

## Matrimonial Causes (Amendment) Rules, 2025

*“The amendment to the Matrimonial Causes Rules seeks to update the existing Rules including to make the **Supreme Court (Civil Procedure) Rules 2022** the default rules, in place of the now repealed Rules of the Supreme Court. The amendment came into effect on 1 July 2025.*

*The amendment also enables for a more simplified process in the hearing of undefended matrimonial causes in Rule 25(1)(e). Rules 25(1)(e) is supplemented by Practice Direction No. 1 of 2025.”*

# MATRIMONIAL CAUSES (AMENDMENT) RULES, 2025

## Arrangement of Rules

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## **MATRIMONIAL CAUSES ACT (CHAPTER 125)**

### **MATRIMONIAL CAUSES (AMENDMENT) RULES, 2025**

The Rules Committee, in accordance with section 7 of the Matrimonial Causes Act (*Ch. 125*) and in exercise of the powers conferred by section 76 of the Supreme Court Act (*Ch. 53*) makes the following rules —

#### **1. Citation and commencement.**

- (1) These Rules, which amend the Matrimonial Causes Rules<sup>1</sup>, may be cited as the Matrimonial Causes (Amendment) Rules, 2025.
- (2) These Rules shall come into force on the 1<sup>st</sup> day of July, 2025.

#### **2. Amendment of rule 2 of the principal Rules.**

Rule 2 of the principal Rules is amended by the deletion of the definitions of “Rules of the Supreme Court of England” and “Supreme Court Rules”.

#### **3. Amendment of rule 4 of the principal Rules.**

Rule 4 of the principal Rules is amended —

- (a) by the deletion of paragraphs 4(e), 4(f) and 4(g); and
- (b) in paragraph 4(m), the deletion of the words “under section 8(1)(b), (c) or (d) of the English Act”.

#### **4. Amendment of rule 10 of the principal Rules.**

Rule 10 of the principal Rules is amended by the deletion of paragraph (1) and the substitution of the following as a new paragraph (1) —

- “(1) A petition, originating summons, notice or other document in a matrimonial cause or matter may be served —
- (a) out of the jurisdiction without leave in the manner provided by these Rules; or
  - (b) in accordance with the procedures permitted or prescribed by rules 7.7, 7.8 and 7.9 of the Supreme Court Rules for the service of a claim form outside the jurisdiction,
- and an official certificate shall be annexed to the petition, originating summons, notice or other document in the case of a document served personally, which identifies the server’s means of knowledge as to the identity of the person served.”.

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<sup>1</sup>Sub. Leg., Vol II, CH. 125-1

**5. Amendment of rule 25 of the principal Rules.**

Rule 25 of the principal Rules is amended —

- (a) in paragraph (1) —
  - (i) in subparagraph (c) by the deletion of the word “and” at the end of the sentence;
  - (ii) in subparagraph (d) by the deletion of the full stop at the end of the sentence and the substitution of a semi-colon;
  - (iii) by the insertion immediately after subparagraph (d) of the following as a new subparagraph (e) —
    - “(e) hear and determine the trial of an undefended matrimonial cause, seeking the dissolution of a marriage, on the papers.”; and
- (b) by the deletion of paragraph (3) and the substitution of the following as a new paragraph (3) —
  - “(3) A party may apply for the appointment of an examiner or for letters of request to examine a party or witness in any cause and Part 33 of the Supreme Court Civil Procedure Rules shall apply to the examination.”.

**6. Amendment of rule 29 of the principal Rules.**

Rule 29 of the principal Rules is amended by the deletion of the words “or with a jury as provided for in the Act”.

**7. Revocation and replacement of rule 61 of the principal Rules.**

Rule 61 of the principal Rules is revoked and replaced by the following as a new Rule 61—

**“61. Security for costs.**

- (1) After the Registrar’s certificate under rule 30 has been granted, or, with leave, at an earlier stage of the cause, a party to the matrimonial cause or matter may apply for security for costs —
  - (a) of the cause up to the hearing, and
  - (b) incidental to the hearing.
- (2) At —
  - (a) the hearing of an application for —
    - (i) the appointment of an examiner;
    - (ii) for letters of request;
    - (iii) for the appointment of a special examiner to examine a party or witness who is outside the jurisdiction of the court; or

- (b) any time after such an examination is granted, a party to the cause or matter may apply for security for costs incidental to the examination.
- (3) Where an application for security for costs has been made under this rule, the Registrar shall determine what is a sufficient sum of money to cover the costs of the party making the application taking all the circumstances into account, including the means of each party.
- (4) Where the Registrar determines a party to the cause or matter should provide security for all or some of the other party's costs, the Registrar may —
  - (a) order the party to pay the sum so determined or some portion of it, into court;
  - (b) order the party to give such security within such time as he may state; and
  - (c) direct a stay of the proceedings until the order is complied with.
- (5) The bond taken to secure the costs of a party under this rule shall —
  - (a) be given to the Registrar;
  - (b) be duly filed; and
  - (c) not be sued upon without leave of the Registrar.

#### **8. Amendment of rule 62 of the principal Rules.**

Rule 62 of the principal Rules is amended by the deletion of paragraph (3) and the substitution of the following as a new paragraph (3) —

“(3) In any cause or matter to which these Rules apply, the costs allowed to attorneys and the taxation of such costs shall, except where these Rules otherwise provide, be in accordance with the Supreme Court Civil Procedure Rules”.

#### **9. Amendment of rule 65 of the principal Rules.**

Rule 65(1) of the principal Rules is amended by the deletion of the words “under Section 17 of the English Act”.

#### **10. Revocation and replacement of rule 67 of the principal Rules.**

Rule 67 of the principal Rules is revoked and replaced with the following as a new rule 67 —

##### **“67. Single claim form exclusion.**

Rule 8.4 of the Supreme Court Civil Procedure Rules shall not apply to a petition filed pursuant to these Rules.”.

**11. Revocation and replacement of rule 68 of the principal Rules.**

Rule 68 of the principal Rules is is revoked and replaced with the following as a new rule 68 —

**“68. Application of the Supreme Court Civil Procedure Rules.**

- (1) Subject to these Rules and the provisions of any enactment, where —
  - (a) these Rules do not adequately provide for a matter of practice or procedure; and
  - (b) there is no practice direction issued covering the matter of practice or procedure pursuant to rule 68A,the Supreme Court Civil Procedure Rules shall apply with the necessary modifications.
- (2) Notwithstanding rule 2.4 of the Supreme Court Civil Procedure Rules, the court shall where the circumstances permit follow the practice and procedure observed in civil proceedings commenced in the court under the Supreme Court Civil Procedure Rules.”

**12. Insertion of new rule 68A and 68B into the principal Rules.**

The principal Rules are amended by the insertion, immediately after rule 68 of the following as new rules 68A and 68B —

**“68A. Practice directions.**

The Chief Justice may issue practice directions prescribing the practice and procedure to be followed where it is not expressly dealt with in these Rules.

**68B. Practice guides.**

- (1) The Chief Justice may issue practice guides to assist parties in any cause or matter to which these Rules apply.
- (2) The parties shall comply with any relevant practice guide.”.

**13. Amendment of principal Rules.**

The principal Rules are amended by the deletion of the words “Supreme Court Rules” and the substitution of the words “Supreme Court Civil Procedure Rules” wherever the words appear.

Made this       day of       2025.

CHAIRMAN  
RULES COMMITTEE