

Practice Direction No.2 of 1993

Divorce Rules

The Divorce Rules 1991 have been in force for over a year and many practitioners are still following the old procedure. In future the proper procedure must be followed in accordance with the 1991 Rules.

10 I would also draw all practitioner's attention to the following:

1. The old style of petition is no longer suitable and will not be accepted. Practitioners should ensure the petition includes only matters relevant to the case and is substantially in the form set out in Form I as required by Rule 4 (2).
2. There is no longer a requirement for an affidavit in support of a divorce petition but, until further notice, the petition should include the following certificate (which does not require to be sworn) immediately after the prayer and before the date and signature:

20 "I certify that the facts in this petition are true to the best of my knowledge and belief"

3. There is no longer a requirement for a divorce petition to include a "Notice for Hearing" and this notice should not be included in the petition. The "Notice to the Respondent (and Co-Respondent)" should be dated and signed by the Registrar.
4. By Rule 4(5) the children statement must contain the information set out in Form 2 but, until further notice, the court will also require the following additional information:

- (a) In paragraph (1) a statement of where the child is living at the time of the petition;
- (b) In paragraph (2) a statement of the present educational arrangements if any.

5. The children statement must, until further notice, include the following certificate immediately before the date and signature:

"I certify that the facts in this children statement are true to the best of my knowledge and belief."

6. By Rule 4, the petition and the children statement must be signed by the petitioner personally.
7. Where the petitioner is represented by a lawyer, the name and address of the lawyer must be stated at the end of the petition.

(Gordon Ward)
CHIEF JUSTICE

Dated 28th January 1993