

ORDER IN COUNCIL

XIX
1997

ratifying a Projet de Loi

ENTITLED

The Matrimonial Causes (Amendment) (Guernsey) Law, 1997

(Registered on the Records of the Island of Guernsey
on the 6th October, 1997.)



1997

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 6th day of October, 1997 before Sir Graham Dorey, Bailiff;
present:- Stanley Walter John Jehan, Leonard Arthur Moss, John
Edward Morris, Charles Anthony Spensley, Lawrence Oscar
Ozanne, John Richard Rowe Henry, David Charles Lowe,
Esquires, Mrs. Eileen May Glass, Laurence Lenfestey Guille,
Derek Martin Le Page, Stephen Edward Francis Le Poidevin
and Alan Cecil Bisson, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 22nd July, 1997, approving and ratifying a *Projet de Loi* entitled "The Matrimonial Causes (Amendment) (Guernsey) Law, 1997", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ORDERED:-

1. That the said Order in Council be registered on the records of this Island; and
2. That an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the S n schal of Sark for registration on the records of those Islands respectively of which order in Council the tenor followeth:-

At the Court at Buckingham Palace

The 22nd day of July 1997

PRESENT.

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 30th day of June 1997 in the words following, viz.:-

"YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth:-

"1. That, in pursuance of their Resolution of the 28th day of March 1996, the States of Deliberation at a meeting held on the 26th day of February 1997 approved a Bill or "Projet de Loi" entitled "The Matrimonial Causes (Amendment) (Guernsey) Law, 1997", and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 2nd day of April 1997 considered the said Bill or "Projet de Loi" when a Resolution was passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the 2nd day of April 1997 considered the said Bill or "Projet de Loi" when a Resolution was passed agreeing to the application of the same to Sark. 4. That the said Bill or "Projet de Loi" is as set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Matrimonial Causes (Amendment) (Guernsey) Law, 1997", and to order that the same shall have force of law in the Bailiwick of Guernsey."

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. H. Nicholls

The Matrimonial Causes (Amendment) (Guernsey) Law, 1997

THE STATES, in pursuance of their Resolution of the 28th day of March, 1996^a, have approved the following provisions, which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

Amendment to Law of 1939.

1. In the Matrimonial Causes Law (Guernsey), 1939, as amended^b, immediately before Article 61 in Part X of the Law insert the following Article numbered "60D"-

"ARTICLE 60D. - EVIDENCE IN UNOPPOSED PROCEEDINGS

In any proceedings under this Law in which a petition for divorce, judicial separation or nullity of marriage is unopposed by the respondent and, where applicable, by the co-respondent or any other party to the proceedings, as the case may be-

- (a) the petitioner shall not be required by the Court to attend the hearing of the petition; and
- (b) an affidavit filed by or on behalf of the petitioner shall be accepted by the Court as

^a Article XIV of Billet d'État No. IV of 1996.

^b Ordres en Conseil Vol. XI, p. 318; Vol. XII, p. 278; Vol. XIII, p. 38; Vol. XV, p. 422; Vol. XVII, p. 249; Vol. XXII, p. 102; Vol. XXIII, p. 489; Vol. XXVII, p. 99; No. VII of 1990.

unchallenged evidence upon which it may grant
the decree or pronouncement sought,

unless the Court otherwise directs."

Citation.

2. This Law may be cited as the Matrimonial Causes (Amendment) (Guernsey) Law, 1997.

Collective title.

3. This Law and the Matrimonial Causes Laws, 1939 to 1990 may be cited together as the Matrimonial Causes Laws, 1939 to 1997.