

CHAPTER 7.

MATRIMONIAL CAUSES RULES.

P.N.
96 of 1950.

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MATRIMONIAL CAUSES

P.N.
96 of 1950.

RULES.

1. (1) These Rules may be cited as the Matrimonial Causes Rules. Citation.

(2) In these Rules the following expressions have the meanings hereafter respectively assigned to them— Interpretation.

“ Appendix ” means the Appendix to these Rules;

“ The Ordinance ” means the Matrimonial Causes Ordinance. Cap. 102.

“ Court ” means the Supreme Court;

“ the Divorce Registry ” means the Registry of the Supreme Court at Freetown and includes any District Registry;

“ the Registrar ” means the Registrar of the Supreme Court and includes any District Registrar;

“ a District Registry ” means a District Registry of the Supreme Court;

“ a District Registrar ” means a District Registrar of the Supreme Court;

“ undefended cause ” means a matrimonial cause in which no answer has been filed or in which all the answers filed have been struck out, but does not include a cause in which the court is asked to exercise its discretion under section 7 (2) of the Ordinance;

“ defended cause ” means a matrimonial cause not being an undefended cause;

“ filed ” means filed in the Divorce Registry;

“ person named ” includes a person described as “ passing under the name of A.B. ”;

“ certified copy ” means a copy examined in the Divorce Registry against the original, marked as certified by the examining officer and sealed with a seal of the Divorce Registry.

2. (1) An application for leave to present a petition for divorce before three years have passed since the date of the marriage shall be by originating summons in accordance with Form 1 in the Appendix. Applications for leave to present a petition. Form 1.

(2) There shall be filed in support of the summons an affidavit by the applicant stating the grounds on which the application

is made, particulars of the hardship or depravity alleged, whether there are living any children of the marriage and, if so, the names and dates of birth or ages of such children, where and with whom they are residing, whether any, and if so what, attempts at reconciliation have been made and any circumstances which may assist the court to determine the question whether there is reasonable probability of a reconciliation between the parties and exhibiting a copy of the intended petition.

(3) The intended respondent, after entering an appearance to the summons, may within fourteen days after the expiration of the time limited for appearance file an affidavit in answer to the application.

(4) Within fourteen days after the date of delivery to him of such affidavit the applicant may file an affidavit in reply but no further affidavits may be filed without leave.

Commence-
ment of
proceedings.

3. (1) Every matrimonial cause shall be commenced by filing a petition addressed to the court.

(2) Every application in a matrimonial cause for ancillary relief, that is to say every application for—

(a) alimony pending suit (except where a claim for such relief is made in the original petition);

(b) maintenance of any children of the marriage (in these Rules referred to as “maintenance of the children”);

(c) periodical payments by a husband to a wife in whose favour a decree for restitution of conjugal rights has been made, or for periodical payments by a wife against whom such a decree has been made of part of any profits of trade or earnings of which she is in receipt to her husband for his own benefit or to her husband or any other person for the benefit of the children of the marriage or either or any of them (in these Rules referred to as “periodical payments”) or for securing periodical payments to a wife.

(d) the allotment of alimony to a wife in whose favour a decree of restitution of conjugal rights has been made or in whose favour or against whom a decree for judicial separation has been made (in these Rules referred to as “permanent alimony”);

(e) the payment by a husband on a decree for divorce or nullity of marriage of monthly or weekly sums for the maintenance and support of his wife (in these Rules referred to as “maintenance”);

(f) the discharge, modification or temporary suspension of an order for periodical payments, securing periodical payments to a wife, alimony pending suit, permanent alimony, maintenance or maintenance of the children (in these Rules referred to as "a modification order");

(g) the securing by a husband on a decree for divorce or nullity of a gross or annual sum of money to his wife or for the benefit of the children of the marriage (in these Rules referred to as "a secured provision");

(h) the application of the whole or any part of the property comprised in any ante-nuptial or post-nuptial settlement made on the spouses either for the benefit of the children of the marriage or of the spouses (in these Rules referred to as "variation of marriage settlements");

(i) the settlement, in the case of a decree for divorce or judicial separation by reason of the adultery, desertion or cruelty of the wife, or for restitution of conjugal rights made against the wife of the property to which she is entitled either in possession or in reversion or any part thereof for the benefit of her husband and of the children of the marriage or either or any of them (in these Rules referred to as "settlement of a wife's property"),

shall be by notice in accordance with Form 2 in the Appendix Form 2.
issued out of the Divorce Registry.

(3) Unless these Rules otherwise provide, every other application shall be made and any leave or direction shall be obtained by summons to the Judge.

4. (1) The petition in a matrimonial cause shall state—

Form of
petition.

(a) the place and date of the marriage and the name and status of the wife before the marriage;

(b) the principal permanent addresses where the parties have cohabited within Sierra Leone or, if it be the case, that there has been no address of cohabitation within Sierra Leone;

(c) whether there are living children of the marriage and, if so, the names and dates of birth or ages of such children and, if it be the case, that the paternity of any child of the wife is disputed;

(d) the occupation of the husband and the residence and domicile of the parties to the marriage at the date of the institution of the cause;

(e) if at the date of the institution of a cause by a wife the husband has deserted the wife, or has been deported from Sierra Leone, and there is reason to believe that he has changed his domicile since the date of the desertion or deportation, the domicile of the husband immediately before the desertion or deportation, the date when and the circumstances in which the alleged desertion began or the date of the deportation order;

(f) whether there have been in the Court or a Magistrate's Court any, and if so what, previous proceedings with reference to the marriage by or on behalf of either of the parties to the marriage, the date and effect of any decree or order made in such proceedings, and whether there has been any resumption of cohabitation since the making thereof;

(g) the matrimonial offences alleged or other grounds upon which relief is sought, set out specifically in separate paragraphs;

(h) in the case of a petition for presumption of death and dissolution of the marriage, the last place of cohabitation of the parties, the circumstances in which the parties ceased to cohabit, and the date when and the place where the respondent was last seen or heard of; and

(i) in the case of a petition for restitution of conjugal rights, the date when and the circumstances in which the respondent refused or ceased to render conjugal rights to the petitioner, the desire of the petitioner for a restitution of conjugal rights and the willingness on the part of the petitioner to render them to the respondent.

(2) A wife petitioner may include in her petition a claim for alimony pending suit in which case the petition shall contain a statement in general terms of her husband's income and property in so far as they are within her knowledge or belief.

(3) The petition shall conclude with a prayer setting out particulars of the relief claimed including—

(a) the amount of any claim for damages;

(b) any claim for custody of the children of the marriage;

(c) any claim for alimony pending suit;

(d) any claim for costs; and

(e) in appropriate cases a prayer that the Court will exercise its discretion to grant a decree *nisi* notwithstanding the adultery of the petitioner during the marriage.

(4) Every petition shall, unless otherwise directed, be signed by the petitioner or, in the case of an infant or person of unsound mind, by his next friend.

5. Unless otherwise directed, where a petition for divorce or a petition for judicial separation in which damages are claimed alleges adultery every alleged adulterer, if male, and living at the date of the filing of the petition, shall be made a co-respondent in the cause, and where a petition contains a claim for costs against a woman named she shall be made a respondent in the cause.

6. (1) There shall be filed with every petition an affidavit by the petitioner verifying the facts of which the deponent has personal cognisance and deposing as to belief in the truth of the other facts alleged in the petition and, except in the case of a petition for restitution of conjugal rights, stating whether the petition is presented or prosecuted in collusion with the respondent or any of the co-respondents.

(2) The affidavit shall also state—

(a) in the case of every petition for divorce or judicial separation where the ground of the petition is adultery, whether the petitioner has in any manner been accessory to or connived at or condoned the adultery, and, where the ground of the petition is cruelty, whether the petitioner has in any manner condoned the cruelty; and

(b) in the case of a petition for nullity under section 3 (1) (b) and (c) of the Ordinance, whether the petitioner was at the time of the marriage ignorant of the facts alleged and whether marital intercourse with the consent of the petitioner has taken place since the discovery by the petitioner of the existence of the grounds for a decree; and

(c) in the case of a petition for presumption of death and dissolution of marriage, the steps which have been taken to trace the respondent.

(3) Where a petition for divorce or a petition for judicial separation in which damages are claimed alleges adultery against a male person who has died before the petition is filed, the affidavit shall prove the death of such person by reference to a death certificate exhibited thereto or by reference to such other evidence as is available.

Notice to
appear.
Form 3.

7. (1) A petition and every copy thereof for service upon a respondent or co-respondent shall be endorsed in conspicuous characters with a notice to appear in accordance with Form 3 in the Appendix and if the petition includes a prayer for alimony pending suit, the petition and the copy to be served on the respondent husband shall also be endorsed with a notice to appear and file evidence in accordance with Form 4 in the Appendix.

Form 4.

(2) A notice of an application for any ancillary relief and every copy thereof for service shall, if the respondent to the application has not already entered an appearance to the petition in the matrimonial cause in which the application is made, contain the notice to appear set out in Form 5 in the Appendix.

Form 5.

(3) A notice of an application for alimony pending suit, permanent alimony, maintenance, maintenance of children, a secured provision, periodical payments or securing periodical payments to a wife and every copy thereof for service shall contain a notice to file evidence in accordance with Form 6 in the Appendix.

Form 6.

Service of
petition,
originating
summons and
notice of
application
for ancillary
relief.

8. (1) Unless otherwise directed (a) a certified copy of every petition shall be personally served upon every respondent and co-respondent named therein, (b) a certified copy of every originating summons shall be personally served upon the respondent thereto and (c) a certified copy of every notice of an application for ancillary relief shall be personally served upon the respondent thereto, unless the respondent has entered a general appearance to the petition in the cause in which the application is made in which case the notice may be served by leaving it at the address for service furnished by the respondent. Personal service shall in no case be effected by the petitioner or the intended petitioner.

(2) An application for leave to substitute for personal service some other mode of service or to substitute for service notice of the proceedings by advertisement or otherwise shall be made in accordance with the provisions of Order VI, Rule 2 of the Supreme Court Rules.

(3) Where leave is given to substitute for service notice of the proceedings by advertisement, the form of the advertisement shall be settled by the Registrar and copies of the newspapers containing the advertisement shall be filed with a certified copy

of the petition, originating summons or notice to which the advertisement relates.

9. (1) A petition, originating summons, notice or other document in a matrimonial cause or matter may be served out of the jurisdiction without leave and, subject as aforesaid, the practice for the time being in force in respect of the service of a writ of summons or notice of a writ of summons out of the jurisdiction in other civil causes or matters before the Court shall apply to the service of any such petition, originating summons, notice or other document out of the jurisdiction, provided that the certificate of service shall in the case of a document of which personal service is required by these Rules show the server's means of knowledge as to the identity of the person served.

Service out of the jurisdiction.

(2) Where a petition, originating summons or notice of an application for ancillary relief is to be served out of the jurisdiction the time limited for appearance to be endorsed on the petition or contained in the originating summons or notice shall be fixed having regard to the place or country where or within which the petition, originating summons or notice is to be served in accordance with the practice adopted under Order VIII, Rule 4 of the Supreme Court Rules.

10. (1) Unless otherwise directed a petition shall not proceed to hearing unless the respondent and every co-respondent thereto and every person named therein has entered an appearance or unless it has been shown by an affidavit in accordance with Form 7 in the Appendix which shall be filed, that the respondents, co-respondents and persons named have been duly served with the petition and by certificate issued out of and filed in the Divorce Registry that they have not appeared.

Proof of service.

Form 7.

(2) After service of a petition has been effected, a certificate of service in accordance with Form 8 in the Appendix shall, unless otherwise directed, be filed except in those cases where an affidavit of service is required by the preceding paragraph of this Rule.

Form 8.

11. (1) Service of any document on a party who has not entered an appearance shall be personal service, unless otherwise directed, and, where any order or decree is personally served, the original or a certified copy thereof shall be produced to the person served at the time of service.

Service of other documents.

(2) Any notice or other document by these Rules required to be served, but of which personal service is not required, may be served by leaving the same at the address for service furnished by or on behalf of the party on whom the document is to be served.

(3) A copy of every affidavit filed in support of or in answer to an application under Rule 2 or of an application for ancillary relief or in pursuance of an order for particulars, interrogatories or discovery shall be delivered to the opposite party, if he has entered an appearance, at the address for service furnished by him within eight days after the affidavit has been filed and if he has not entered an appearance and the time for appearance has not expired, a copy of such affidavit shall be personally served upon the opposite party with the originating summons or notice in support of which the affidavit is filed.

Entry of
appearance.
Form 9.

12. (1) All appearances shall be entered by delivering to the Registrar a memorandum in writing in accordance with Form 9 in the Appendix dated on the day of its delivery and containing the name of the solicitor of the person entering an appearance or stating that that person appears in person and containing an address for service which shall not be more than one mile from the Registry of the Supreme Court at Freetown or three miles from a District Registry. The person entering the appearance shall at the same time deliver to the Registrar a duplicate of the memorandum which the officer shall issue as a certified copy and return to the person entering the appearance and the duplicate memorandum so issued shall be a certificate that the appearance was entered as stated therein.

Form 10.

(2) Notice of such appearance in accordance with Form 10 in the Appendix shall be given to the opposite party.

(3) Upon receipt of the memorandum of appearance the Registrar shall forthwith enter the appearance in the book provided for the purpose.

Form of
appearance.

13. (1) An appearance to a petition or originating summons may be under protest, and an appearance to a petition may be either general or limited to any claim made in the petition for alimony pending suit or to any claim made after the filing of the petition for ancillary relief. The appearance may be entered at any time before a step has been taken in default and thereafter by leave except that in the case of an application for ancillary relief the respondent may enter an appearance to the petition

without leave in accordance with the notice to appear contained in the application and limited to the particular claim for ancillary relief, notwithstanding that a step in default may have been taken against him in the proceedings on the petition.

(2) Any appearance under protest shall state concisely the grounds of protest and the party so appearing under protest shall before the expiration of the time allowed for filing an answer apply for directions as to the determination of any question arising by reason of such appearance under protest and, in default of making such application, shall be deemed to have entered an unconditional appearance. Any such directions may provide for the trial of a preliminary issue with or without a stay of proceedings or for determination of the matters in question at the hearing of the cause and for any interlocutory matters incidental thereto.

14. (1) No supplemental petition shall be filed and no petition shall be amended without leave.

Supplemental
and amended
petitions.

(2) An application for leave shall, unless otherwise directed, be served on every opposite party who has entered an appearance and shall be supported by an affidavit verifying the new facts alleged and deposing, in so far as those new facts are concerned, to the existence or otherwise of collusion, connivance and condonation in the manner required by Rule 6 in the case of the original petition, provided that where no appearance has been entered the application for leave may be made *ex parte* upon production to the Registrar of a certificate of non-appearance and the aforesaid affidavit.

(3) An order made under this Rule shall—

(a) in cases where an appearance has been entered in the original proceedings fix the time within which the answer must be filed or amended,

(b) if made after the Registrar has given his certificate under Rule 29 provide for a stay of the hearing until that certificate has been renewed.

(4) Unless otherwise directed, a copy of the order made under this Rule together with a certified copy of the supplemental petition or of the amended petition shall be personally served upon the respondent, co-respondent or person named therein and, in the case of a respondent, co-respondent or person not named in the original petition, the supplemental petition or amended petition shall be endorsed with a notice to appear in

Form 3. accordance with Form 3 or, as the case may be, with a notice
 Form 11. in accordance with Form 11 in the Appendix and the provisions
 of Rules 8 to 10 shall apply to supplemental and amended
 petitions as they apply to original petitions.

Interveners. 15. (1) Unless otherwise directed, where a husband is
 charged with adultery with a named person who is not made a
 respondent under Rule 5, and where, in a husband's petition for
 judicial separation, the wife is charged with adultery and no
 damages are claimed a certified copy of the petition or answer
 containing such charge shall be personally served on the
 person with whom adultery is alleged to have been committed,
 endorsed in lieu of a notice to appear with a notice in accordance
 with Form 11 in the Appendix that such person is entitled
 Form 11. within the time limited thereby to apply for leave to intervene
 in the cause.

(2) Application for leave to intervene in any cause shall be
 supported by affidavit, which shall be filed, and leave may be
 given with such directions as to appearance and procedure as
 the Judge shall think fit.

(3) Unless otherwise directed, a party intervening shall join
 in the proceedings at the stage which those proceedings have
 reached at the time leave to intervene is given and the name of
 that party shall appear in the title to the cause from the day on
 which he enters an appearance.

* Answer.

16. A respondent, co-respondent or person named who has
 entered an appearance to a petition may within fourteen days
 after the expiration of the time allowed for the entry of such
 appearance file an answer to the petition.

Evidence in
 support of
 and service of
 answer.

17. (1) There shall be filed with every answer, which contains
 matter other than a simple denial of the fact stated in the
 petition, an affidavit by the person filing the answer verifying
 such other matter so far as he has personal cognisance thereof
 and deposing to his belief in the truth of the rest of such other
 matter and, where that person is husband or wife of the peti-
 tioner, deposing in so far as such other matter is concerned to
 the existence or otherwise of collusion, connivance and
 condonation in the manner required by Rule 6 in the case of a
 petition.

(2) Where the answer of a husband alleges adultery and prays
 for relief the alleged adulterer shall be added to the title of the

cause as "A.B. cited" and shall be served personally with a certified copy of the answer endorsed with a notice to appear as if it were a petition.

(3) Where the answer of a husband alleges adultery but does not pray for relief, a certified copy of the answer shall be served personally on the alleged adulterer endorsed with a notice in accordance with Form 11 in the Appendix that he is entitled within the time thereby limited to apply for leave to intervene in the cause.

Form 11.

18. (1) No reply shall be filed without leave except where relief is claimed in the answer in which case a reply may be filed within fourteen days from the delivery of the answer.

Reply.

(2) No subsequent pleading shall be filed except by leave.

19. Any originating summons, notice of an application for ancillary relief, summons, pleading or other document may be amended by leave, subject to any directions as to re-service and as to consequential amendment of pleadings already filed.

Amendment of originating summons, etc.

20. No pleading shall be filed out of time without leave after a step in default has been taken.

Pleadings out of time.

21. (1) Any party may by letter require any other party to furnish particulars of any allegation or other matter pleaded and, if such other party fails to furnish such particulars within a reasonable time, the party requiring the particulars may apply for an order that particulars be given.

Particulars.

(2) All particulars, whether given in pursuance of an order or otherwise, shall be filed together with an affidavit in support within eight days of being furnished to the party requiring them.

22. A copy of every answer (other than an answer of which personal service is required), reply, and subsequent pleading shall within eight days after it is filed be delivered to the opposite parties or their solicitors.

Delivery of subsequent pleadings.

23. (1) A party to a matrimonial cause may by leave deliver interrogatories in writing for the examination of an opposite party.

Discovery.

(2) A copy of the interrogatories proposed to be delivered shall be lodged in the Divorce Registry when the summons is issued and a further copy shall be served with the summons.

(3) Interrogatories shall, unless otherwise ordered, be answered by affidavit to be filed within ten days.

(4) A party to a matrimonial cause may apply for an order for discovery of documents by an opposite party and such opposite party may be ordered to make such general or limited discovery on oath as the Judge shall think fit.

Medical
inspection.

24. (1) In proceedings for nullity on the ground of the impotence or incapacity of the respondent the petitioner shall, after an answer has been filed or if no answer has been filed or appearance entered to the cause after the expiration of the time allowed for filing an answer or entering an appearance, as the case may be, apply for the appointment of medical practitioners to examine the parties and the Judge shall upon such application appoint two medical practitioners to examine the parties and to report to the Court the result of the examination and shall order the parties to attend the medical practitioners so appointed for the purposes of the examination.

(2) The order endorsed with notice of the time and place of the examination shall be served personally upon the respondent unless he has appeared in which case the order may be served on his solicitor.

(3) The examination shall be held at the consulting room of one of the medical practitioners or at some other convenient place selected by them.

(4) At such medical examination the petitioner's solicitor shall produce to the medical practitioners a minute of identification and thereupon the medical practitioners shall call upon the solicitor for the parties to identify the parties to be examined by them, and, after identification, the parties and their solicitors shall sign their names and the paper bearing such signatures shall be signed by the medical practitioners and annexed to the report.

(5) On a petition for nullity on the ground that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage either party may apply for the appointment of medical practitioners to examine the parties. Upon such application the Judge shall appoint two medical practitioners and either of the parties shall be at liberty to submit himself for examination to the medical practitioners so appointed.

(6) The provisions of paragraphs (3) and (4) of this Rule shall apply to any such examination and the medical practitioners shall report to the Court the result of any examination made by them.

(7) Every report made in pursuance of this Rule shall be filed and either party shall be entitled to be supplied with a copy upon payment of the prescribed fee.

25. (1) Subject to the provisions of the Ordinance and this Rule, the witnesses at the trial or hearing of any matrimonial cause shall be examined *viva voce* and in open Court: Evidence.

Provided that a Judge may on application made to him—

(a) subject to the provisions of paragraph (2) of this Rule order that any particular facts to be specified in the order may be proved by affidavit;

(b) order that the affidavit of any witness may be read at the trial or hearing on such conditions as the Judge may think reasonable;

(c) order that evidence of any particular facts to be specified in the order shall be given at the trial or hearing by statement on oath of information and belief or by production of documents or entries in books or by copies of documents or entries or otherwise as the Judge may direct; and

(d) order that not more than a specified number of expert witnesses may be called.

(2) Where it appears to the Judge that any party reasonably desires the production of a witness for cross-examination and that such witness can be produced an order shall not be made authorising the evidence of such witness to be given by affidavit but the expenses of such witness at the trial shall be specially reserved.

(3) Any party may apply for the appointment of an examiner or for a commission or for letters of request to examine a party or witness in any cause and for leave to give the depositions taken on the examination in evidence at the trial or hearing, and the practice for the time being of the Court in respect of such examinations in civil causes or matters before the Court shall apply to the examination.

(4) Nothing in any order made under this Rule shall affect the power of the Judge at the trial or hearing to refuse to admit evidence tendered in accordance with any such order if in the interests of justice he should think fit to do so.

Staying
proceedings
for
restitution.

26. At any time after the commencement of proceedings for restitution of conjugal rights the respondent may apply for an order to stay the proceedings by reason that he is willing to resume or to return to cohabitation with the petitioner.

Trial of
issues.

27. A Judge may direct and a petitioner and any party to a cause who has entered an appearance may apply to a Judge for directions for the separate trial of any issue of fact or any question as to the jurisdiction of the Court.

Discretion
statement.

28. (1) Every party to a matrimonial cause praying that the Court shall exercise its discretion to grant a decree *nisi* notwithstanding that party's adultery shall lodge in the Divorce Registry a statement (in these Rules called "a discretion statement") signed by him or his solicitor stating that the Court will be asked to exercise its discretion on his behalf notwithstanding his adultery and setting forth particulars of the acts of adultery committed and of the facts which it is material for the Court to know for the purpose of the exercise of its discretion.

(2) Where the application for the Registrar's certificate under Rule 29 is made by the party praying for the discretion of the Court the discretion statement shall be lodged with the application for the Registrar's certificate or, where the application for that certificate is made by any other party to the cause, the discretion statement shall be lodged within ten days after the receipt of notice that the cause has been set down for hearing.

(3) A discretion statement shall be open to the inspection of the Attorney General but, except by the direction of the Judge, shall not be open to inspection by any other person.

(4) Where a discretion statement contains an allegation of adultery or other matrimonial offence on the part of the other spouse which is not referable to any specific allegation in the pleadings notice of such allegation shall be given forthwith to the said spouse provided that if the Court at the hearing is satisfied that failure to give such notice is justified it may be dispensed with.

(5) Neither the fact that a discretion statement has been lodged nor the fact that the said notice has been given nor the contents of the discretion statement or notice shall be given as evidence against the party lodging or giving the same in any matrimonial cause or matter except when that party has put in

evidence in open Court the discretion statement or the said notice or the contents thereof.

29. (1) The petitioner or any party who is defending a matrimonial cause shall, before setting down the cause for hearing, refer the pleadings and proceedings in the cause to the Registrar for his certificate that the pleadings and proceedings are in order and for directions as to the place of hearing, and, if the cause is one in which the discretion of the Court is prayed under section 7 (2) of the Ordinance, a statement informing the Registrar of that fact shall be lodged with the pleadings.

Registrar's
certificate
and
directions
for trial.

(2) In undefended causes there shall be filed with the application an affidavit by the solicitor or the person having conduct of the proceedings stating the locality in which the witnesses whom it is proposed to call at the hearing reside and any other facts relevant to the choice of place of hearing and the Registrar shall after considering the matter issue directions as to the place of hearing with his certificate.

(3) The Registrar may, upon the application of any party, vary any direction given as to the place of hearing of any cause.

30. (1) The petitioner, after the Registrar's certificate has been obtained, shall set the cause down for hearing in the Divorce Registry and, within eight days of having done so, shall file and give to each party in the cause who has entered an appearance notice of his having done so and, if the petitioner fails so to set the cause down within fourteen days after the granting of the Registrar's certificate, any party defending the cause may set the cause down for hearing and within eight days of having done so shall file and give to the petitioner and all other parties in the cause who have entered an appearance notice of his having done so.

Setting down
for hearing.

(2) If an undefended cause is not set down within a month after the granting of the Registrar's certificate the cause shall not be set down unless the Registrar's certificate has been renewed.

(3) No cause shall be entered for hearing at a District Registry less than fourteen days before the session fixed for that Registry except by order of the Judge to be obtained *ex parte* by motion and with the consent of the Judge going the circuit on which that District Registry is.

(4) Save with the consent of all parties or by leave of the Judge, no cause shall be placed in the list for hearing until after the expiration of ten days from the date of setting down.

Right of respondent or co-respondent to be heard on question of costs custody, access and damages.

31. (1) After entering an appearance, a respondent or co-respondent may, without filing an answer, be heard in respect of any question as to costs and a respondent spouse may, without filing an answer, be heard as to any question of custody of or access to any children of the marriage.

(2) A co-respondent shall not be heard on any question as to damages until he has filed an answer in the cause.

Form of decree.

32. (1) The Registrar shall sign every decree of the Court.

(2) Where in any case there has been a finding of adultery against one of the parties to the cause, but the Judge has refused to exercise his discretion under section 7 (2) of the Ordinance that finding and the refusal shall be set out in the decree and where in such a case the Judge exercises his discretion the decree shall state that it is made in the exercise of the discretion conferred on the Court by the said section.

(3) A sealed or other copy of any decree of the Court may be issued to any person requiring it on payment of the prescribed fee.

Information by Attorney General.

33. (1) (a) When the Attorney General desires to show cause against making absolute a decree *nisi* he shall enter an appearance in the cause in which such decree has been pronounced and shall within fourteen days thereafter file his plea setting forth the grounds upon which he desires to show cause and within eight days of filing his plea shall deliver a copy thereof to the person in whose favour such decree has been pronounced or to his solicitor.

(b) Where such plea alleges a petitioner's adultery with any named person the Attorney General shall, unless otherwise directed, cause each such person to be served personally with a copy of his plea omitting such part thereof as contains any allegation in which the person so served is not named. Such copy shall be indorsed with a notice in accordance with Form 11 in the Appendix so far as the same is applicable. When such service has been effected the Attorney General shall, unless otherwise directed, file an affidavit of service of a copy of the plea in accordance with Rule 10.

Form 11.

(c) Except as hereinafter provided, these Rules shall apply to all subsequent pleadings and proceedings in respect of such plea as if the plea were an original petition.

(2) If no answer to the plea of the Attorney General is filed within the time limited or if an answer is filed and has been struck out or not proceeded with, the Attorney General may apply forthwith by motion to rescind the decree *nisi* and dismiss the petition.

(3) If the charges contained in the plea of the Attorney General are not denied in the answer thereto, the party in whose favour the decree *nisi* has been pronounced shall apply for the Registrar's certificate that the pleadings are in order and, within fourteen days after obtaining it, set down the intervention for hearing and, within eight days after setting down the intervention, shall file and give to the Attorney General notice of his having done so. If default is made in setting down and giving notice to the Attorney General as aforesaid, the Attorney General may apply forthwith by motion to rescind the decree and dismiss the petition.

(4) If the charges contained in the plea of the Attorney General are denied in the answer thereto, the Attorney General shall apply for the Registrar's certificate and, within fourteen days after obtaining it, set down the intervention for hearing and, within eight days after setting down the intervention, shall file and give to the other parties to the intervention notice of his having done so.

34. (1) When any person other than the Attorney General desires to show cause against making absolute a decree *nisi* he shall enter an appearance in the cause in which the decree *nisi* has been pronounced and shall within four days thereafter file an affidavit setting forth the facts upon which he relies and within eight days of filing such affidavit deliver copies thereof to the party in whose favour the decree has been pronounced or to his solicitor.

Intervention
by person
other than
the Attorney
General.

(2) The party in the cause in whose favour the decree *nisi* has been pronounced may within fourteen days after delivery of the affidavits as aforesaid file an affidavit in answer and within eight days after filing deliver copies thereof to the person showing cause or to his solicitor and if any such affidavits are so filed and delivered the person showing cause may within a further fourteen days file and deliver copies of affidavits in reply.

(3) No affidavits shall be filed in rejoinder to the affidavits in reply without leave.

Interventions
to be heard in
Freetown.

35. The hearing of any intervention under either of the last two preceding Rules shall take place in Freetown unless the Court shall otherwise direct.

Decree
absolute.

36. (1) An application by a spouse to make absolute a decree *nisi* pronounced in his favour shall be made to the court by filing a notice in writing setting forth that application is made for such decree absolute and a time shall be appointed for such decree to be pronounced in open court, provided that if the application is made after the expiration of one year from the date of the decree *nisi* there shall be filed with the notice an affidavit by the applicant accounting for the delay and the application shall not proceed without the leave of a Judge.

(2) An application by a spouse to make absolute a decree *nisi* pronounced against him shall be by motion and a time shall be appointed for such motion to be heard in open Court. Not less than four days' notice of the application and of the time appointed for the hearing thereof shall be given to the petitioner.

(3) No application under this Rule shall be entered in the cause list unless an affidavit has been filed that search has been made in the proper books of the Divorce Registry up to within four days of the time appointed and that at such time no person had intervened or obtained leave to intervene in the cause and that no appearance has been entered or any affidavits filed by or on behalf of any person wishing to show cause against the decree *nisi* being made absolute and, in case leave to intervene had been obtained or appearance entered or affidavits filed by or on behalf of such person, affidavits showing what proceedings, if any, have been taken thereon.

Reversal of
decree of
judicial
separation.

37. (1) A petition to the Court for the reversal of a decree of judicial separation shall set out particulars of the decree the reversal of which is being prayed and the grounds on which the petitioner relies.

(2) No such petition shall be filed unless an appearance has been entered in the cause in which the decree has been pronounced by the party praying for a reversal of the decree. If no such appearance has been entered before the pronouncement of the decree leave to enter an appearance shall be obtained.

(3) A certified copy of the petition shall be personally served upon the party in the cause in whose favour the decree has been made who may within fourteen days after service file an answer thereto. A copy of the answer shall be delivered to the other party in the cause or to his solicitor within eight days after the answer is filed.

(4) All subsequent pleadings and proceedings arising out of such petition and answer shall be filed and carried on in the same manner as is by these Rules directed in respect of the original petition and answer thereto so far as such directions are applicable.

38. A wife petitioner who has not included in her petition a prayer for alimony pending suit may make an application for alimony pending suit at any time after filing the petition.

Alimony pending suit.

39. A petitioner at any time after service of a petition in which custody of any children of the marriage is claimed and the respondent to any such petition, after entering an appearance to the petition, or any person who has obtained leave to intervene in the suit for the purpose of applying for custody, or who has the custody or control of such children under an order of the Court after entering an appearance to the petition for this purpose may make an application for maintenance of the children.

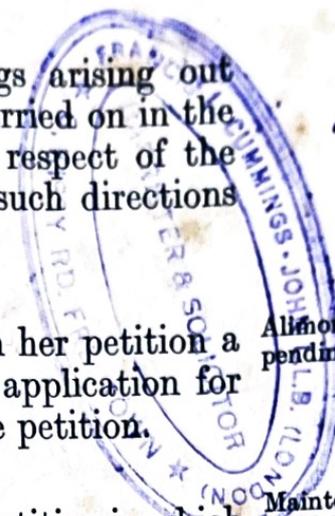
Maintenance of children.

40. (1) An application for maintenance, a secured provision, variation of marriage settlements, or settlement of a wife's property, in the case of proceedings for divorce, may be made by the petitioner at any time after the time for entering an appearance to the petition has expired and by a respondent spouse at any time after entering an appearance to the petition but no application shall be made later than one month after final decree except by leave of a Judge.

Maintenance, secured provision, variation of marriage settlement of wife's property.

(2) An application for settlement of a wife's property, in the case of proceedings for judicial separation or for restitution of conjugal rights, may be made at any time after the pronouncement of the decree.

(3) Upon an application for variation of marriage settlements, settlement of a wife's property or a secured provision the Judge shall, unless he is satisfied that the proposed variation does not adversely affect the rights or interests of any children of the marriage or that the settlement or secured provision makes



adequate provision for any children of the marriage, direct that the children be separately represented on the application by counsel and may assign a guardian *ad litem* by whom any infant children may appear upon the application. An affidavit of fitness of the proposed guardian, in accordance with Form 12 in the Appendix, shall be filed.

Form 12.

Permanent alimony.

41. An application for the allotment of permanent alimony may be made at any time after the pronouncement of a decree for restitution of conjugal rights or for judicial separation, as the case may be.

Periodical payments.

42. An application for periodical payments or securing periodical payments to a wife may be made at any time after non-compliance with a decree for restitution of conjugal rights but where the application is one for the benefit of children of the marriage and is made by a person who has obtained leave to intervene in the suit for the purpose of applying for custody or has the custody or control of such children under an order of the Court such person shall first enter an appearance to the petition.

Variation of orders for alimony, etc.

43. A petitioner, or a respondent if he has entered an appearance to the petition, may at any time apply for a modification order.

Evidence on applications for alimony, etc.

44. (1) Where a husband is served with a petition in which alimony pending suit is claimed he shall within fourteen days after entering an appearance file an affidavit setting out full particulars of his property and income.

(2) Where a husband is served with a notice of an application for alimony pending suit, permanent alimony, maintenance, maintenance of the children, a secured provision, periodical payments or securing periodical payments to a wife he shall within fourteen days after service of the notice upon him or if he has not at the time of such service entered an appearance within fourteen days after entering an appearance file an affidavit setting out full particulars of his property and income, unless in the case of any such application other than an application for alimony pending suit the wife at the time of service of the application therefor gives notice to him or to his solicitor of her intention to proceed with the application upon the evidence already filed on her application for alimony pending suit.

(3) Where a wife is served with a notice of an application for alimony pending suit, permanent alimony, maintenance, a secured provision or periodical payments, the provisions of the preceding paragraph of this Rule shall apply to the filing of an affidavit by the wife setting out full particulars of her property and income as they apply to the filing of an affidavit by the husband as to his property and income.

45. (1) An application for variation of marriage settlements, or settlement of a wife's property, shall state the nature of the variation or settlement proposed and shall, unless otherwise directed, be supported by an affidavit of the petitioner stating the facts relied on and, in the case of an application for variation of marriage settlements, such affidavit shall set forth full particulars of the marriage, any children of the marriage, all settlements, whether ante-nuptial or post-nuptial, and of the funds brought into the settlements by the husband and wife and, in the case of an application for settlement of the wife's property, full particulars of the property to which she is entitled either in possession or reversion.

Evidence in support of application for variation of settlement, etc.

(2) The application shall, in addition to being served on the respondent, be served on the trustees of any settlements and upon such other persons as the Registrar may direct and any party so served may within fourteen days after such service and after entering an appearance file an affidavit in answer.

46. If in an affidavit filed in pursuance of Rules 44 or 45 the husband alleges that the wife has property or income she may, within fourteen days after delivery of the husband's affidavit to her or her solicitor, file an affidavit in reply to that allegation but no further evidence shall be filed by any party without leave.

Further evidence on applications for alimony, etc.

47. (1) An application for a modification order shall be supported by an affidavit of the applicant giving full particulars of his property and income and the grounds on which the application is made.

Evidence on application for variation of orders for alimony, etc.

(2) The respondent to the application may, within fourteen days after delivery of the affidavit to him or to his solicitor, and, unless he is the petitioner in the cause after entering an appearance, file an affidavit in reply but no further evidence shall be filed by any party without leave.

Preliminary
investigation
by Judge.

48. On an application for ancillary relief the Registrar shall fix an appointment for the hearing of the application and notice thereof shall be given by the applicant to every other party to the application who has entered an appearance, and at the appointment so fixed the Judge shall in the presence of the parties or their solicitors investigate the allegations made in support of and in answer to the application and may order the attendance of the spouses and any other person for the purpose of being examined or cross-examined, or may take the oral evidence of witnesses, and at any stage of the proceedings may order the discovery and production of any document or call for further affidavits.

Applications
heard by
Judge.

49. In the case of a claim for alimony pending suit contained in a petition or of an application for ancillary relief other than an application for settlement of the wife's property or variation of marriage settlements where there are children of the marriage, the Judge shall, after conducting his investigation under the last foregoing Rule, make such order as he thinks fit.

Custody of
and access to
children.

50. (1) When custody of any children of the marriage is claimed in any petition, the petitioner or the respondent spouse or guardian or any person who has obtained leave to intervene in the suit for the purpose of applying for custody or who has the custody or control of such children under an order of the Court, after entering an appearance to the petition for this purpose, may apply at any time either before or after final decree to a Judge for an order relating to the custody, or education of such children or for directions that proper proceedings be taken for placing such children under the protection of the Court.

(2) A petitioner may at any time after filing a petition in a matrimonial cause and a respondent may at any time after entering an appearance apply for access to any children of the marriage but an application for access by the spouse against whom a decree, whether *nisi*, final or absolute, has been pronounced, shall be made to the Judge unless the other party consents to give access to the children and the only question for determination on the application is the extent to which access shall be given.

Information
as to other
proceedings
relating to
children.

51. On any application under these Rules relating to any children of the marriage the applicant shall file a statement as to whether any and, if any, what proceedings relating to any of those children are in progress in the Court.

52. The name of the cause or matter and of the person taking out a summons shall be endorsed thereon and a copy of the summons shall be served on the party to whom the summons is addressed or on his solicitor one clear day at least before the summons is returnable. Endorsement
on summons.

53. On the day and at the hour named in the summons the party taking out the same shall attend at the place appointed for hearing. If any party to the summons does not appear after the lapse of a reasonable time after the time appointed in the summons the Judge may proceed in his absence upon being satisfied by affidavit or otherwise that any party not in attendance had due notice of the time appointed. Hearing of
summons.

54. Subpoenas in any cause or matter to which these Rules relate may issue out of the Divorce Registry at which the cause or matter is to be heard. Subpoenas.

55. An application for attachment or committal shall be made to a Judge and any person attached or committed may apply to a Judge for his discharge. Attachment
and
committal.

56. (1) In default of payment to any person of any sum of money at the time appointed for the payment thereof, an application may be made to a Judge supported by affidavit of service of the order and of non-payment and the Judge may make such order as to attachment of the person or of the property of the person so failing to pay as in the circumstances may seem expedient. Enforcement
of orders.

(2) A decree or order requiring a person to do an act thereby ordered shall state the time within which the act is to be done, and the copy to be served upon the person required to obey the same shall be endorsed with a notice in accordance with Form 13 in the Appendix. Form 13.

(3) Where a party who has been ordered to lodge damages in court fails to do so in accordance with the order the party in whose favour the order was made may apply to the Judge at any time to vary the order by directing the payment of such damages to an individual to be specified in the application and the Judge, if satisfied that in the circumstances it is just and equitable to do so, may vary the order for lodgment of damages accordingly upon an undertaking by that individual to lodge the same in Court or otherwise deal with the same as and when

received as the Judge may direct, provided that if the application is made after decree absolute the Judge may, if satisfied as aforesaid, dispense with the undertaking.

(4) Where a party who has been ordered to pay costs into Court fails to do so in accordance with the order the party in whose favour the order was made may apply to a Judge to vary the said order by directing payment to an individual to be specified in the application and the Judge, if satisfied that in the circumstances it is just and equitable to do so, may vary the order accordingly, provided that, if the application is made before decree absolute, the order shall only be made upon the individual undertaking to pay the costs into Court as and when received.

Motions.

57. (1) Unless a Judge shall otherwise direct, four clear days' notice of any motion, other than an *ex parte* motion, to be made to the Court shall be served on all parties who may be affected by the proposed order.

(2) A copy of the notice so served shall be filed in the Divorce Registry, and the affidavits to be used in support of the motion and original documents referred to therein or intended to be used at the hearing of the motion shall at the same time be lodged in the Divorce Registry. Copies of all such affidavits or documents shall be delivered upon request to the parties who are entitled to be heard upon the motion.

Infants and persons of unsound mind.

58. (1) An infant may commence and prosecute any cause to which these Rules relate by his next friend and may defend or intervene in any such cause by his guardian appointed for that purpose.

(2) A lunatic and a person of unsound mind not so found by inquisition may respectively commence and prosecute any cause to which these Rules relate by his committee or next friend and may in like manner defend or intervene in any such cause by his committee or guardian appointed for that purpose.

(3) When in any such cause any document is required to be personally served and the person on whom service is to be effected is an infant that document shall, unless otherwise directed, be served on the father or guardian of the infant or, if none, upon the person with whom the infant resides or under whose care he is and service so effected shall be deemed good service on the infant, provided that the Judge may order that service made or to be made on the infant shall be deemed good service.

(4) When in any such cause any document is required to be personally served and the person on whom service is to be effected is of unsound mind, that document shall, unless otherwise directed, be served upon the person with whom the person of unsound mind resides or under whose care he is and service so effected shall be deemed good service upon the person of unsound mind.

(5) Any document served in accordance with the last foregoing paragraph shall be endorsed with a notice that the contents or purport of the document shall be communicated to the person of unsound mind to whom it relates unless the person on whom the document was served is satisfied, after consultation with the medical attendant of the person of unsound mind or the medical officer of the institution in which the person of unsound mind is, that the communication would be detrimental to the mental condition of the person of unsound mind and, in a case where any order has been made under the Lunacy Ordinance, in respect of the person of unsound mind appointing a committee or guardian, with a further notice that the contents and purport of the document shall be communicated to the committee or guardian so appointed. Cap. 182.

(6) After service of any document has been effected upon a person of unsound mind in accordance with the two preceding paragraphs of this Rule, the party at whose instance the document was served shall, unless otherwise directed, file an affidavit made by the person with whom the person of unsound mind resides or under whose care he is, stating whether or not the contents or purport of the document were communicated to the person of unsound mind and, if not, giving the reasons why the contents or purport of the document were not so communicated.

(7) Before the name of any person shall be used in any proceedings as next friend such person shall sign a written authority to the solicitor for that purpose. The authority shall be attested by a solicitor who shall certify that the proposed next friend has no interest in the proceedings adverse to that of the infant or of the person of unsound mind and the authority shall be filed in the Registrar's office.

(8) No order for the appointment of a guardian under this Rule shall be necessary but the solicitor seeking to enter appearance shall make and file an affidavit of fitness in accordance with Form 12 in the Appendix.

(9) Where a petition, originating summons or answer has been served on a person who is an infant or a person of unsound mind and no appearance has been entered in the cause or no application for leave to intervene has been made by or on behalf of the infant or person of unsound mind, the party at whose instance the petition, originating summons or answer was served shall, before proceeding further with the cause, apply for an order that some proper person be assigned guardian of the infant or person of unsound mind by whom he may appear and defend or intervene in the proceedings.

Paupers.

59. (1) Any person may be admitted to take or defend or be a party to any matrimonial proceedings under these Rules *in forma pauperis* subject to his or her satisfying the Court that he or she is not in possession of sufficient means to enable him or her to pay the fees hereinafter prescribed for such proceedings:

Provided that such person shall satisfy the Court or a Judge that he or she has reasonable grounds for taking or defending or being a party to such proceedings.

(2) The procedure on application for leave to take or defend or be a party to any matrimonial proceedings *in forma pauperis* and the steps subsequent thereto shall be governed by Part III of Order XII of the Supreme Court Rules.

Entry of
decree or
order.

60. Every decree and order in a cause or matter to which these Rules relate proceeding in a District Registry shall be entered in the District Registry in a book provided for the purpose and a certified copy of every decree so entered shall be transmitted by the District Registrar to the Registrar, and shall be filed by him.

Taxation.

61. All bills of costs shall be referred to the Registrar for taxation and may be taxed by him. Such bills shall be filed and notice of the time appointed for taxation shall be given to the party filing the bill at the address furnished by him, and he shall give the other parties to be heard on the taxation at least three clear days' notice of the appointment and shall at the same time or previously deliver to them a copy of the bill to be taxed.

Taxation in
absence of
party.

62. When any party to be heard on the taxation does not attend at the time appointed, the Registrar may nevertheless proceed to tax the bill.

63. The bill of costs of a solicitor shall be taxed on his request as against his client after sufficient notice given to the person or persons liable for the payment thereof, or on the request of such person after sufficient notice given to the solicitor.

Taxation as between solicitor and client.

64. In matrimonial causes and matters to which these Rules relate costs allowed to solicitor and the taxation of such costs shall, subject to the provisions of these Rules, be in accordance with the provisions of Order XLVI of the Supreme Court Rules, so far as the same are applicable thereto.

Application of Order XLVI of the Supreme Court Rules.

65. The fees payable on the taxation of any bill of costs shall be paid by the party on whose application the bill is taxed and shall be allowed as part of such bill.

Taxing fees.

66. (1) Upon the Registrar's certificate as to the costs being signed, an order of the Court for payment of the amount within seven days, or such other time as the Court shall direct, may issue.

Certificate of taxation.

(2) An order for payment of costs contained in a decree *nisi*, if drawn up before the decree *nisi* is made absolute, shall direct payment into Court, and such costs shall not be paid out of Court to the party entitled to receive them under the decree *nisi* until that decree has been made absolute; but a wife, who is unsuccessful in a cause and who at the hearing of the cause has obtained an order of the Judge for costs, may nevertheless proceed at once to obtain payment of such costs after allowance thereof on taxation.

67. (1) A wife who is petitioner or who has entered an appearance to a petition may at the hearing of an application for a commission or for letters of request or for the appointment of a special examiner to examine a party or witness who is outside the jurisdiction of the Court ask for security for her costs of and incidental to such examination or may apply for such security at any time after such an examination is granted and the Judge, after ascertaining what is a sufficient sum of money to cover the costs of the wife of and incidental to the examination, may, unless the husband shall prove that the wife has sufficient separate estate or show other good cause, order the husband to pay into Court or to secure the costs of and incidental to the examination within such time as he may fix.

Security for wife's costs.

(2) A wife who is petitioner or who has filed an answer may, after the Registrar's certificate that the pleadings are in order

has been given or at an earlier stage of a cause with leave, file her bill of costs for taxation as against her husband and ask for security for her costs of and incidental to the hearing of the cause, provided that a wife who is a poor person may not file her bill of costs for taxation without leave.

(3) The Registrar to whom such bill of costs is referred for taxation shall ascertain what is a sufficient sum of money to cover the costs of the wife of and incidental to the hearing of the cause and thereafter the Judge may, unless the husband shall prove that the wife has sufficient separate estate or show other good cause, order the husband to pay to the wife or into Court her costs up to the setting down of the cause and to pay into Court or secure the costs of and incidental to the hearing within such time as the Judge may fix, and may direct a stay of the proceedings until the order is complied with.

(4) The bond taken to secure the costs of a wife of and incidental to such an examination or to the hearing of a cause shall be given to the Registrar and shall be filed and shall not be delivered out or sued upon without leave.

Payment of money out of Court.

68. Persons entitled to payment of money out of Court on applying for the same shall lodge in the Divorce Registry duplicate forms in writing setting forth the date on which the money applied for was paid into Court, the amount applied for, and the name and address of the person to receive the same.

Fees.

69. The following fees shall be chargeable—

	£	s.	d.
(1) On a petition for divorce or declaration of nullity of marriage, judicial separation, restitution of conjugal rights	0	10	0
(2) Where a protection order is applied for ...	0	7	0
(3) In all other cases the fees chargeable in matters relating to civil suits.			

APPENDIX.

FORM 1.

ORIGINATING SUMMONS UNDER RULE 2.

In the Supreme Court of Sierra Leone at.....

In the matter of a proposed petition by A.B. for the dissolution of his (or her) marriage with C.D.

Let of in the Colony/
 Protectorate of Sierra Leone within eight days* after
 service of this summons inclusive of the day of such service upon him (her)
 cause an appearance to be entered for him (her) to this summons which is
 issued upon the application of for an order that the
 said may be at liberty to file a petition in the Divorce
 Registry at for dissolution of his (her) marriage with
 the said solemnized on the day of
 19....., notwithstanding that three years have not passed since the date
 of the said marriage.

Dated this day of 19.....

This summons was taken out by solicitor for the
 above-named

The said C.D. may appear herein by entering an Appearance either in
 person or by his (her) solicitor at the Divorce Registry at

NOTE.—If the said C.D. does not enter an appearance within the time and at the
 place above-mentioned such order will be made and proceedings may be taken as the
 Judge may think just and expedient.

*Or as the case may be.

FORM 2.

NOTICE OF AN APPLICATION FOR ANCILLARY RELIEF.

In the Supreme Court of Sierra Leone at

In the matter of a petition by for
 (Here set out particulars of the Matrimonial Cause in which the application is
 made.)

To

Take notice that the petitioner (respondent) intends to apply to the
 Court for an order that (here set out the ancillary relief claimed).....*

This notice is issued by † of

Dated the day of 19.....

*Insert here in appropriate cases the contents of Form 5 and/or 6.

†State name and address of applicant or solicitor.

FORM 3.

NOTICE TO APPEAR TO BE ENDORSED ON A PETITION.

In the Supreme Court of Sierra Leone at

To of

Take notice that you are required, within eight days* after service
 hereof upon you, inclusive of the day of such service, to enter an appearance
 either in person or by your solicitor at the Divorce Registry at,
 should you think fit so to do, and thereafter to make answer to this petition†

and that, in default of your so doing, the Court will proceed to hear the petition† and pronounce judgment, your absence notwithstanding.

(If the petition includes a claim for alimony pending suit here insert the contents of Form 5.)

The petition† is filed and this notice is issued by.....
Dated at.....the.....day of.....19.....
Registrar.

NOTE.—Any person entering an appearance must at the same time furnish an address for service.

*Or as the case may be.

†Or answer.

‡Stating name and address of petitioner or solicitor.

FORM 4.

ADDITIONAL NOTICES TO BE INCLUDED IN A NOTICE TO APPEAR WHERE THE PETITION CONTAINS A CLAIM FOR ALIMONY PENDING SUIT.

And further take notice that should you not desire to be heard on this petition in regard to any relief claimed other than the claim for alimony pending suit you are at liberty within eight days* after service hereof upon you, inclusive of the day of such service, to enter an appearance in manner aforesaid to the said petition limited to that claim and that in default of your so doing, the Court will proceed to hear and determine such claim and may order payment of alimony pending suit, your absence notwithstanding.

And further take notice that in the event of your entering an appearance to the said petition either generally or limited to the claim for alimony pending suit you are required within fourteen days thereafter to file in the Divorce Registry an affidavit in pursuance of Rule 44 of the Matrimonial Causes Rules, giving full particulars of your property and income.

*Or as the case may be.

FORM 5.

NOTICE TO APPEAR TO BE CONTAINED IN A NOTICE OF AN APPLICATION FOR ANCILLARY RELIEF WHERE NO APPEARANCE HAS BEEN ENTERED TO THE PETITION.

And further take notice that should you the said..... desire to be heard on the said application you are at liberty within eight days* after service hereof upon you inclusive of the day of such service to enter an appearance to the said petition limited to the subject matter of the said application either in person or by your solicitor at the Divorce Registry at.....and that in default of your so doing the Court may proceed to hear the said application and make such order thereon as it may think fit your absence notwithstanding.

NOTE.—If you enter an appearance you must at the same time furnish an address for service.

*Or as the case may be.

FORM 6.

NOTICE TO FILE EVIDENCE TO BE CONTAINED IN A NOTICE OF AN APPLICATION FOR ALIMONY PENDING SUIT, PERMANENT ALIMONY, MAINTENANCE, MAINTENANCE OF CHILDREN, A SECURED PROVISION, PERIODICAL PAYMENTS OR SECURING PERIODICAL PAYMENTS TO A WIFE.

And further take notice that unless at the time of the service hereof upon you the applicant or her solicitor gives notice to you dispensing with this requirement you are required within fourteen days after (*such service) (†entering an appearance) to file in the Divorce Registry (‡of the Supreme Court of Sierra Leone) an affidavit in pursuance of Rule 44 of the Matrimonial Causes Rules, giving full particulars of your property and income.

- *If contents of Form 6 are omitted.
†If contents of Form 6 are included.
‡Omit if contents of Form 6 are included.

FORM 7.

AFFIDAVIT OF SERVICE.

In the Supreme Court of Sierra Leone at.....
Between.....Petitioner,
and
.....Respondent,
and
.....Co-respondent.

I,.....of.....make oath and say—
That a certified copy of the*.....bearing date the
.....day of.....19....., filed in this Court (issued out of the
Divorce Registry) was duly served by me on the said.....
at.....on the.....day of.....19..... by
delivering to the said.....personally a certified copy thereof.
(Means of knowledge of identity of the person served must be inserted here.)
Sworn, etc.

*Petition, originating summons or notice.

FORM 8.

CERTIFICATE OF SERVICE.

A certified copy of the petition* dated the.....day of.....
19....., was duly served by the undersigned G.H. on.....†
of.....at.....on the.....day of
.....19.....
.....G.H.

- *Or as the case may be.
†Here insert the name of the person served.

FORM 9.

MEMORANDUM OF APPEARANCE.

In the Supreme Court of Sierra Leone at.....
Between..... Petitioner,
and
..... Respondent,
and
..... Co-respondent.*

Enter an appearance (in person)† for..... the re-
spondent‡ in this cause (generally) (limited to the claim made in the petition for
alimony pending suit) (limited to the claim for..... made by
notice dated the..... day of..... 19.....).

Signed..... of..... whose address for
service is..... agent for..... of.....

*In appropriate cases.
†If such is the case.
‡Or as the case may be,

FORM 10.

NOTICE OF APPEARANCE.

In the Supreme Court of Sierra Leone at.....
Between..... Petitioner,
and
..... Respondent and Co-respondent.*

To the Petitioner* or (his or her solicitor).....

Take notice that appearance has been entered in this cause for the
respondent* (name of person appearing).†

Dated the..... day of..... 19.....

Signed..... of..... whose address for
service is..... agent for..... of.....

*Or as the case may be.
†State whether the appearance is general or limited to any particular relief.

FORM 11.

NOTICE TO A PERSON ENTITLED TO INTERVENE.

In the Supreme Court of Sierra Leone at.....
To..... of.....

Take notice that you are entitled within eight days* after service hereof
upon you, inclusive of the day of such service to apply upon summons for
leave to enter an appearance either in person or by your solicitor at the

Divorce Registry at....., and to intervene in this cause, should you think fit so to do, and thereafter to make answer to the charges in this petition,† and that, in default of your so doing, the court will proceed to hear the said charges proved and pronounce judgment, your absence notwithstanding.

The petition‡ is filed and this notice is issued by‡.....
 Dated at.....the.....day of.....19.....

Registrar.

NOTE.—Any person entering an appearance must at the same time furnish an address for service.

*Or as the case may be.

†Or answer.

‡Stating name and address of petitioner or solicitor.

FORM 12.

AFFIDAVIT OF FITNESS OF GUARDIAN *ad litem*.

In the Supreme Court of Sierra Leone at.....

Between.....Petitioner,
 and
Respondent,
 and
Co-respondent.

I.....of.....the solicitor for the above-named (*respondent*) (*co-respondent*) C.D. make oath and say as follows—

(1) (*I am informed by and verily believe that*) A.B.of..... is a fit and proper person to act as guardian *ad litem* of the above-named (*respondent*) (*co-respondent*) and the consent of the said A.B. to act as such guardian is hereto annexed.

(2) The said A.B. has no interest in the matters in question in his cause adverse to that of the said.....

Sworn, etc.

FORM 13.

NOTICE TO BE ENDORSED ON A DECREE OR ORDER.

Take notice that if you the within-named A.B. neglect to obey this decree (or order) within the time therein limited you will be liable to process of execution for the purpose of compelling you to obey the same.