

Harrisons' Law

Notes & Materials

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**The Caribbean Law
Publishing Company**

K I N G S T O N

SUPPLEMENTARY GROUNDS OF APPEAL

The president, with the concurrence of the other judges of the Court of Appeal, has authorised the issue of the following practice direction:

Where it is intended to apply to the Court of Appeal for leave to argue supplementary grounds of appeal such supplementary grounds should be filed in the registry of the court and served on the respondent *at least 72 hours prior to the date set for the hearing of the appeal.*

This practice direction supersedes practice direction 1 of 1984.

Dated this 7th day of February, 1985
Sgd N E McIntosh (Mrs)
Registrar

SETTING DOWN OF UNCONTESTED PETITIONS FOR DISSOLUTION OF MARRIAGE AND DECREES ABSOLUTE FOR THE HEARING IN RURAL CIRCUIT COURTS

By order of the Chief Justice and with the concurrence of the puisne judges of the Supreme Court, the following practice direction is hereby issued.

1. With effect from January 1999, uncontested petitions for dissolution of marriage and decrees absolute will be heard by judges presiding in the rural circuit courts of the island.
2. The hearing must be in the Parish in which the petitioner resides unless the registrar on the application of the petitioner directs otherwise.
3. Attorneys-at-Law wishing to have matters heard in the rural circuit courts must so indicate on the praecipe.
4. Dates of hearing will be issued in the usual manner.
5. Bundles must be filed not later than 14 days before the commencement of the sitting of the circuit court in which the matter is to be heard.
6. Attorneys-at-Law must attend on the opening day of the session to fix dates for hearing.

Dated this 14th day of December, 1998
Sgd C McDonald
Ag Registrar

RE: MATRIMONIAL CAUSES RULES 1989

FORM 2 Paragraph 11

Circumstances of last separation

As difficulties have arisen with regard to the requirements of paragraph 11 in the petition for dissolution of marriage, (Form 2), the Chief Justice with the concurrence of the judges of the Supreme Court directs the issue of the following practice direction:

1. Paragraph 11 is required to be completed whether there has been one or more than one separation in the life of the marriage.
2. The term "last separated" refers to the date at which the parties ceased finally to cohabit as man and wife.
3. The "circumstances" are the allegations of fact (not the evidence) showing the conditions connected to the final separation of the parties. Now that fault is no longer required to be established against a respondent, the facts need not or will not inevitably ascribe fault in a respondent.
4. In drafting this paragraph, such generalities as "irreconcilable differences" or "marriage has irretrievably broken down" should be avoided. The pleader must condescend to particulars.

Dated the 18th day of February, 1991
K S HARRISON
Registrar (Ag)

N.B The above practice direction has been substituted by gazette notice amending the 1989 Matrimonial Causes Rules.

AFFIDAVITS OF SERVICE OF DIVORCE PETITIONS

The attention of Attorneys-at-Law is directed to the notes on identification of persons served with divorce petitions contained in the fourteenth edition of "Latey on Divorce" page 613 et seq., and particularly to the paragraph on page 615 which reads as follows: "Identification by Server from his own knowledge". Where the server has personal knowledge of the party to be served "as the husband (or wife) of the petitioner" or "as the co-respondent (or woman named) in the suit" he should state this in his affidavit, and no further evidence should be required". Where it is not proposed to call a witness to identify the person served with a petition the server must have known the person served "as the husband (or wife) of the petitioner" or "as the co-respondent (or woman named) in the suit", and must so state in his Affidavit of Service. It is not sufficient for the Affidavit of Service to state that the person served was known to the server, without going on to state in what capacity he or she was so known.

Sgd.) M. BURKE
registrar, 5/1/54.

Comment: With reference to paragraph 4 of practice note dated 12th February, 1943, and headed "Undefended Matrimonial Causes: registrar's Certificate, etc." and with reference to the above practice note headed "Affidavits of Service of Divorce Petitions" and dated 5th January, 1954.

If personal service is effected and the person served signs the acknowledgement of service and it is returned to the court's office no further evidence of service is necessary, subject, in the case of a respondent spouse served, to proof of his signature at the hearing. (See Divorce Rule 14(5) at page 444 – paragraph 1648, Supreme Court Practice 1970). If no acknowledgement is obtained on personal service, an affidavit by the process server will be necessary and this must establish the identity of the person served. It is advisable therefore on personal service that the server should take precautions to identify the person whom he serves as being the party named. It may be necessary for the petitioner to be present at the time the petition is served on the respondent to identify the respondent to the process server as his or her spouse. The Affidavit of Service should then refer to the presence of the petitioner and/or the witness at the time of service and state the persons served were identified by them to the process server. The chain of identity is completed at the hearing by the petitioner and/or witness giving evidence that the person thus identified was respondent, co-respondent woman named, as the case may be. It is not then necessary to call the process server. The petitioner need not be present at service to identify the respondent if the process server can swear in his affidavit that he knows and is well acquainted with the respondent whom he knows to be the petitioner's spouse. IT IS NOT SUFFICIENT FOR THE PROCESS SERVER MERELY TO SWEAR THAT HE KNOWS AND IS WELL ACQUAINTED WITH THE RESPONDENT.

H V T CHAMBERS
Judge Supreme Court
Jamaica
25th April, 1973

MATRIMONIAL CAUSES – SERVICE OUT OF JURISDICTION – USE OF PHOTOGRAPHS

The following practice direction is issued on the direction of the Chief Justice and replaces that issued on 21st November 1947:

Where it is intended to serve a petition in a matrimonial cause personally out of the jurisdiction, an extra copy of the petition and a recent photograph of the person to be served should be furnished to the agent who is to effect service. The server should be asked:

- (i) To identify the person by the photograph and by his or her passport, identity card or other documentary means.
- (ii) To request the person to endorse on the back of the photograph an admission that this is his or her photograph and to sign a receipt at the foot of the extra copy of the petition.
- iii) To exhibit to the affidavit of service the photograph and the extra copy of the petition.

Where the person served refuses to endorse or sign the receipt or to produce documentary proof of identity as aforesaid, the server is hereby requested to state in his affidavit by what means he satisfied himself that the correct person has been served, and also the fact of the refusal.

Dated this 31st day of January, 1975
BOYD CAREY
Registrar

UNDEFENDED MATRIMONIAL CAUSES REGISTRAR'S CERTIFICATE, ETC.

1. Practitioners and parties appearing in person are informed that the registrar's certificate under rule 30 will not be granted unless the means of identification are disclosed in the affidavit of service.
2. The affidavit of service must set out the deponent's means of knowledge as to the identity of the persons served, and if the persons were pointed out to the process server by a third party, the affidavit must set out the means of knowledge of the third party and must clearly state that the person served was identified to the deponent as the husband or wife, in the case of the respondent, or as the co-respondent or woman named as the case may be.*
3. The identification is completed by the third party giving evidence at the hearing.
4. The admission of the party served as to his or her identity will not be accepted.
5. Where appearance is entered but no answer filed, the application for the registrar's certificate under rule 30 should state the date of service of the petition, or an affidavit of service should be filed. Also an affidavit of search for answer.

DATED this 12th day of February, 1943
Sgd) TREVOR L LYONS,
Registrar 12/2/43

COMMENT:

*Note the provisions of rule 19(3) (b) of The Matrimonial Causes Rules, 1989 regarding service, where it also states:

"(b) the means by which the person serving the document established that the person to whom the document was delivered was the person required to be served with the document."

KARL S HARRISON,
Registrar,
Supreme Court

APPLICATIONS FOR DECREE ABSOLUTE

[Time for filing]

In future notice of application for a decree absolute must be filed not later than 3:00 pm on the Friday preceding the Friday on which the court will be asked to hear the application. Affidavit of Search may be filed up to the Wednesday preceding the Friday on which the application will be heard.

Dated the 5th day of November, 1952

M BURKE

Registrar (Ag)

MATRIMONIAL CAUSES

Days for Hearing

Starting on Monday the 7th January 1974 ten undefended divorces will be listed for hearing each afternoon Monday to Thursday beginning at 2:00 pm. These afternoon sittings will in no way affect the usual setting down of 20 undefended divorce cases for hearing on Fridays. Applications for decree absolute will continue to be heard on Fridays only. Notice of application for decree absolute must be filed not later than 4 pm on the Friday preceding the Friday on which the court will be asked to hear the application. a list of these applications will be put up on the notice board on the following Monday. Affidavits of Search may be filed up to 4:00 pm on the Thursday preceding the Friday on which the application will be heard.

The foregoing directions in respect of decrees absolute amends paragraphs 2, 3 & 4 of the practice note dated 5/11/72.

Dated the 18th day of December, 1973

BOYD CAREY

Registrar (Ag)

MATRIMONIAL CAUSES

[Arrangement for care and up-bringing of children]

The Honourable the Chief Justice with the concurrence of the judges has authorised the publication of the following practice direction:

1. Where the court pronounces a decree nisi of divorce and also certifies that it is satisfied as to the arrangements for the care and upbringing of relevant children, an applicant for decree absolute is hereby required to file an affidavit stating whether or not the arrangements so certified as being satisfactory (or as being the best that could be devised in the circumstances) have changed and if so, in what respects.

2. Where a court pronounces a decree nisi of divorce but does not certify that it is satisfied as regards the arrangements for relevant children, the applicant for a decree absolute is hereby required to file an affidavit setting out fully the particulars of the arrangements proposed by the applicant for the care and upbringing of every relevant child.
3. Nothing herein stated precludes the court in the exercise of its discretion from adjourning the matter and directing the attendance of the applicant to be examined upon his/her affidavit.
4. This practice direction should be read in conjunction with that issued on 10th April, 1970.*

Dated this 3rd day of May, 1974

BOYD CAREY

Registrar, (Ag)

COMMENT:

NB. rule 38 (7)(8)(9) of The Matrimonial Causes Rules, 1989 provides as follows:

- “7) An application by either party to a marriage to make absolute a decree nisi must be supported by an affidavit stating whether the judge who granted the decree nisi certified that he was satisfied as to the arrangements for the care and upbringing of relevant children, or that they were the best that could be devised, and if so whether these arrangements or circumstances have changed, and if so in what respects.
- 8) If the judge who granted the decree nisi did not so certify, then the applicant for the decree absolute shall file an affidavit setting out the arrangements now proposed for the relevant children: See Form 3 Appendix 1 of the Rules.
- 9) The Court in reviewing the application for a decree absolute shall consider the material furnished in accordance with paragraphs (7) and (8) above and in its discretion may adjourn the application and direct the attendance of the applicant to be examined upon his or her affidavit.”

The Court of Appeal in *Sebastian v Sebastian* SCCA No 96/92 unreported and delivered on the 22nd March, 1993, has stressed that Section 27 of The Matrimonial Causes Act imposed a duty on the court to ensure that satisfactory arrangements were made for the relevant children. The decision required affidavit evidence to be full and complete and the arrangements must deal with the entire welfare of the child both morally and physically.

KARL S HARRISON,

Registrar,

Supreme Court

MATRIMONIAL CAUSES RULES 1939 – RULE 38 MOTION FOR DECREE ABSOLUTE

[Service of notice of hearing]

The Chief Justice with the concurrence of the judges has authorised the issue of the following practice direction:

Where a general appearance has been entered by a respondent spouse in a suit, a copy of any application for a decree absolute shall hereafter be served in accordance with rule 50 on the respondent spouse by or on behalf of the petitioner.

Dated this 29th day of June, 1977

H E HARRIS
Registrar (Ag)

LEGAL PROFESSION ACT CEREMONY OF ENROLMENT

Attorneys are requested to advise prospective applicants for enrolment, that they are expected to attend on the court at the hearing of their motion, dressed in the manner prescribed for attorneys (see practice direction on dress of attorneys dated 24th April 1973). * The applicant will not however don his robes until he has taken the oath and signed the roll. When therefore the applicant rises to address the court, as he is entitled to do, he should be attired in a manner which allows the court to see and hear him.

Dated this 16th day of April 1975

Sgd Boyd Carey
Registrar

*Now superseded by practice direction dated July 29th 1993.

PROCEDURE AT ENROLMENT OF ATTORNEYS-AT-LAW IN OPEN COURT

1. Applicant(s) to be seated in front of attorney's bench.
2. (a) Attorney moving on behalf of the applicant addresses court, the applicant standing.
 - (b) When court grants motion, applicant is invited to take oath and to sign the roll.
 - (c) Applicant does so.
 - (d) Attorney moving, assists applicant to don his robe.
 - (e) Applicant goes to place in attorney's bench, bows to court and sits.
3. Court welcomes attorney enrolled.
4. Reply by new attorney.

5. Where more than two applicants are enrolled at any one sitting, then, subject to the court's ruling, only one reply on behalf of the others will be allowed.

COURT CEREMONY IN RECOGNITION OF QUEEN'S COUNSEL

1. The new Queen's Counsel should notify other Queen's Counsel inviting them to attend.
2. The new Queen's Counsel will sit behind the already admitted Queen's Counsel.
3. The presiding judge will address the new Queen's Counsel thus: "Mr X you having been appointed one of Her Majesty's Counsel for Jamaica will you please make the declaration".
The new Queen's Counsel will then make his declaration.*
4. The presiding judge will ask the new Queen's Counsel to take his seat within the Bar. New counsel moves to do so but before sitting he bows to judge, Queen's Counsel and juniors.
5. Presiding judge calls on new Queen's Counsel – "Mr X do you move?".
New Queen's Counsel rises and bows to judge, Queen's Counsel and juniors, and then withdraws.
6. New Queen's Counsel on going to other sitting Courts is forthwith addressed "Mr X Her Majesty the Queen having appointed you as one of Her Counsel for Jamaica, will you please take your seat within the Bar".
7. Counsel moves to do so but before sitting bows to Judge, Queen's Counsel and Juniors.
8. When counsel is seated the presiding Judge addresses him as above – "Mr X, Do you move?" and counsel bows as above.

Paragraphs 6, 7, and 8 are not applicable unless the new Queen's Counsel visits other courts.

QUEEN'S COUNSEL DECLARATION

I do declare that well and truly I will serve the Queen as one of Her Counsel learned in the law and truly counsel the Queen in Her matters, when I shall be called, and duly and truly minister the Queen's matters and sue the Queen's process after the course of the law, and after my cunning. For any matter against the Queen where the Queen is party I will take no wages or fee of any man, save as may otherwise be permitted. I will lawfully do, without long delay, tracing or tarrying the party of his lawful process in that that to me belongeth. I will be attendant to the Queen's matters when I be called thereto.

DRESS OF ATTORNEYS-AT-LAW – PRACTICE DIRECTION

This direction supersedes that entitled "dress of Attorneys-at-Law dated 24th July, 1973, and issued by the registrar on that date and also amended dress code for advocates in

PRACTICE DIRECTIONS

ISSUED FOR
THE SUPREME COURT
JAMAICA



BY
HUGH V. T. CHAMBERS
JUDGE SUPREME COURT JAMAICA.

1973

MATRIMONIAL CAUSES — ANSWER OF CO-RESPONDENT WHO
WISHES TO BE HEARD AS TO DAMAGES ONLY

The Judges have directed that in future where a Co-Respondent wishes to be heard as to damages only, his Answer should not be a denial of the adultery alleged but a statement that he does not admit that the petitioner has suffered damage to the extent claimed (or at all).

DATED this 16th day of January, 1946.

(Sgd.) TREVOR L. LYONS,
Registrar.

MATRIMONIAL CAUSES — APPLICATIONS FOR
DECREE ABSOLUTE

In future notice of application for Decree Absolute must be filed not later than 3 p.m. on the Friday preceding the Friday on which the Court will be asked to hear the application.

A list of all such applications will be put up on the Library Notice Board on the Saturday.

Affidavit of Search may be filed up to the Wednesday preceding the Friday on which the application will be heard.

DATED the 5th day of November, 1952.

M. BURKE,
Registrar (Ag.)

DIVORCE PETITION — SERVICE OUT OF JURISDICTION
— IDENTITY OF PARTY SERVED

The proper course to adopt when a Petition in a Matrimonial Cause has to be personally served out of the jurisdiction is for the Petitioner to send to the agent who is to effect service an extra copy of the Petition and a Photograph of the person to be served. The server should be asked:

1. To identify the person by the photograph and if possible by his or her passport and/or identity card.
2. To request the person to sign on the back of the photograph an admission that that is his or her photograph and to sign a receipt at the foot of the extra copy of the Petition.
3. To exhibit to the affidavit of service the photograph and the extra copy of the Petition.

In cases where the person refuses to sign either the admission or receipt then the server should state in his affidavit how he satisfied himself that the correct person had been served and the fact of the refusal.

(Sgd.) TREVOR L. LYONS,
Registrar, Supreme Court.

21/11/47.

MATRIMONIAL CAUSES RULES 1939

Wife's Costs (Rule 54)

In future the English practice which is set out in Latey on Divorce (12th Edition) P.683 et. seq. in regard to:

- (1) Taxation and payment of wife's costs up to the setting down of the cause.
- (2) Securing her costs of the trial or hearing subject to the modifications which are required in order to comply with the provisions of Rule 54, will be followed.

(Sgd.) TREVOR L. LYONS,
Registrar.

24/1/41.

UNDEFENDED MATRIMONIAL CAUSES
REGISTRAR'S CERTIFICATE, ETC.

PRACTICE NOTE

AFFIDAVITS OF SERVICE OF DIVORCE PETITIONS

The attention of Attorneys-at-Law is directed to the notes on identification of persons served with divorce petitions contained in the Fourteenth Edition of "Latey On Divorce" page 613 et seq., and particularly to the paragraph on page 615 which reads as follows:—

"Identification by Server from his own knowledge.

Where the server has personal knowledge of the party to be served "as the husband (or wife) of the petitioner" or "as the co-respondent (or woman named) in the suit" he should state this in his affidavit, and no further evidence should be required".

Where it is not proposed to call a witness to identify the person served with a petition the server must have known the person served "as the husband (or wife) of the petitioner" or "as the co-respondent (or woman named) in the suit", and must so state in his Affidavit of Service.

It is not sufficient for the Affidavit of Service to state that the person served was known to the server, without going on to state in what capacity he or she was so known

(Sgd.) M. BURKE,
Registrar.
5/1/54.

COMMENT:—

With reference to paragraph 4 of Practice Note dated 12th February 1943, and headed "Undefended Matrimonial Causes: Registrar's Certificate, etc." found on the previous page — p.20, and with reference to the above Practice Note headed "Affidavits of Service of Divorce Petitions" and dated 5th January, 1954.

If personal service is effected and the person served signs the acknowledgement of service and it is returned to the Court's Office, no further evidence of service is necessary, subject, in the case of a respondent spouse served, to proof of his signature at the hearing. (See Divorce Rule 14(5) at page 444 — Paragraph 1648, Supreme Court Practice 1970).

If no acknowledgement is obtained on personal service, an affidavit by the process server will be necessary and this must establish the identity of the person served.

1. Practitioners and Parties appearing in person are informed that the Registrar's Certificate under Rule 30 will not be granted unless the means of identification are disclosed in the affidavit of service.
2. The affidavit of service must set out the deponent's means of knowledge as to the identity of the persons served, and if the persons were pointed out to the process-server by a third party, the affidavit must set out the means of knowledge of the third party and must clearly state that the person served was identified to the deponent as the husband or wife, in the case of the Respondent, or as the Co-Respondent or woman named as the case may be.
3. The identification is completed by the third party giving evidence at the hearing.
4. The admission of the party served as to his or her identity will not be accepted.
5. Where appearance is entered but no answer is filed, the application for the Registrar's Certificate under Rule 30 should state the date of service of the petition, or an affidavit of service should be filed. Also an affidavit of search for answer.

DATED this 12th day of February, 1943.

(Sgd.) TREVOR L. LYONS,
Registrar.
12/2/43.

It is advisable therefore on personal service that the server should take precautions to identify the person whom he serves as being the party named. It may be necessary for the petitioner to be present at the time the petition is served on the respondent to identify the respondent to the process server as his or her spouse.

The Affidavit of service should then refer to the presence of the petitioner and/or the witness at the time of service and state the persons served were identified by them to the process server. The chain of identity is completed at the hearing by the petitioner and/or witness giving evidence that the person thus identified was respondent, co-respondent — woman named, as the case may be. It is not then necessary to call the process server.

The Petitioner need not be present at service to identify the respondent if the process server can swear in his affidavit that he knows and is well acquainted with the respondent whom he knows to be the petitioner's spouse. IT IS NOT SUFFICIENT FOR THE PROCESS SERVER MERELY TO SWEAR THAT HE KNOWS AND IS WELL ACQUAINTED WITH THE RESPONDENT.

H. V. T CHAMBERS,
Judge Supreme Court,
Jamaica.
25th April, 1973.

PETITIONS IN MATRIMONIAL CAUSES

RELEVANT CHILDREN

"The following practice direction was brought into force until new Matrimonial Causes Rules could be made by reason of the Divorce Law (Amendment) Act, 1969."

PRACTICE DIRECTION

On the 1st December, 1969, Act 30 of 1969 entitled: An Act to Amend the Divorce Law came into operation. As a result it has become necessary to make new Matrimonial Causes Rules. The Rules Committee of the Supreme Court has not been able to make these new Rules. Act 38 of 1969 altered the constitution of the Rules Committee and it was unable to function until new members were appointed by the Minister of Legal Affairs. This has now been done and the Rules Committee will be asked to consider and to pass the new Rules but as matters of urgency arise under the Divorce (Amendment) Act 1969, the following practice direction will come into operation immediately and remain in force until the Rules are made.

As from the date hereof —

1. Every petition for the dissolution or nullity of a marriage or for judicial separation shall state full particulars of the arrangements proposed by the petitioner for the care and upbringing of every "relevant child" (vide Act 30 of 1969) who has not attained the age of sixteen years, or as the case may be, the reasons why it is impracticable for the petitioner to make any such arrangements.
2. An answer containing a claim for custody of any relevant child who has not attained the age of sixteen years shall include full particulars of the arrangements proposed by the respondent for the child's care and upbringing.
3. A respondent spouse who has not filed an answer shall not, unless otherwise ordered, be entitled to apply for the custody of any relevant child who has not attained the age of sixteen years unless he has included in his memorandum of appearance a statement setting out the arrangements which he proposes for the child's care and upbringing.
4. Where at the hearing of proceedings for the dissolution or nullity of marriage or judicial separation it appears that

there is a relevant child who has not attained the age of sixteen years and —

- (a) the Judge is satisfied as respect every such child that arrangements have been made for the care and upbringing of the child and that these arrangements are satisfactory or/are the best which can be devised in the circumstances, or that it is impracticable for the party or parties appearing before the Court to make any such arrangements; or
- (b) it appears to the Judge that there are circumstances making it desirable that the decree nisi should be made absolute or, as the case may be, that the decree for judicial separation should be pronounced, without delay and that a satisfactory undertaking has been obtained from either or both of the parties to bring the question of the arrangements for the children before the court within a time to be specified in the decree, there shall be entered in the Court minutes a statement recording the matters in regard to which the Judge is satisfied under paragraph (a) of this rule or, as the case may be, a statement that the conditions mentioned in paragraph (b) of this rule have been fulfilled.

DATED this 10th day of April, 1970.

H. G. H. DUFFUS,
Chief Justice.

MOTIONS — APPLICATIONS FOR DISCHARGE — MOTIONS
TO COMMIT IN BANKRUPTCY — SIGNATURE OF
PROCESS BY REGISTRAR

The following Note, relating to future practice, is issued by authority of the Judges of the Supreme Court for the information of legal practitioners:—

1. Motions will be heard in Court on Mondays,* or on other days as directed.

2. Where a Motion is made either to the High Court or a Judge thereof or to the Court of Appeal it is unnecessary (where a Notice of Motion is to be served on any Party) to file a Motion Paper in addition to the Notice of Motion and if so filed the costs thereof will not be allowed on taxation.

Where no Notice of Motion is to be served on any Party the proper procedure is to file a Motion Paper only.

3. Where an application may be made either by Motion or by Summons, it is advisable to make the application by Summons to a Judge in Chambers or to the Master in the first instance, otherwise the applicant may be deprived of any additional costs incurred as a result of a motion in Court.

4. Applications for discharge and motions to commit under the Bankruptcy Law will be taken in open Court unless otherwise directed.

5. In future unless otherwise directed by any Law or Rule the Registrar will not sign:—

- (a) Writs of Summons,
- (b) Summonses, or
- (c) Any other process.

DATED the 3rd day of September, 1940.

TREVOR L. LYONS,
Registrar.

*Now Thursdays.

COMMENT:

The Judicature (Miscellaneous Provisions) Act, 1966, Section 3 amended the Judicature (Supreme Court) Law Cap. 180 and created the post of Master.

The Master has all the Jurisdiction of a Judge of the Supreme Court in Chambers except those matters referred to in the "Master in Chambers Rules 1966" and published in the Jamaica Gazette Supplement of the 16th December 1966 as amended on 11th March 1967, Jamaica Gazette Supplement L.N. 59.

Paragraph numbered 3 above may now include the Master.

H. V. T. CHAMBERS,
Judge Supreme Court.

25/4/73

PRACTICE DIRECTION – “MATRIMONIAL PROCEEDINGS”

By Order of the Chief Justice and with the concurrence of the Judges of the Supreme Court, the following Practice Direction is hereby issued to take effect on June 1, 2006:

Rule 2.2(3)(b) of the Civil Procedure Rules indicates that the said Rules are not applicable to Matrimonial Proceedings. Until further advised by way of amendments to the Civil Procedure Rules, the applicable rules in all applications relating to Matrimonial Proceedings will be the Matrimonial Causes Rules and Forms of 1989. Such applications will include:

- (a) Applications for Leave to present Petitions pursuant to Section 8 of the Matrimonial Causes Act or for a Decree of Dissolution of Marriage before the expiration of 2 years from the date of the marriage pursuant to Rule 4 of the Matrimonial Causes Rules;
- (b) Applications for Injunctions and other Orders in relation to the protection of the parties, children and property pursuant to Section 10 of the Act.
- (c) Any other miscellaneous applications pursuant to Rule 53, of the Rules;

Those applications must be by way of Originating Summons on Form 1, Appendix 1 of the Matrimonial Causes Rules.

May 15, 2006


REGISTRAR (CJ)

PRACTICE DIRECTION (No.SC004 of 2016)

Matrimonial Proceedings: Marriage certificate to be filed at the commencement of proceedings

A photocopy of the marriage certificate must be filed with the documents to commence proceedings for dissolution of marriage, nullity of marriage and presumption of death and dissolution of marriage applications. The certified copy of the marriage certificate must be exhibited when the application for the Decree Nisi is being made.

THE REGISTRAR

March 1, 2016.

PRACTICE DIRECTION (No.SC003 of 2016)

Email address to be included in footnote of documents being filed at the registries

Every document to be filed at the registries of the Supreme Court must include the email address of the person or persons filing the document in the footnote.

THE REGISTRAR

March 1, 2016

Copy 2 of 2

PRACTICE DIRECTION

**Re: Setting down of Uncontested Petitions for Dissolution
of Marriage and Decrees Absolute for the Hearing in
Rural Circuit Courts**

By Order of the Chief Justice and with the concurrence of the Puisne Judges of the Supreme Court, the following Practice Direction is hereby issued.

1. With effect from January 1, 1999, Uncontested Petitions for dissolution of marriage and Decrees Absolute will be heard by Judges presiding in the rural Circuit Courts of the island.
2. The hearing must be in the parish in which the petitioner resides unless the Registrar on the application of the Petitioner directs otherwise.
3. Attorneys-at-Law wishing to have matters heard in the rural Circuit Courts must so indicate on the Praecipe.
4. Dates of hearing will be issued in the usual manner.
5. Bundles must be filed not later than 14 days before the commencement of the sitting of the Circuit Court in which the matter is to be heard.
6. Attorneys-at-Law must attend on the opening day of the session to fix dates for hearing.


REGISTRAR

14/12/98 (AG)