

1979 No. 400

**MATRIMONIAL CAUSES
SUPREME COURT OF JUDICATURE, ENGLAND
COUNTY COURTS**

The Matrimonial Causes (Amendment) Rules 1979

<i>Made - - - -</i>	<i>28th March 1979</i>
<i>Laid before Parliament</i>	<i>3rd April 1979</i>
<i>Coming into Operation</i>	<i>24th April 1979</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:—

1.—(1) These Rules may be cited as the Matrimonial Causes (Amendment) Rules 1979.

(2) These Rules shall come into operation on 24th April 1979.

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

2. In rule 64 the following paragraph shall be substituted for paragraph (1):—

“(1) Where a reconciliation has been effected between the petitioner and the respondent—

(a) after a decree nisi has been pronounced but before it has been made absolute, or

(b) after the pronouncement of a decree of judicial separation,

either party may apply for an order rescinding the decree by consent.”

3. In paragraph 5 of Appendix 2 the following sub-paragraph shall be substituted for sub-paragraph (c):—

“(c) the petitioner’s address for service, which, where the petitioner sues by a solicitor, shall be the solicitor’s name or firm and address. Where the petitioner, although suing in person, is receiving legal advice from a solicitor, the solicitor’s name or firm and address may be given as the address for service if he agrees. In any other case, the petitioner’s address for service shall be the address of any place in England or

(a) 1973 c. 18.

(b) S.I. 1977/344.

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Wales at or to which documents for the petitioner may be delivered or sent.”

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Dated 28th March 1979.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Matrimonial Causes Rules 1977 so as—

- (a) to provide the same procedure for the rescission of decrees of judicial separation by consent, following a reconciliation, as is already provided for the rescission of decrees nisi of divorce or nullity (rule 2); and
- (b) to allow the petitioner who is proceeding in person to give as the address for service the name or firm and address of a solicitor from whom the petitioner is receiving advice, if the solicitor agrees, or any other address in England and Wales to which documents for the petitioner may be sent (rule 3).

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