
THE MATRIMONIAL CAUSES RULES 1943, AMENDMENT NO. 2

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 27th day of
June, 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Divorce and Matrimonial Causes Act, 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and with the concurrence of the Right Honourable the Chief Justice and seven of the other members of the Rules Committee constituted under the Judicature Amendment Act, 1930 (three of such other members being Judges of the Supreme Court), doth hereby make the following rules.

RULES

1. (1) These rules may be cited as the Matrimonial Causes Rules 1943, Amendment No. 2, and shall be read together with and deemed part of the Matrimonial Causes Rules 1943* (hereinafter referred to as the principal rules).

(2) These rules shall come into force on the twenty-first day after the date of their notification in the *Gazette*.

2. The principal rules are hereby amended by revoking rule 18, and substituting the following rule :—

“ 18. The provisions of rules 588 to 588D of the Code of Civil Procedure in the Supreme Court shall apply, *mutatis mutandis*, to service on Maoris under the Act or these rules.”

3. Rule 19 of the principal rules is hereby amended by adding to clause (1) the words “ or by a Registrar of the Court (but not a Deputy Registrar) ”.

4. Rule 65 of the principal rules is hereby amended by adding the following clause :—

“ (4) Any of the powers conferred by this rule upon the Court or a Judge thereof may be exercised by a Registrar of the Court (but not by a Deputy Registrar).”

5. Form No. 1 in the Schedule to the principal rules is hereby amended by renumbering as “ 4 ”, “ 5 ”, “ 6 ”, and “ 7 ” the paragraphs heretofore numbered “ 3 ”, “ 4 ”, “ 5 ”, and “ 6 ”, and by inserting, after paragraph 2, the following paragraph :—

“ 3. During the said marriage no persons have become children of the marriage by legitimation, or by adoption by both the petitioner and the respondent.

“ [Or, as the case may require,—]

* Statutory Regulations 1943, Serial number 1943/135, page 292.

Amendment No. 1 : Statutory Regulations 1949, Serial number 1949/191, page 775.

“ 3. During the said marriage the following persons have become children of the marriage by legitimation (or by adoption by both the petitioner and the respondent)—namely: [*Here state the names of all persons so legitimated or adopted, as the case may require, and the dates on which they were born.*].”

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[*This note is not part of the rules, but is intended to indicate their general effect.*]

Rule 2 brings service on Maoris into line with the procedure in the Court in its general jurisdiction, as recently modified by the Supreme Court Amendment Rules 1950 (Serial number 1950/58).

Rule 3 enables a Registrar to fix the time within which a respondent residing beyond New Zealand may file an answer to the petition by which a matrimonial cause is commenced.

Rule 4 enables a Registrar to order a husband to pay into Court or give security for a wife's costs, to fix the amount to be paid or secured, and to give certain consequential directions.

Rule 5 amends the form of petition by which a matrimonial cause is commenced, so as to require the giving of particulars of legitimated and adopted children or a statement that there are no such children.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 28th day of June, 1951.

These regulations are administered in the Department of Justice.