

STATES OF JERSEY ORDER PAPER

Tuesday, 11th September 2001

SUPPLEMENTARY

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Matrimonial Causes (Amendment No. 7) (Jersey) Rules 2001.
Superior Number of the Royal Court.

D. PRESENTATION OF PAPERS

(a) Papers for information

Matters presented under Standing Order 6A(1)(a)

Machinery of Government: proposed reforms P.122/2001.
(P.122/2001) - comments. Com.
Human Resources Committee.

States Resource Plan 2001 (P.124/2001): P.124/2001.
amendments (P.124/2001 Amd.)- comments. Amd. Com.(2)
Human Resources Committee.

(d) Papers to be lodged "au Greffe" under Standing Order 17A(1)(a)

Machinery of Government: proposed reforms P.122/2001.
(P.122/2001) - third amendments. Amd.(3).
Deputy P.N. Troy of St. Brelade.

Machinery of Government: proposed reforms P.122/2001.
(P.122/2001) - fourth amendments. Amd.(4).
Deputy R.C. Duhamel of St. Saviour.

Draft Matrimonial Causes (Amendment No. 10) P.136/2001.
(Jersey) Law 2000 (Appointed Day) Act 200-.
Legislation Committee.

Draft Health and Safety at Work (Amendment P.137/2001.
No. 3) (Jersey) Law 200-.
Employment and Social Security Committee.

Draft Health Insurance (Medical Benefit) P.138/2001.
(Amendment No. 54) (Jersey) Regulations 200-.
Employment and Social Security Committee.

E. STATEMENTS AND PROPOSITIONS RELATING TO THE ARRANGEMENT OF PUBLIC BUSINESS AT THIS OR ANY SUBSEQUENT MEETING

THE STATES are asked to agree that the following matters be considered on 25th September 2001 -

Machinery of Government: proposed reforms P.122/2001.
(P.122/2001) - third amendments. Amd.(3).
Lodged: 11th September 2001.
Deputy P.N. Troy of St. Brelade.

Machinery of Government: proposed reforms (P.122/2001) - fourth amendments. Lodged: 11th September 2001. <i>Deputy R.C. Duhamel of St. Saviour.</i>	P.122/2001. Amd.(4).
Draft Matrimonial Causes (Amendment No. 10) (Jersey) Law 2000 (Appointed Day) Act 200- Lodged: 11th September 2001. <i>Legislation Committee.</i>	P.136/2001.
Draft Health Insurance (Medical Benefit) (Amendment No. 54) (Jersey) Regulations 200. Lodged: 11th September 2001. <i>Employment and Social Security Committee.</i>	P.138/2001.

M.N. DE LA HAYE

Deputy Greffier of the States

10th September 2001

Explanatory Note regarding subordinate legislation tabled at this meeting.

The Matrimonial Causes (Amendment No. 7) (Jersey) Rules 2001 were enacted by the Superior Number of the Royal Court on 6th September, 2001 and contain the following provisions: –

Rule 1 inserts a new *Rule 1A* in the Matrimonial Causes (General) (Jersey) Rules, 1979, as amended (“the principal Rules”) setting out the Articles of the Matrimonial Causes (Jersey) Law, 1949, as amended, under which the exercise of powers and the discharge of the functions of the Royal Court in relation to matrimonial causes are to be vested in the Judicial Greffier (in practice the Registrar of the Family Division) in pursuance of the amendments to the 1949 Law made by the Matrimonial Causes (Amendment No. 10) (Jersey) Law 2000. Also to be vested in him under this provision is the power of the Royal Court under the proviso to Article 5 of the Separation and Maintenance Orders (Jersey) Law, 1953, as amended, to direct the Petty Debts Court to re-hear and determine proceedings in that Court in cases where there is an ‘overlap’ in proceedings instituted in both Courts, and where the Petty Debts Court is the appropriate forum.

Rule 2 inserts a new *Rule 33(10)* in the principal Rules setting out the documentation (including affidavits) to be filed with the application for a Greffier’s Certificate. *Rule 5*, together with *Schedule 2*, sets out the text of the relevant Forms numbered 17 to 20.

Rule 3 inserts a new *Rule 33A* in the principal Rules to provide that the Greffier (again in practice the Registrar) shall have jurisdiction to hear and determine undefended matrimonial causes in accordance with the provisions of the *Rule*. A “matrimonial cause” is defined in the principal Rules as any action for divorce, nullity of marriage or judicial separation.

As soon as practicable after a matrimonial cause has been entered on the undefended list, the Greffier must consider the petitioner’s evidence and then either certify that the petitioner has sufficiently proved the contents of the petition or give the petitioner an opportunity of filing further evidence or, otherwise, remove the cause from the undefended list.

If he makes the necessary certification, a date is then fixed for the pronouncement of the decree nisi in open Court. The Greffier may award costs there and then or decide to hear argument as to costs.

Rule 4 amends *Rule 42* of the principal Rules which presently provides that where, after a decree nisi has been pronounced (but before it has been made absolute), a reconciliation is effected between the petitioner and the respondent, either party may apply to the Court by summons for an order rescinding the decree by consent. The reference to ‘the Court’ would become a reference to ‘the Greffier’.

Rule 5 (as stated above) together with the *Schedule 2*, sets out the Forms for the purposes of the new *Rule 33(11)*. The opportunity has also been taken in this *Rule*, together with *Schedule 1*, to update the existing Form 3 (Notice of Proceedings) and Form 4 (Acknowledgement of Service).

Rule 6 is the usual citation and commencement provision. The Rules are to come into force on 15th November, 2001.