrimonial order, and no information concerning the terms of any agreement shall be disclosed except with leave of the Court.

(3) The Court may give directions concerning the communication of information by any persons concerning such proceedings as it thinks fit.

Dissemination of judgments.

52. (1) No part of any judgment of the Court may be published unless permitted to do so in accordance with this Rule.

(2) The Court may, at any stage of the proceedings, give directions concerning the publication, or prohibiting or restricting the publication, of any judgment of the Court.

Computation of time.

53. (1) In calculating any period of time for doing any act which is specified -

- (a) by these Rules,
- (b) by a practice direction, or
- (c) by a direction or order of the Court,

a period of time expressed as a number of days must be computed as clear days.

(2) For the purposes of paragraph (1), "**clear days**" means that in computing the number of days -

- (a) the day on which the period begins, and

- (b) if the end of the period is defined by reference to an event, the day on which that event occurs,

are not included.

(3) Where the specified period is seven days or fewer and includes a day which is not a business day, that day does not count.

(4) Where the specified period for doing any act at the Greffe ends on a day which is not a business day, that act will be done in time if done on the next business day.

Interpretation.

54. In these Rules, unless the context otherwise requires -

"acknowledgement of service": see Rule 7,

"address for service" means an address in the Bailiwick at which any document can validly be served on the person providing the address for service,

"Alderney Greffier" means the Greffier appointed under section 20 of the Government of Alderney Law, 2004^f and includes any deputy Greffier so appointed and any other person authorised by the Greffier to act on the Greffier's behalf,

^f Order in Council No. III of 2005. This enactment has been amended.

"**alternative dispute resolution**" means methods of resolving a dispute, including mediation, other than through the normal court process,

"**ancillary relief**": see Rule 19,

"**answer**": see Rule 9,

"**applicant**", in the case of a joint application, includes both joint applicants,

"**business day**" means any day other than -

- (a) a Saturday, a Sunday, Christmas Day and Good Friday,
and
- (b) a public holiday,

"**certified copy**", in relation to a marriage certificate, means a copy, certified as a true copy of an entry in the Marriage Register by the Registrar-General of Marriages, or the equivalent in the jurisdiction where the marriage was solemnised,

"**the Court**" means the Matrimonial Causes Division of the Royal Court,

"**direction**" means any direction of the Court, including a practice direction, and "**direct**" shall be construed accordingly,

"**dispute**": see Rule 9(1), and "**disputed**" shall be construed accordingly,

"**divorce order**" means an order under section 6 of the Law,

"**file**" means to deliver to the Greffe for the purpose of any proceedings, and "**filed**" shall be construed accordingly,

"**final order**" means, in the case of an application for a divorce order or a nullity of marriage order, a provisional order which has been made final,

"**judicial separation by consent**": see Rule 21(2),

"**judicial separation order**" means an order under section 12 of the Law,

"**the Law**" means the Matrimonial Causes (Bailiwick of Guernsey) Law, 2022,

"**Marriage Register**" means the General Register of Marriages maintained in accordance with section 51 of the Marriage (Bailiwick of Guernsey) Law, 2020[§],

"**matrimonial order**": see Rule 3,

"**matrimonial proceedings**" means any proceedings in which the Court has jurisdiction under the Law,

"**nullity of marriage order**" means an order under section 9 of the Law,

"**order**" includes directions of the Court,

"**prescribed**" means prescribed by or under a practice direction,

"**Prévôt**" means the Prévôt appointed under section 49 of the Reform (Sark) Law, 2008^h and includes any Deputy Prévôt or Assistant Deputy Prévôt,

"**provisional order**" means a divorce order or a nullity of marriage order which has not been made final,

"**Registrar-General**" means the Registrar-General of Marriages and includes a Deputy Registrar,

"**Sergeant**" means His Majesty's Sergeant of the Royal Court or the Deputy Sergeant,

"**single joint expert**": see paragraph 7 of Schedule 2,

"**statement of arrangements for children**": see Rule 55,

"**tabled**" means placed before the Court by a party or the party's Advocate,

and other expressions have the same meaning as in the Law.

^h Order in Council No. V of 2008; this enactment has been amended.

Statement of arrangements for children.

55. (1) A statement of arrangements for children is a written statement in the prescribed form setting out the following information in relation to each such child, in addition to any other information prescribed by practice direction or as directed by the Court -

- (a) the child's residence and who is responsible for the child's care and upbringing,
- (b) the child's education, the school or other educational establishment presently attended or, if the child is working or training, the nature of the child's work and details of any such training,
- (c) who is supporting the child financially or contributing to the child's support and the extent thereof,
- (d) any arrangements which have been agreed for contact by the child with either of the parties and the extent to which such contact is and has been afforded,

including any orders under the Law, the Matrimonial Causes Law (Guernsey), 1939ⁱ, Part IV of the Children (Guernsey and Alderney) Law, 2008^j ("**the Children Law**") or

ⁱ Ordres en Conseil Vol. XI, p. 318. This enactment has been amended.

^j Order in Council No. XIV of 2009. This enactment has been amended.

Part IV of the Children (Sark) Law, 2016^k (as the case may be) made in respect of any such child.

(2) Every such statement must include the arrangements proposed for each such child in respect of -

- (a) residence, and who will care for the child in the foreseeable future,
- (b) education, work or training, including any long-term proposals for further education or training,
- (c) financial provision, including any application which will be made for ancillary relief in respect of the child, and the object of any application which is other than for the day-to-day support of the child, and
- (d) contact,

in the event of the application being granted, and to what extent the arrangements set out in the statement made under paragraph (2) will be affected.

(3) Every such statement must state whether each such child -

- (a) is suffering from any disability or chronic illness or from the effect of any serious illness and, if so, the

^k Order in Council No. VIII of 2016. This enactment has been amended.

nature of the disability or illness, such statement to be accompanied, so far as is practicable, by an up-to-date medical report,

- (b) is or has been the subject of a care requirement or order made under the Children Law or the Child Protection (Sark) Law, 2020¹, or the equivalent in any other jurisdiction, and the details of any such care requirement or order made,
- (c) is the subject of any ongoing proceedings or investigation under the Children Law or the Child Protection (Sark) Law, 2020, or the equivalent in any other jurisdiction,
- (d) has been convicted of an offence before a court in any jurisdiction,
- (e) is the defendant in ongoing criminal proceedings in any jurisdiction.

Service.

56. Schedule 1, which contains provisions about service, has effect.

¹ Order in Council No. XIII of 2020. This enactment has been amended.

Repeals and amendments.

57. (1) The Rules set out in the first column of the table in Schedule 4 are repealed to the extent set out in the second column.

(2) In Rule 92A of the Royal Court Civil Rules 2007^m, after "Family Proceedings (Guernsey and Alderney) Rules, 2009" insert "or the Matrimonial Causes Rules, 2024".

(3) In Rule 2(2)(a) of the Family Proceedings (Guernsey and Alderney) Rules, 2009ⁿ, for "Loi ayant rapport au Divorce et à d'autres Causes Matrimoniales, 1939" substitute "Matrimonial Causes (Bailiwick of Guernsey) Law, 2022".

Citation.

58. These Rules may be cited as the Matrimonial Causes Rules, 2024.

Commencement.

59. These Rules shall come into force on the same day as the Law.

^m O.R.C. No. IV of 2007. This enactment has been amended.

ⁿ O.R.C. No. IV of 2009.

SCHEDULE 1

Rule 56

METHOD FOR SERVICE OF DOCUMENTS

Service within the Bailiwick.

1. (1) Service within the Bailiwick of a document on an individual shall be effected -

- (a) personally,
- (b) by leaving the document at the individual's usual or last known address in the Bailiwick,
- (c) where, in the proceedings to which the document relates, the individual has given an address for service, by leaving the document there, or
- (d) where an address for service has been given in any document which relates to the proceedings or to the subject matter thereof, being a document to which the individual was party, by leaving the document there.

(2) Service in accordance with paragraph (1) shall be effected -

- (a) in Guernsey, by the Sergeant,
- (b) in Alderney, by the Alderney Greffier,

- (c) in Sark, by the Prévôt.

Certification of mode of service.

2. (1) The Sergeant, the Alderney Greffier or the Prévôt (as the case may be), having effected service of a document in accordance with paragraph 1, or having attempted so to effect service, shall certify the mode of service as follows -

- (a) in the case of service in accordance with paragraph 1(1)(a) or (c), with the letter "A",
- (b) in the case of service in accordance with paragraph 1(1)(b) or (d), where the document was left at the individual's usual or last known address in the Bailiwick, with a person who appeared to be a reliable adult and who undertook to bring the document to the attention of the person to be served, with the letter "B",
- (c) otherwise with the letter "C",

unless service was effected in some other manner in accordance with an order of the Court including (without limitation) substituted service in accordance with paragraph 3, in which case proof of service shall be in accordance with the order of the Court, or paragraph 3 (as the case may be).

- (2) A certificate under this paragraph -
 - (a) with the letter "A", shall enable the matter to proceed in all respects,

- (b) with the letter "B", shall enable the matter to proceed in all respects, with leave of the Court,
- (c) with the letter "C", shall enable the matter to be tabled but nothing more unless, when the matter is tabled -
 - (i) the person who was to be served appears (in person or by an Advocate), or
 - (ii) the Court is satisfied that that person has notice of the document,

in either of which cases the matter may proceed in all respects.

Substituted service within the Bailiwick.

3. (1) Where service within the Bailiwick of a document in a manner required by these Rules would, but for the provisions of this Rule, be impracticable or would entail undue expense, the Court may make such order for substituted or other service, whether by notice, by advertisement or otherwise, as it thinks just.

(2) A party applying for an order under subparagraph (1) shall file an affidavit in support of the application.

(3) Where the Court makes an order under subparagraph (1), proof of service in accordance with the order shall be by affidavit or, where service was effected by the Sergeant, the Alderney Greffier or the Prévôt, by the certification of

that officer.

Service out of the Bailiwick.

4. (1) The Court may give leave to effect service of a document out of the Bailiwick.

(2) The Court shall not make an order under subparagraph (1) unless satisfied (by affidavit or otherwise) that the matter to which the document relates -

(a) is properly justiciable before the Court, and

(b) is a proper one for service out of the jurisdiction.

(3) An order under subparagraph (1) shall state -

(a) the form, manner and time in which, and conditions subject to which, service is to be effected,

(b) the minimum period which must elapse between the date of service and date upon which the matter may be pursued, and

(c) the period within which any acknowledgement of service or answer must be filed by the respondent.

(4) Where the Court makes an order under subparagraph (1), proof

of service in accordance with the order shall be by affidavit.

Service in other manner permitted by law.

5. The provisions of paragraphs 1 to 4 -
 - (a) are in addition to, and not in derogation from, the provisions of any enactment or rule of court relating to the service of documents,
 - (b) do not apply where the Court orders service in some other manner or dispenses with service in accordance with paragraph 6.

Power of Court to dispense with service.

6. Notwithstanding any rule or practice direction requiring any document to be served on any person, the Court may direct that the requirement for service in any particular case shall be dispensed with, or that any time specified for complying with a requirement may be reduced, or may direct that service in any such case shall be deemed to have been properly effected in accordance with these Rules.

Deemed service.

7. (1) This paragraph applies where, in accordance with any provision of these Rules, the copy of any application served on any person is accompanied by an acknowledgement of service.

(2) An application is deemed to be served if an acknowledgement of service, signed by the person served or an Advocate acting on that person's behalf, is proved at the trial or hearing.

SCHEDULE 2

Rule 44

EXPERT EVIDENCE

Meaning of "expert".

1. For the purposes of these Rules, an "**expert**" is a person who has been instructed to give or prepare expert evidence for the purpose of proceedings.

Expert's duty to the Court.

2. (1) It is the duty of an expert to help the Court on matters within that expert's expertise.

(2) The duty of an expert under subparagraph (1) overrides any obligation to the person from whom the expert has received instructions or by whom the expert is paid.

Control of expert evidence.

3. (1) A person may not without the leave of the Court put expert evidence (in any form) before the Court, and the Court may give such leave only if the Court is of the opinion that the expert evidence is necessary to assist the Court to resolve the proceedings.

- (2) A party applying for leave under this Rule must identify -
- (a) the field in which the party wishes to rely on expert evidence,
 - (b) where practicable, the name of the expert in that field

on whose evidence the party wishes to rely,

- (c) the issues to which the expert evidence is to relate, and
- (d) whether the expert evidence could be obtained from a single joint expert,

and where leave is granted it will be in relation to the field and the expert so identified and restricted to expert evidence which is reasonably required to resolve the issues in the proceedings.

(3) When deciding whether to give leave under this paragraph, the Court is to have regard in particular to -

- (a) the issues to which the expert evidence would relate,
- (b) the questions which the Court would require the expert to answer,
- (c) the impact which giving permission would be likely to have on the timetable, duration and conduct of the proceedings, and
- (d) the cost of the expert evidence.

(4) In granting leave, the Court may -

- (a) specify the date by which the expert is to provide a written report,

(b) limit the amount of the expert's fees and expenses that the party who wishes to rely on the expert may recover from any other party.

(5) The Court may, in any case, limit the amount that can be paid by way of fees and expenses to any expert.

Examination of child.

4. (1) No person may cause a child to be medically or psychiatrically examined, or otherwise assessed, for the purpose of preparation of expert evidence for use in the proceedings without the leave of the Court.

(2) Where the leave of the Court has not been given under subparagraph (1), no evidence arising out of an examination or assessment referred to in that paragraph may be adduced without the leave of the Court.

Written report.

5. (1) Expert evidence is to be given in a written report unless the Court directs otherwise, and such report must contain a statement that the expert understands and has complied with the expert's duty to the Court.

(2) Such report shall be disclosed to the Court and, unless the Court gives leave for it not to be further disclosed, to all other parties; and in such a case any party may use that expert's report as evidence at a hearing where an issue to which the report relates is being considered.

(3) The Court shall not direct an expert to attend a hearing unless it is necessary to do so in the interests of justice.

(4) A party may, with leave of the Court, put written questions to an expert, instructed by any party in the proceedings, for the purpose only, unless the Court otherwise directs, of clarification of the report; and the answers to such questions shall be treated as part of the expert's report.

(5) Where a party puts written questions to an expert instructed by another party in accordance with paragraph (4), and the expert does not answer that question within the timetable specified by the Court, the Court may order -

- (a) that the instructing party may not rely on that expert's evidence, or
- (b) that the instructing party may not recover the fees and expenses of that expert from any other party.

Discussions between experts.

6. (1) The Court may, at any stage, direct a discussion between experts for the purpose of requiring the experts to -

- (a) identify and discuss the expert issues in the proceedings, and
- (b) where possible, reach an agreed opinion on those issues.

(2) The Court may specify the issues which the experts must discuss.

(3) The Court may direct that following a discussion between the experts they must prepare a statement for the Court setting out those issues on which -

(a) they agree, and

(b) they disagree, with a summary of their reasons for disagreeing.

Instructions to single joint expert.

7. (1) Where two or more parties ("**the instructing parties**") wish to submit expert evidence on a particular issue, the Court may direct that the evidence on that issue is to be given by one expert only ("**single joint expert**").

(2) Where the instructing parties cannot agree who should be the expert, the Court may –

(a) select the expert from a list prepared or identified by the instructing parties, or

(b) direct that the expert be selected in such other manner as the Court may direct.

(3) Where the Court gives a direction under subparagraph (1), the instructions to the expert are to be contained, unless the Court otherwise directs, in a jointly agreed letter and, in default of such agreement, the instructions may be determined by the Court.

(4) Where the Court permits the instructing parties to give separate instructions to a single joint expert, each instructing party must, when giving

instructions to the expert, at the same time send a copy of that party's instructions to the other instructing parties.

(5) The Court may give directions about -

- (a) the payment of the expert's fees and expenses, and
- (b) any inspection, examination or assessments which the expert wishes to carry out.

(6) Unless the Court otherwise directs, the instructing parties are jointly and severally liable for the payment of the expert's fees and expenses.

(7) Where an expert who has been jointly instructed under this paragraph is directed by the Court to attend a hearing, any party may question the expert notwithstanding that that party was one of the instructing parties.

Directions of Court in relation to experts.

8. (1) The Court may, in addition to any other power to give directions, whether under this Schedule or otherwise, give such directions in relation to any matter concerning expert evidence as it considers appropriate.

(2) An expert may apply to the Court for directions as to the exercise of the expert's functions.

SCHEDULE 3

Rule 45

DISCLOSURE OF DOCUMENTS

General provisions.

1. (1) For the purposes of this Schedule -

"**copy**", in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly,

"**disclosure**", in relation to a document, means a statement that a document exists or has existed,

"**document**" means anything in which information of any description is recorded.

- (2) The provisions of this Schedule shall be without prejudice to the powers of the Court to order disclosure of documents in accordance with any other enactment.

- (3) The provisions of this Schedule do not affect any rule of law which permits or requires a document to be withheld from disclosure on the ground that its disclosure would damage the public interest.

Disclosure of copies.

2. (1) A party need not disclose more than one copy of a document.

(2) A copy of a document that contains a modification, obliteration or other marking or feature -

(a) on which a party intends to rely, or

(b) which adversely affects the party's own case or another party's case or supports another party's case,

shall be treated as a separate document.

Duty of disclosure continues during proceedings.

3. Any duty of disclosure continues until the proceedings are concluded, and if a document to which that duty extends comes to a party's notice at any time during the proceedings, the party must immediately notify every other party.

Specific disclosure.

4. (1) The Court may make an order for specific disclosure.

(2) An order for specific disclosure is an order that a party must do one or more of the following things -

(a) disclose documents or classes of documents specified in the order,

(b) carry out a search to the extent stated in the order,

- (c) disclose any documents located as a result of that search.

Orders for disclosure against a person not a party.

5. (1) This paragraph applies where an application is made to the Court for disclosure by a person who is not a party to the proceedings; and is without prejudice to any other power which the Court may have to order such disclosure.

(2) The application must be supported by evidence.

(3) The Court may make an order under this paragraph only where disclosure is necessary in order to dispose fairly of the proceedings or to save costs.

(4) An order under this paragraph must -

(a) specify the documents or the classes of documents which the respondent must disclose, and

(b) require the respondent, when making disclosure, to specify any of those documents which are no longer in the respondent's control.

(5) Such an order may -

(a) require the respondent to indicate what has happened to any documents which are no longer in the respondent's control, and

(b) specify the time and place for disclosure.

Claim to withhold disclosure of a document.

6. (1) A person may apply, ex parte, for an order permitting the person to withhold disclosure of a document on the ground that disclosure would damage the public interest.

(2) Unless the Court orders otherwise, an order of the Court under subparagraph (1) -

(a) must not be served on any other person, and

(b) must not be open to inspection by any person.

(3) For the purpose of deciding an application under subparagraph (1), the Court may -

(a) require the person seeking to withhold disclosure of a document to produce that document to the Court, and

(b) invite any person, whether or not a party, to make representations.

(4) An application under subparagraph (1) must be supported by evidence.

Subsequent use of disclosed documents.

7. (1) A party to whom a document has been disclosed may use the document only for the purpose of the proceedings in which it is disclosed, except where -

- (a) the Court gives leave, or
- (b) the party who disclosed the document and the person to whom the document belongs agree.

(2) The Court may make an order restricting or prohibiting the use of a document which has been disclosed.

(3) An application for such an order may be made -

- (a) by a party, or
- (b) by any person to whom the document belongs.

SCHEDULE 4

Rule 57

REPEALS

(1) RULES	(2) PROVISIONS REPEALED
Matrimonial Causes Rules, 1952 ^o	The whole Order
Matrimonial Causes (Amendment) Rules, 1973 ^p	The whole Order
Matrimonial Causes (Amendment) (No. 2) Rules, 1973 ^q	The whole Order
Matrimonial Causes (Amendment) Rules, 1980 ^r	The whole Order
Matrimonial Causes (Amendment) Rules, 1983 ^s	The whole Order
Matrimonial Causes (Amendment) Rules, 1986 ^t	The whole Order

^o O.R.C. No. IV of 1952. This enactment has been amended.

^p O.R.C. No. I of 1973.

^q O.R.C. No. II of 1973.

^r O.R.C. No. I of 1980.

^s O.R.C. No. IV of 1983.

^t O.R.C. No. I of 1986.

Matrimonial Causes (Amendment) Rules, 2001 ^u	The whole Order
Matrimonial Causes (Amendment) Rules, 2017 ^v	The whole Order

^u O.R.C. No. I of 2001.

^v O.R.C. No. I of 2017.