

1966 No. 560 (L. 4)

**SUPREME COURT OF JUDICATURE, ENGLAND**  
**PROCEDURE**
**The Matrimonial Causes (Amendment) Rules 1966**

<i>Made</i> - - - -	10th May 1966
<i>Laid before Parliament</i>	17th May 1966
<i>Coming into Operation</i>	1st June 1966

We, the Rule Committee of the Supreme Court, being the authority having for the time being power under section 99(4) of the Supreme Court of Judicature (Consolidation) Act 1925(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature, hereby exercise those powers as follows:—

1.—(1) These Rules may be cited as the Matrimonial Causes (Amendment) Rules 1966, and shall come into operation on 1st June 1966.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) In these Rules a rule referred to by number means the rule so numbered in the Matrimonial Causes Rules 1957(c), as amended(d).

2. In rule 4(6) for the words “the solicitor for the petitioner” there shall be substituted the words “the petitioner’s solicitor in his own name or the name of his firm”.

3. Rule 6 shall be revoked.

4. For paragraphs (1) to (4) of rule 15 there shall be substituted the following paragraphs:—

“(1) A petition may be amended without leave before it is served but only with leave after it has been served.

(2) A supplemental petition may be filed only after service of the original proceedings and only with leave; and rule 4(6) shall apply to a supplemental petition as it applies to a petition.

(3) An application for leave to amend a petition after it has been served or to file a supplemental petition shall, unless otherwise directed, be served on each of the opposite parties who has entered an appearance and shall, if none of those parties has entered an appearance, be made *ex parte* by lodging a copy of the petition amended as proposed or, as the case may be, by lodging the supplemental petition:

Provided that the registrar may, if he thinks fit, require the application to be supported by an affidavit.

(4) An amendment authorised to be made under this rule shall be made by filing a copy of the amended petition signed by the petitioner’s solicitor in his own name or the name of his firm or by the petitioner, if he is acting in person.”

---

 (a) 1925 c. 49.

(b) 1889 c. 63.

(c) S.I. 1957/619 (1957 II, p. 2406).

(d) The relevant amending instrument is S.I. 1958/2082 (1958 II, p. 2294).

**5. Rule 17 shall be amended as follows:—**

- (1) In paragraph (1) the words from “and shall be supported” to the end shall be omitted.
- (2) In paragraph (10) after the words “the party filing it” there shall be inserted the words “in his own name or the name of his firm”.

**6. Rule 19 shall be amended as follows:—**

- (1) The words from “subject to any directions” to the end shall be omitted.
- (2) At the beginning of the rule there shall be inserted the figure “(1)” and at the end there shall be added the following paragraphs:—
  - “(2) Where leave is required, the registrar may, if he thinks fit, require the application for leave to be supported by affidavit and may give leave subject to any directions as to re-service of the amended document or as to the consequential amendment of pleadings already filed.
  - (3) An amendment of a pleading authorised to be made under this rule shall be made by filing a copy of the amended pleading signed by the solicitor for the party filing it in his own name or in the name of his firm or by that party, if he is acting in person.”

Dated 10th May 1966.

*Gardiner, C.  
Parker of Waddington, C.J.  
Denning, M.R.  
J. E. S. Simon, P.  
Cyril Salmon, L.J.  
Edmund Davies, J.  
Geoffrey Cross, J.  
Eustace Roskill, J.  
Hugh Griffiths.  
N. Browne-Wilkinson.  
W. O. Carter.*

---

**EXPLANATORY NOTE**

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

These Rules abolish the requirement that a petition and, in certain cases, an answer in a matrimonial cause must be supported by an affidavit by the party filing it (Rules 3 and 5(1)), and make consequential amendments in the rules relating to the filing of a supplemental petition and the amendment of a petition and other documents (Rules 4 and 6). They also make it clear that where a petition or answer is drafted by a solicitor who is a member of a firm, it may be signed by the solicitor in the name of his firm (Rules 2 and 5(2)).