1981 No. 184

MATRIMONIAL CAUSES

SUPREME COURT
COUNTY COURTS

The Matrimonial Causes Rules (Northern Ireland) 1981

Made . . . . . *21st May 1981*

Coming into operation . . . *1st September 1981*

To be laid before Parliament

ARRANGEMENT OF RULES

PRELIMINARY

Rule
1. Citation and commencement
2. Interpretation
3. Application of other Rules
4. Application for leave to present a petition
5. Proceedings after service of application for leave
6. Discontinuance of cause before service of petition

PETITION, PLEADINGS AND AMENDMENT

7. Cause to be begun by petition
8. Contents of petition
9. Signing of petition
10. Presentation of petition
11. Conciliation and report on children
12. Parties
13. Service of petition
14. Proof of service
15. Notice of intention to defend
16. Consent to the grant of a decree
17. Supplemental petition, pleadings and amendment of petition
18. Filing of answer to petition
19. Filing of reply and subsequent pleadings
20. Filing of pleadings after lodgment of certificate of readiness
21. Contents of answer and subsequent pleadings
22. Allegation against third person in pleading
23. Service of pleadings
24. Supplemental answer and amendment of pleadings
25. Service and amendment of pleadings
26. Particulars
27. Re-transfer of cause to divorce county court

PREPARATION FOR TRIAL

28. Discovery of documents
29. Discovery by interrogatories
30. Medical examinations in proceedings for nullity
31. Conduct of medical examination
32. Entry for hearing and certificate of readiness
33. Stay under Schedule 1 to the Order

TRIAL, ETC.

34. Mode and place of trial
35. Setting down for trial
36. Order for transfer of cause
37. Trial of issue
38. Lists in the divorce county court
39. Right to be heard on ancillary questions
40. Respondent's statement as to arrangements for children
41. Order as to arrangements for children to be drawn up
42. Restoration of matters adjourned, etc., at the hearing

EVIDENCE

43. Evidence generally
44. Evidence by affidavit, etc.
45. Evidence of marriage outside Northern Ireland
46. Rules 44 and 45 not to affect the power of the judge at the trial to refuse to admit any evidence
47. Issue of writ of subpoena or witness summons
48. Hearsay and expert evidence

DECREES AND ORDERS

49. Decrees and orders
50. Application for rescission of decree
51. Application under Article 12(2) of the Order
52. Copies of decrees and orders
53. Service of order
54. Intervention to show cause by Crown Solicitor
55. Intervention to show cause by person other than Crown Solicitor
56. Recission of decree nisi by consent
57. Decree absolute on lodging notice
58. Decree absolute on application
59. Indorsement and certificate of decree absolute

ANCILLARY RELIEF

60. Application by petitioner or respondent for ancillary relief
61. Application by guardian, etc., for ancillary relief in respect of children
62. Application in Form 13 or 14
63. Application for ancillary relief after order of court of summary jurisdiction
64. Children to be separately represented on certain applications
65. General provisions as to evidence, etc., on application for ancillary relief
66. Evidence on application for property adjustment on avoidance of disposition order
67. Evidence on application for variation order

68. Service of affidavit in answer to reply
69. Investigation by registrar of application for ancillary relief
70. Order on application for ancillary relief
71. Reference of application to judge
72. Transfer of application for ancillary relief: general provisions
73. Transfer for purpose of expedition
74. Arrangements for hearing of application, etc., by judge
75. Request for periodical payments order at same rate as order for maintenance pending suit
76. Application for order under Article 39(2)(*a*) of the Order

APPLICATIONS RELATING TO CHILDREN

77. Custody, care and supervision of children
78. Further provisions as to orders under Articles 46 and 47 of the Order
79. Removal of child out of Northern Ireland
80. Reference to officer of the Department
81. Notice of other proceedings relating to children
82. Transfer of proceedings relating to children

OTHER APPLICATIONS

83. Application by a spouse for failure to maintain
84. Transfer to High Court of applications under rule 83
85. Hearing of applications under rule 83
86. Application for alteration of maintenance agreement during lifetime of parties
87. Application of other rules to proceedings under Article 37 of the Order
88. Proceedings in respect of polygamous marriage

DISABILITY

89. Person under disability must sue by next friend, etc.
90. Service on person under disability
91. Petition for nullity on ground of insanity, etc.
92. Separate representation of children

PROCEDURE: GENERAL

93. Security for costs
94. Service out of Northern Ireland
95. Service of documents
96. Mode of making application
97. Appeal from a divorce county court
98. Appeal from registrar in divorce county court proceedings
99. No notice of intention to proceed after year's delay
100. Filing of documents at place of hearing, etc.
101. Mode of giving notice

ENFORCEMENT OF MATRIMONIAL ORDERS

102. Application

GARNISHEE PROCEEDINGS

103. Attachment of debt due to judgment debtor
104. Application for order
105. Service and effect of order to show cause
106. No appearance or dispute of liability by garnishee
107. Dispute of liability by garnishee
108. Claims of third persons
109. Discharge of garnishee
110. Money in Court
111. Costs

CHARGING ORDERS, STOP ORDERS, ETC.

112. Order imposing charge on securities
113. Application for order under rule 117
114. Service of notice of order to show cause
115. Effect of order to show cause
116. Making and effect of charging order absolute
117. Discharge, etc., of charging order
118. Money in court: charging order
119. Jurisdiction of registrar to grant injunction or appoint receiver to enforce charge
120. Funds in Court: stop order
121. Securities not in court; stop notice
122. Effect of stop notice
123. Amendment of stop notice
124. Withdrawal, etc., of stop notice

RECEIVERS: EQUITABLE EXECUTION

125. Appointment of receiver by way of equitable execution
126. Registrar may appoint receiver, etc.
127. Application of rules as to appointment of receiver, etc.
128. Attachment of earnings

EXAMINATION IN AID OF ENFORCEMENT

129. Examination as to debts owing to judgment debtor, etc.

JUDGMENT SUMMONSES

130. Application for issue of judgment summons
131. Special provisions as to judgment summonses in the High Court
132. Special provisions as to judgment summonses in divorce county courts
133. Removal of divorce county court order into High Court

MISCELLANEOUS

134. Record of proceedings at trial
135. Inspection of documents retained in court
136. Practice to be observed in the matrimonial office and divorce county courts
137. Revocation

APPENDICES

APPENDIX 1—Forms
APPENDIX 2—Contents of petition

We, the Matrimonial Causes Rules Committee, in exercise of the powers conferred upon us by Article 54 of the Matrimonial Causes (Northern Ireland) Order 1978(a), hereby, with the concurrence of the Lord Chancellor, make the following Rules:

Lowry
Maurice Gibson
John MacDermott
Robert Babington
J. F. B. Russell
Peter Smith
John A. H. Martin
J. O. Greer
C. Nelson M. Rountree
Thomas S. Townley

Dated 30th April 1981.

I concur:

Hailsham of St. Marylebone, C.

Dated 21st May 1981.

(a) S.I. 1978/1045 (N.I. 15)