
S T A T U T O R Y I N S T R U M E N T S

1981 No. 1099 (L.6)

MATRIMONIAL CAUSES

**SUPREME COURT OF JUDICATURE, ENGLAND AND
WALES**

COUNTY COURTS

The Matrimonial Causes (Amendment No. 2) Rules 1981

<i>Made - - - -</i>	<i>24th July 1981</i>
<i>Laid before Parliament</i>	<i>7th August 1981</i>
<i>Coming into operation</i>	<i>1st October 1981</i>

We, the authority having power to make rules of court for the purposes mentioned in section 50 of the Matrimonial Causes Act 1973(a), hereby exercise that power as follows:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Matrimonial Causes (Amendment No. 2) Rules 1981.

(2) These Rules shall come into operation on 1st October 1981.

(3) In these Rules a rule referred to by number means the rule so numbered in the Matrimonial Causes Rules 1977(b).

Definition of “undefended cause”

2. In the definition of “undefended cause” in rule 2(2), a comma and the word “or” shall be inserted at the end of paragraph (b)(iv) and after that sub-paragraph there shall be added the following sub-paragraph:—

“(v) any cause not within (i) to (iv) above in which a decree has been pronounced.”.

Automatic re-transfer of cause to divorce county court

3. Rule 27 shall be amended as follows:—

(1) In paragraph (1) for the word “Where” there shall be substituted the words “Subject to paragraph (3), where”.

(2) After paragraph (2) there shall be added the following paragraph:—

“(3) A cause which has been transferred to the High Court under rule 18(5) and which has become undefended by reason of the grant of a

(a) 1973 c.18.

(b) S.I. 1977/344.

decree shall, unless the judge otherwise directs, thereafter be re-transferred to the divorce county court to which the petition was presented.”.

Hailsham of St. Marylebone, C.
John Arnold, P.
Kenneth Hollings, J.
T. R. Heald.
Anthony Tibber.
R. L. Bayne-Powell.

A. B. Macfarlane.
Joseph Jackson.
Mathew Thorpe.
L. J. J. Morgan.
Douglas Rubery.

Dated 24th July 1981.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Matrimonial Causes Rules so as to provide for the automatic re-transfer to the divorce county court of origin of causes which have been tried in the High Court and which have resulted in the grant of a decree. The definition of “undefended cause” is extended to cover such causes.

SI 1981/1099
ISBN 0-11-017099-7



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