



Statutory Document No. 354/09

## HIGH COURT ACT 1991

### **RULES OF THE HIGH COURT (MATRIMONIAL PROCEEDINGS) (AMENDMENT) 2009**

*Laid before Tynwald*

*16th June 2009*

*Coming into operation*

*1st September 2009*

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) 2009.
- (2) These Rules shall come into operation on the 1st September 2009.

#### **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 2(1) (interpretation), for the definition of "the Rules of Court" substitute —  
    "**"the Rules of Court" means the Rules of the High Court of Justice 2009<sup>3</sup>;**".
- (3) In rule 2(4) (forms), at the beginning insert "Subject to paragraph (4A),", and at the end insert —  
    "**(4A) If in any case a form has been prepared or approved under section 27B of the High Court Act 1991 for use in place of a form in Schedule 1, such a reference shall in that case be taken as a reference to the form so prepared or approved.**"
- (4) In rule 3 (application of Rules of Court), at the beginning insert "(1)", and at the end insert —  
    "(2) Without prejudice to paragraph (1) —  
    (a) the Rules of Court apply to an application under these Rules (other than an application made in the course of pending proceedings) as they apply to a claim or claim form;

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

<sup>2</sup> SD 103/04

<sup>3</sup> SD 352/09

Price 65p

- (b) in relation to proceedings to which these Rules apply, references in the Rules of Court to a claimant or defendant shall be construed as references to an applicant or respondent respectively."
- (5) In Parts 2, 3, 4 and 5, for "Deemster" (in each place) substitute "judge".
- (6) For rule 17(2) substitute —
  - "(2) Rules 2.9(2) (time not to run in long vacation) and 2.62 (dormant claims) of the Rules of Court do not apply to proceedings to which this Part applies."
- (7) Omit rule 23.
- (8) For the headings to rules 47 and 48 substitute respectively —
  - "47 Final order on application"
  - "48 Final order on notice".
- (9) In rule 67 (pensions)
  - (a) in paragraphs (7)(b) and (15)(h), for "Matrimonial Proceedings (Pensions) Regulations 2001" substitute "Matrimonial Proceedings (Pensions) Regulations 2004<sup>4</sup>";
  - (b) in paragraph (14)(h), for "section 6 (pension sharing) of the 2001 Act" substitute "section 31 (pension sharing) of the 2003 Act".
- (10) In rule 71(2) (alteration of maintenance agreement after death), for "Order 9 rule 10" substitute "Rule 3.29".
- (11) In rule 85(b) (application of Part 5), for "Order 44 of the Rules of Court" substitute "Part 2 of the Rules of the High Court (Family Proceedings) 2009<sup>5</sup>".
- (12) In rule 88(1) (service outside the Island), for "Order 6" substitute "Chapter 9 of Part 2".
- (13) For rule 98 substitute —
  - "98 No striking out of dormant claim
  - Rule 2.62 of the Rules of Court (striking out of dormant claim) shall not apply to any proceedings to which these Rules apply."
- (14) In Schedule 1 (forms) —
  - (a) in form 1, for "FAMILY DIVISION" substitute —
    - "CIVIL DIVISION
    - FAMILY BUSINESS";
  - (b) in form 5, in note 13, for the words from "corresponding" to "this form" substitute "which you can get";
  - (c) in forms 8, 12 and 13, for "Deemster" substitute "judge";
  - (d) in forms 23, 26 and 28, for "Deemster" substitute "[Deemster] [Judicial Officer]".

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<sup>4</sup> SD 225/04

<sup>5</sup> SD 353/09

MADE 14th May 2009

*J. M. Kerruish*

Her Majesty's First Deemster and Clerk of the Rolls

*D. C. Doyle*

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 Administration of Justice Act 2008 and the Rules of the High Court of Justice 2009.