



Ref. A/50

Wednesday, 13th January 2016

CIRCULAR NO. 1 of 2016

TO ALL ATTORNEYS

MATRIMONIAL CAUSES AMENDMENT RULES 2016

Family Practitioners are advised that under the Matrimonial Causes (Amendment) Rules 2016, which entered into force on 8th January 2016 (see attached for ease of reference), all divorce petitions filed after this date must now be supported by verifying affidavits sworn by the petitioner and filed within seven days of the petition.

Such petitions will now proceed on the basis of affidavit evidence alone with no need for legally represented petitioners to attend in person and give oral evidence in Divorce Court.

This amendment to the Rules is designed to save costs by shortening the length of the hearing and to eliminate inconvenience to petitioners, by avoiding the need for oral evidence at uncontested divorce hearings.

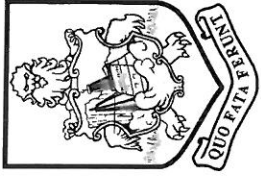
All petitions filed prior to this amendment will be dealt with under the old procedure. However, petitioners who have already filed their petition and wish to avoid the need to give oral evidence may of course file verifying affidavits and seek an oral extension of time for so doing in Divorce Court, if required.

Dated 13th January 2016



**REGISTRAR / TAXING MASTER
OF THE COURTS**





BERMUDA

MATRIMONIAL CAUSES AMENDMENT RULES 2016

BR 1 / 2016

The Chief Justice, in exercise of the power conferred by section 62 of the Supreme Court Act 1905, makes the following Rules:

Citation

1 These Rules, which amend the Matrimonial Causes Rules 1974 (the “principal Rules”), may be cited as the Matrimonial Causes Amendment Rules 2016.

Revokes and replaces rule 11

2 Rule 11 of the principal Rules is revoked and replaced with the following—

“Signing and verification of petition and filing of affidavit

11 (1) Every petition shall be signed by the petitioner’s attorney in his own name or the name of his firm, or by the petitioner if he sues in person.

(2) Every petition shall be verified by an affidavit in Form 7A sworn by the petitioner; and such affidavit shall be sufficient prima facie proof of the statements made in the petition.

(3) The affidavit shall be filed either with the petition or within seven days after the presentation of the petition.”

Amends rule 37

3 Rule 37(1) of the principal Rules is amended by deleting “39 and 40” and substituting “11, 39 and 40”.

Amends Appendix

4 The Appendix to the principal Rules is amended by inserting Form 7A (set out in the Schedule to these Rules) after Form 7.

MATRIMONIAL CAUSES AMENDMENT RULES 2016

SCHEDULE

"Form 7A

[Heading as in Form 5]
AFFIDAVIT VERIFYING PETITION
In the Supreme Court of Bermuda

- I, _____ of _____ hereby **MAKE OATH and SAY as follows:**
1. I am the petitioner in the above-captioned matter.
 2. I have read the petition herein in support of my application for a Decree Nisi to be granted at the hearing of this cause on the grounds set out therein. A copy of my said petition is exhibited hereto.
 3. I confirm that the contents of my said petition are true to the best of my knowledge and belief.

SWORN by the above-named

}
}
}
}
}
}"

At:

this day of 20

Made this 5th day of January 2016

Chief Justice
The Supreme Court of Bermuda

Scott, Charlene

From: Kawaley, Ian
Sent: 05 January 2016 04:03 PM
To: Scott, Charlene
Cc: Wade-Miller, Norma
Subject: RE: MATRIMONIAL CAUSES AMT RULES - FINAL VERSION (NO. 2)

Reg,

Thanks for raising a very good point.

I think you could do a Circular along the following lines, subject to input from Justice Wade-Miller (copied for this purpose).

“Family Practitioners are advised that under the Matrimonial Causes (Amendment) Rules 2016, which entered into force on January [] 2016, all divorce petitions filed after this date must now be supported by verifying affidavits sworn by the petitioner and filed within seven days of the petition.

Such petitions will now proceed on the basis of affidavit evidence alone with no need for legally represented petitioners to attend in person and give oral evidence in Divorce Court.

This amendment to the Rules is designed to save costs by shortening the length of the hearing and to eliminate inconvenience to petitioners, by avoiding the need for oral evidence at uncontested divorce hearings.

All petitions filed prior to this amendment will be dealt with under the old procedure. However, petitioners who have already filed their petition and wish to avoid the need to give oral evidence may of course file verifying affidavits and seek an oral extension of time for so doing in Divorce Court, if required.”

Regards,

CI

From: Scott, Charlene
Sent: 05 January 2016 03:30 PM
To: Kawaley, Ian
Cc: Walker, Roberta
Subject: RE: MATRIMONIAL CAUSES AMT RULES - FINAL VERSION (NO. 2)

Once the gazetting date is given, who advises who? Do I have to advise Counsel via a copy of the new Rule or does Bar Council do it?