1979 No. 89

SUPREME COURT, NORTHERN IRELAND

MATRIMONIAL CAUSES

The Matrimonial Causes Rules (Northern Ireland) 1979

Made . . . . . *22nd March* 1979

Coming into operation . . . *18th April* 1979

To be laid before Parliament.

ARRANGEMENT OF RULES

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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.
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 Entry of appearance.
16 Form of appearance.
17 Consent to the grant of a decree.

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18 Supplemental petition, pleadings and amendment of petition.
19 Filing of answer to petition.
20 Filing of reply and subsequent pleadings.
21 Filing of pleadings after issue of master's certificate.
22 Contents of answer and subsequent pleadings.
23 Allegation against third person in pleading.
24 Service of pleading.
25 Supplemental answer and amendment of pleadings.
26 Filing of pleadings in Long Vacation.
27 Particulars.

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28 Discovery of documents.
29 Discovery by interrogatories.
30 Medical examinations in proceedings for nullity.
31 Conduct of medical examination.
32 Master's certificate before trial.
33 Directions as to allegations under Article 3(2)(*b*) of the Order.
34 Stay under Schedule 1 to the Order.

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35 Evidence generally.
36 Evidence by affidavit, etc.
37 Evidence of marriage outside Northern Ireland.
38 Rules 36 and 37 shall not affect the power of the Judge at the trial to refuse to admit any evidence.
39 Issue of subpoena.
40 Notice of Intention to give in evidence statement under section 1 or 2 of the Civil Evidence Act (Northern Ireland) 1971.

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41 Mode and place of trial.
42 Setting down for trial.
43 Trial of issue.
44 Right to be heard on ancillary questions.
45 Respondent's statement as to arrangements for children.
46 Order as to arrangements for children to be drawn up.
47 Restoration of matters adjourned, etc., at the hearing.

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48 Decrees and Orders.
49 Application for rescission of decree.
50 Application under Article 12(2) of the Order.
51 Copies of decrees and orders.
52 Intervention to show cause by the Crown Solicitor.
53 Intervention to show cause by person other than Crown Solicitor.
54 Rescission of decree nisi by consent.
55 Decree absolute on lodging notice.
56 Decree absolute on application.
57 Indorsement and certificate of decree absolute.
58 Application by petitioner or respondent for ancillary relief.
59 Application by guardian, etc., for ancillary relief in respect of children.
60 Application in Form 11 or 12.
61 Application for ancillary relief after order of court on summary jurisdiction.
62 Children to be separately represented on certain applications.
63 General provisions as to evidence, etc., on application for ancillary relief.

Rule
64 Evidence on application for property adjustment on avoidance of disposition Order.
65 Evidence on application for variation Order.
66 Service of affidavit in answer to reply.
67 Investigation by master on application for ancillary relief.
68 Order on application for ancillary relief.
69 Reference of application to judge.
70 Arrangements for hearing of application, etc., by judge.
71 Request for periodical payments order at same rate as order for maintenance pending suit.
72 Application for order under Article 39(2)(*a*) of the Order.

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73 Custody, care and supervision of children.
74 Further provisions as to orders under Articles 46 and 47 of the Order.
75 Removal of child out of Northern Ireland.
76 Reference to officer of the Department.
77 Notice of other proceedings relating to children.

OTHER APPLICATIONS

78 Application by a spouse for failure to maintain.
79 Application for alteration of maintenance agreement during lifetime of parties.
80 Application for alteration of maintenance agreement after death of one party.
81 Further proceedings on application under Rule 80.
82 Application of other rules to proceedings under Article 37 or 38 of the Order.
83 Proceedings in respect of polygamous marriage.
84 Application for declaration affecting matrimonial status.

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85 Person under disability must sue by next friend, etc.
86 Service on person under disability.
87 Petition for nullity on ground of insanity, etc.
88 Separate representation of children.

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89 Security for costs.
90 Taxation and payment of costs.
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92 Service of documents.
93 Mode of making application.
94 No notice of intention to proceed after year's delay.
95 Mode of giving notice.
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Rule

97 Attachment of debt due to judgment debtor.
98 Application for order.
99 Service and effect of order to show cause.
100 No appearance or dispute of liability by garnishee.
101 Dispute of liability by garnishee.
102 Claims of third persons.
103 Judgment creditor resident outside Scheduled territories.
104 Discharge of garnishee.
105 Money in Court.
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107 Order imposing charge on securities.
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109 Service of notice of order to show cause.
110 Effect of order to show cause.
111 Making and effect of charging order absolute.
112 Discharge, etc., of charging order.
113 Money in court: charging order.
114 Jurisdiction of Master, etc., to grant injunction or appoint receiver to enforce charge.
115 Funds in Court: stop order.
116 Securities not in court: stop notice.
117 Effect of stop notice.
118 Amendment of stop notice.
119 Withdrawal, etc., of stop notice.

RECEIVERS: EQUITABLE EXECUTION

120 Appointment of receiver by way of equitable execution.
121 Master may appoint receiver, etc.
122 Application of rules as to appointment of receiver, etc.

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123 Examination as to debts arising to judgment credition, etc.

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124 Application for the issue of a judgment summons.

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125 Service of order.
126 Service of decree or order requiring act to be done.

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127 Record of proceedings at trial.
128 Inspection of documents retained in court.

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:—

(Signed) *Robert Lowry*
Maurice W. Gibson
John MacDermott
Robert Babington
J. F. B. Russell
Peter Smith
John A. H. Martin
John R. Comerton
J. O. Greer
C. Nelson M. Rowntree
Thomas S. Townley

22nd March 1979.

I concur:

Elwyn-Jones C.

26th March 1979.

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