



HIGH COURT ACT 1991

**RULES OF THE HIGH COURT  
(MATRIMONIAL PROCEEDINGS) (AMENDMENT) 2011**

*Laid before Tynwald* 2011

*Coming into operation* 1<sup>st</sup> July 2011

The Deemsters make these Rules under section 25 of the High Court Act 1991<sup>1</sup>.

**1. Title and commencement**

- (1) The title of these Rules is the Rules of the High Court (Matrimonial Proceedings) (Amendment) 2011.
- (2) These Rules shall come into operation on the 1<sup>st</sup> July 2011

**2. Amendment of 2004 Rules**

- (1) The Rules of the High Court (Matrimonial Proceedings) 2004<sup>2</sup> are amended as follows.
- (2) In rule 1, for "Rules 2004" substitute "2004".
- (3) In rule 9, after paragraph (2) insert —

"(2A) Where an initial application for an annulment order is made under section 13(g) of, or paragraph 2(2)(e) of Schedule 4 to, the Act, the applicant must file with his application a copy of an interim gender recognition certificate issued to him or to the respondent (as the case may be), unless otherwise directed on an application made without notice.

(2B) Where an initial application for an annulment order is made under section 13(h) of the Act and a full gender recognition certificate has been issued to the respondent, the applicant must file a copy of that full certificate with his application, unless otherwise directed on an application made without notice."

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<sup>1</sup> 1991 c.12

<sup>2</sup> SD 103/04 (as amended by SD 354/09)

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- (4) In rule 12, after paragraph (4) insert —
- "(4A) Where an initial application for an annulment order is made under section 13(g) of, or paragraph 2(2)(e) of Schedule 4 to, the Act and an interim gender recognition certificate has been issued to the respondent, he must, when returning an acknowledgement of service in Form 6 to the General Registry, file with it a copy of that certificate, unless otherwise directed on an application made without notice.
- (4B) Where an initial application for an annulment order is made under section 13(h) of the Act and a full gender recognition certificate has been issued to the respondent, he must, when returning an acknowledgement of service in Form 6 to the General Registry, file with it a copy of that certificate, unless otherwise directed on an application made without notice."
- (5) In rule 15, after paragraph (4) insert —
- "(4A) Where an answer under paragraph (1) applies for an annulment order under section 13(g) of, or paragraph 2(2)(e) of Schedule 4 to, the Act, the respondent must file with the answer a copy of an interim gender recognition certificate issued to him or to the applicant (as the case may be), unless otherwise directed on an application made without notice.
- (4B) Where an answer under paragraph (1) applies for an annulment order under section 13(h) of the Act and a full gender recognition certificate has been issued to the respondent, he must file a copy of that certificate with his answer, unless otherwise directed on an application made without notice."
- (6) In rule 16, after paragraph (1) insert —
- "(1A) Where an answer filed under rule 15(1) applies for an annulment order under section 13(g) of, or paragraph 2(2)(e) of Schedule 4 to, the Act and an interim gender recognition certificate has been issued to the applicant, he must, when filing a reply to the answer, file with it a copy of that certificate, unless otherwise directed on an application made without notice."
- (1B) Where an answer filed under rule 15(1) applies for an annulment order under section 13(h) of the Act and a full gender recognition certificate has been issued to the applicant, he must, when filing a reply to the answer, file with it a copy of that certificate, unless otherwise directed on an application made without notice."
- (7) In rule 47(2), after "paragraph (3)" insert "and rule 48A".
- (8) After rule 48 insert —

**"48A. Evidence to be filed in gender recognition cases**

- (1) This rule applies where a provisional annulment order was made on the ground in section 13(g) of, or paragraph 2(2)(e) of Schedule 4 to, the Act and an application is made under rule 47 or 48.
- (2) The spouse by whom the application is made must file with it an affidavit certifying that —
  - (a) the deponent has made or caused to be made due enquiries (specifying them) to ascertain whether —
    - (i) a reference under section 8(5) of the Gender Recognition Act 2004 (an Act of Parliament)<sup>3</sup> is pending in respect of the application on which the relevant interim gender recognition certificate was granted;
    - (ii) any appeal is pending against an order under section 8(6)(a) of that Act; and
    - (iii) the relevant certificate has been revoked under section 8(6)(b) of that Act; and
  - (b) as a result of those enquiries the deponent is satisfied that —
    - (i) no such reference or appeal is pending, and
    - (ii) the relevant certificate has not been revoked."
- (9) In rule 53(d), for "Health and Social Security" substitute "Social Care".
- (10) In rule 67(2), omit "and (3)(b) to (f)".
- (11) In rule 100, at the end insert —
  - "(4) All documents in matrimonial proceedings brought under section 13(g) or (h) of, or paragraph 2(2)(e) of Schedule 4 to, the Act must, while they are in the custody of the Court, be kept in a place of special security.
  - (5) This rule is without prejudice to section 12 (prohibitions on disclosure) of the Gender Recognition Act 2009<sup>4</sup>."
- (12) In Schedule 1 —
  - (a) in form 3, in section 19(a) of Part 2, for "Health and Social Security" substitute "Social Care";
  - (b) in form 5, after paragraph 13 insert —

"14. If the application is made on the ground that an interim gender recognition certificate has been issued to a party to the marriage (under section 13(g) of, or paragraph 2(2)(e) of Schedule 4 to, the Matrimonial Proceedings Act 2003<sup>5</sup>) and such

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<sup>3</sup> 2004 c.7

<sup>4</sup> 2009 c.11

<sup>5</sup> 2003 c.7

a certificate has been issued to you, you must, when returning the acknowledgement of service, attach to it a copy of your interim certificate.

15. If the application is made on the ground that your gender was the acquired gender at the time of the marriage under the Gender Recognition Act 2009 (under section 13(h) of the Matrimonial Proceedings Act 2003) and a full gender recognition certificate has been issued to you, you must, when returning the acknowledgement of service, attach to it a copy of your full certificate.";

(c) in form 7(b), for "petition" substitute "application";

(d) in forms 7(c), 7(d), 7(e) and 11, for "petitioner" substitute "applicant".

(13) In paragraph 2 of Schedule 2, for "section 13(e) or (f)" substitute "section 13(e), (f) or (h)".

MADE 23<sup>rd</sup> June 2011

*D.C. Doyle*

Her Majesty's First Deemster and Clerk of the Rolls

*Andrew Corlett*

Second Deemster

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#### EXPLANATORY NOTE

*(This note is not part of the Rules.)*

These Rules make amendments of the Rules of the High Court (Matrimonial Proceedings) 2004 consequential on the Gender Recognition Act 2009. They also make minor amendments of and correct minor errors in the 2004 Rules.