



Statutory Document No. 103/04

THE HIGH COURT ACT 1991

**THE RULES OF THE HIGH COURT
(MATRIMONIAL PROCEEDINGS) 2004**

Laid before Tynwald

16th March 2004

Coming into operation

1st April 2004

In exercise of the powers conferred on the Deemsters by section 25 of the High Court Act 1991¹, and of all other enabling powers, the following Rules are hereby made:—

PART 1

GENERAL

1. Citation and commencement

These Rules may be cited as the Rules of the High Court (Matrimonial Proceedings) Rules 2004 and shall come into operation on the 1st April 2004.

2. Interpretation

(1) In these Rules —

"the Act" means the Matrimonial Proceedings Act 2003²;

"avoidance of disposition order" means an order under section 52(2)(b) or (c) of the Act;

"business day" means any day other than —

(a) a Saturday, Sunday, Christmas Day or Good Friday; or

(b) a bank holiday within the meaning of the Bank Holidays Act 1989³;

"the court" means the High Court;

"defended proceedings" means matrimonial proceedings which are not undefended proceedings;

"file" means file in the General Registry;

¹ 1991 c.12

² 2003 c.7

³ 1989 c.5

"financial provision" means—

- (a) an avoidance of disposition order,
- (b) a financial provision order,
- (c) an order for maintenance pending suit,
- (d) a property adjustment order,
- (e) a variation order, or
- (f) a pension sharing order;

"financial relief" has the same meaning as in section 52 of the Act;

"initial application" means an application by which matrimonial proceedings are begun;

"institution" has the same meaning as in the Custody Act 1995⁴;

"matrimonial proceedings" (except in rule 7) means proceedings —

- (a) for a divorce order, an annulment order or a separation order, or
- (b) for an order under section 18 of the Act (presumption of death and dissolution of marriage);

"consent order" means an order under section 48 of the Act;

"notice of intention to defend" has the meaning given by rule 95;

"order for maintenance pending suit" means an order under section 27 of the Act;

"person named" includes a person described as "passing under the name of A.B.";

"the Rules of Court" means the Rules of the High Court of Justice 1952⁵;

"special procedure list" has the meaning given by rule 26(3);

"the statutory rate" means the rate prescribed under section 9 of the Administration of Justice Act 1981⁶;

"undefended proceedings" means matrimonial proceedings —

- (a) in which no answer has been filed or any answer filed has been struck out, or
- (b) which is proceeding only on the respondent's answer and in which no reply or answer to the respondent's answer has been filed or any such reply or answer has been struck out, or
- (c) to which rule 15(4) applies and in which no notice has been given under that rule or any notice so given has been withdrawn, or
- (d) in which an answer has been filed claiming relief but in which no pleading has been filed opposing the making of an order on the initial

⁴ 1995 c.1

⁵ Made 7th January 1952

⁶ 1981 c.8

application or answer or any pleading or part of a pleading opposing the making of such order has been struck out, or

- (e) any proceedings not within (a) to (d) above in which an order has been made;

"variation order" means an order under section 43 of the Act.

(3) Proceedings begun on an initial application shall be treated as pending for the purposes of these rules even though a final order has been made on the application.

(4) A reference in these Rules to a numbered form (eg. "Form 5") is to the form so numbered in Schedule 1.

(5) A reference in these Rules to a provision of the Pension Schemes Act 1993 (an Act of Parliament)⁷ or the Welfare Reform and Pensions Act 1999 (an Act of Parliament)⁸, or to an instrument made under an Act of Parliament, is to that provision or instrument as it has effect in the Island.

3. Application of Rules of Court

Subject to the provisions of these Rules and of any enactment, the Rules of Court shall apply with any necessary modifications to the commencement of, and to the practice and procedure in, any proceedings to which these Rules apply.

4. Revocations and transitional provisions

(1) These Rules apply, so far as practicable, to any proceedings pending on the day on which they come into operation.

- (2) The following rules are revoked —
the Matrimonial Causes Rules 1993⁹,
the Matrimonial Causes (Amendment) Rules 1997¹⁰, and
the Matrimonial Causes (Amendment) Rules 2001¹¹.

⁷ 1993 c.48

⁸ 1999 c.30

⁹ SD 492/93

¹⁰ SD 408/97

¹¹ SD 326/01