

L.N. 209 of 2003**MATRIMONIAL CAUSES (AMENDMENT) RULES 2003**

(Made under section 54 of the Matrimonial Causes Ordinance (Cap. 179))

1. Commencement

These Rules shall come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

2. Rule added

The Matrimonial Causes Rules (Cap. 179 sub. leg. A) is amended by adding immediately after rule 84—

“84A. Applications under rule 56B and applications for ancillary relief where petitions for divorce or joint applications are presented on or after commencement of Matrimonial Causes (Amendment) Rules 2003

(1) Rule 56B(2) and (3) shall not apply to an application by the respondent to a petition for divorce for the court to consider his financial position after the divorce, where the petition is presented to the court on or after the commencement of the Matrimonial Causes (Amendment) Rules 2003 (L.N. 209 of 2003).

(2) Subject to paragraph (4), rules 70, 71, 73, 74, 76 and 77(1), (3), (4) and (7) shall not apply to an application for ancillary relief made in relation to a petition for divorce or joint application, where the petition for divorce or joint application is presented to the court on or after the commencement of the Matrimonial Causes (Amendment) Rules 2003 (L.N. 209 of 2003).

(3) Insofar as—

(a) rule 56B(1) applies to an application referred to in paragraph (1), any reference to Form 8A in that rule shall be construed as a reference to Form 26;

(b) rule 56B(5) applies to an application referred to in paragraph (1), any reference to rule 77(3), (4), (5), (6) and (7) in that rule shall be construed as a reference to rule 77(5) and (6); and

- (c) rule 68, 68A or 69 applies to an application for ancillary relief referred to in paragraph (2), subject to paragraph (4), any reference to Form 8 or 8B in that rule shall be construed as a reference to Form 25.
- (4) Paragraphs (2) and (3)(c) shall not apply where—
- (a) the application for ancillary relief concerned only relates to an order for periodical nominal payment in the sum of \$1 per annum;
- (b) the application is made for a variation order; or
- (c) the parties to the application for ancillary relief concerned have reached agreement on terms of the proposed order.”.

3. Forms

The Appendix is amended—

- (a) in Form 8, by repealing “[Rule 68(2)(a) and (3)]” and substituting “[Rules 68(2)(a) & (3) & 84A(3)(c)]”;
- (b) in Form 8A, by repealing “[Rule 56B]” and substituting “[Rules 56B & 84A(3)(a)]”;
- (c) in Form 8B, by repealing “[Rules 68A(1), 70, 73, 74 & 77]” and substituting “[Rules 68A(1), 70, 73, 74, 77 & 84A(3)(c)]”;
- (d) by adding—

“FORM 25

[Rule 84A(3)(c)]

Notice of Application for Ancillary Relief

In the District Court / High Court*	
Case No. Always quote this	
Between	And
Petitioner / 1st Applicant* Solicitor's ref.	Respondent / 2nd Applicant* Solicitor's ref.

TAKE NOTICE that—

The Petitioner / 1st Applicant / Respondent / 2nd Applicant* intends
[to apply to the Court for]

[to proceed with the application in the [petition] [answer] [application] for—]

- (a) an order for maintenance pending suit;
- (b) a periodical payments order;
- (c) a secured periodical payments order;
- (d) a lump sum order;
- (e) a settlement of property order;
- (f) a transfer of property order;
- (g) a variation of settlement order;
- (h) an avoidance of disposition order

and on behalf of the children of the family for—

- (a) an order for maintenance pending suit;
- (b) a periodical payments order;
- (c) a secured periodical payments order;
- (d) a lump sum order;
- (e) a settlement of property order;
- (f) a transfer of property order;
- (g) a variation of settlement order;
- (h) an avoidance of disposition order

* delete if not applicable.

Signed:

Date:

[Solicitor for the] [Petitioner / 1st Applicant] [Respondent / 2nd Applicant]

Address all communications to the Chief Judicial Clerk or if the matter is in the High Court, the Clerk of Court and quote the case number. If you do not quote this number, your correspondence may be returned.

Chief Judicial Clerk
Family Court Registry
Wanchai Law Courts

OR

If the matter is in the High Court
The Clerk of Court
High Court of Hong Kong

FORM 26

[Rule 84A(3)(a)]

Notice of Application under Rule 56B

In the District Court / High Court*	
Case No. Always quote this	

Between

Petitioner
Solicitor's ref.

And

Respondent
Solicitor's ref.

TAKE NOTICE that—

The Respondent intends to apply to the court under section 17A of the Matrimonial Causes Ordinance (Cap. 179) for the court to consider the financial position of the respondent after the divorce.

* The application will be heard on a date to be fixed.

* A first appointment date has been fixed by the court on the day of
20 at o'clock.

Dated this day of 20 .

* delete if not applicable.

Signed:

Date:

[Solicitor for the] Respondent

Address all communications to the Chief Judicial Clerk or if the matter is in the High Court, the Clerk of Court and quote the case number. If you do not quote this number, your correspondence may be returned.

Chief Judicial Clerk
Family Court Registry
Wanchai Law Courts

OR

If the matter is in the High Court
The Clerk of Court
High Court of Hong Kong”.

Andrew LI
Chief Justice

4 September 2003

Explanatory Note

These Rules amend the Matrimonial Causes Rules (Cap. 179 sub. leg. A) (“the principal Rules”) to—

- (a) disapply certain provisions under the principal Rules in respect of an application—
 - (i) by the respondent to a petition for divorce for the District Court (“the court”) to consider his financial position after the divorce, where the petition is presented to the court on or after the commencement of the Rules; and
 - (ii) for ancillary relief, where the petition for divorce or joint application is presented to the court on or after the commencement of the Rules; and
- (b) prescribe new forms to be used in the proceedings of those applications.