



BELIZE

**SUPREME COURT OF JUDICATURE ACT
CHAPTER 91**

REVISED EDITION 2003

SHOWING THE SUBSIDIARY LAWS AS AT 31ST OCTOBER, 2003

This is a revised edition of the Subsidiary Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2000.

ARRANGEMENT OF SUBSIDIARY LAWS



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This edition contains a consolidation of the following laws-

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CHAPTER 91

**SUPREME COURT (DELEGATION OF POWERS OF
JUDGE IN CHAMBERS) RULES**

ARRANGEMENT OF RULES

1. Short title.
 2. Delegation to Registrar.
 3. Negative resolution.
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CHAPTER 91

6 of 2002.
Ch. 91.

**SUPREME COURT (DELEGATION OF POWERS OF
JUDGE IN CHAMBERS) RULES**

(Sections 5 and 95(1)(d))

[5th January, 2002.]

Short title.

1. These Rules may be cited as the

**SUPREME COURT (DELEGATION OF POWERS OF
JUDGE IN CHAMBERS) RULES.**

Delegation to
Registrar.

2. (1) The Registrar shall have power and jurisdiction to perform the following duties, which are now done and transacted by a judge sitting in chambers -

- (a) uncontested divorces;
- (b) adoption;
- (c) interlocutory applications;
- (d) summons for examination as to means for judgement debtors.

(2) Notwithstanding sub-rule (1), the Registrar shall have no jurisdiction in respect of matters relating to the liberty of the subject of the proceedings referred to in sub-rule (1).

(3) Any person affected by any order or decision of the Registrar with respect to the exercise of any such power and jurisdiction may appeal to the Supreme Court which shall have power to hear and determine such appeal.

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3. These Rules shall be subject to negative resolution by the National Assembly. Negative resolution.
4. These Rules shall be deemed to have come into force on the 4th day of January, 2002. Commencement.

MADE by the Chief Justice this 4th day of January, 2002.

(TROADIO GONZALEZ)
Acting Chief Justice

APPROVED by the Attorney General this 4th day of January, 2002.

(GODFREY SMITH)
Attorney General

CHAPTER 91

SUPREME COURT (PLACES OF SITTING) ORDER

ARRANGEMENT OF PARAGRAPHS

1. Short title.
2. Appointed places.

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SCHEDULE
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CHAPTER 91

SUPREME COURT (PLACES OF SITTING) ORDER

(Section 46)

[25th May, 1968.]

27 of 1968.
44 of 1971.
82 of 1990.
5 of 1996.
7 of 2000.
112 of 2001.
Ch. 82.

1. This Order may be cited as the

Short title.

SUPREME COURT (PLACES OF SITTING) ORDER.

2. The places described in the Schedule are appointed to be places at which sittings of the Supreme Court may be held.

Appointed places.

SCHEDULE

The Magistrate’s Court in Corozal Town.
The Town Hall in Dangriga.

The Magistrate’s Court in Belmopan City.
The Magistrate’s Court in Punta Gorda.

The Old Legislative Chamber situated on the upper floor of the Treasury Building in Belize City.

The Magistrate’s Court in Orange Walk Town.

82 of 1990.
5 of 1996.
7 of 2000.

112 of 2001.

CHAPTER 91

MATRIMONIAL CAUSES RULES

ARRANGEMENT OF RULES

1. Commencement of proceedings.
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36. Evidence by affidavit.
37. Attendance of deponent.
38. Order for examination.
39. Commission or letters of request.
40. Separate trial.
41. Application to be by summons.
42. Persons entitled to take out summons.
43. Indorsement on and service of summons.
44. Attendance on summons.
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60. Reply and rejoinder.
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62. Permanent alimony.
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65. Maintenance and periodical payments.

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71. Variation of settlements.
72. Settlement of wife's property.
73. Custody and maintenance of children and access.
74. Guardians *ad litem*.
75. Persons of unsound mind.
76. Subpoenas.
77. Attachment and committal.
78. Discharge.
79. Enforcement of orders.
80. Custody of pleadings, etc..
81. Examined copies.
82. Times fixed by these Rules.

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- 83. Notice of motion.
 - 84. Taxing bills of costs.
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APPENDIX
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CHAPTER 91**MATRIMONIAL CAUSES RULES***(Section 95)*10 of 1982.
Ch. 5.
Ch. 82.Commencement
of proceedings.

1. (1) Proceedings in the Supreme Court for matrimonial causes shall be commenced by filing a petition.

(2) In the body of the petition shall be stated -

- (1) the place and date of the marriage and the name and status of the wife before the marriage;
- (2) the principal permanent addresses where the parties have cohabited within the jurisdiction;
- (3) whether there is living issue of the marriage, and, if so, the names, and dates of birth or ages, of such issue;
- (4) the occupation of the husband and the place or places of residence and of domicile of the parties to the marriage at the date of the institution of the suit;
- (5) whether there have been any, and if so what, previous proceedings with reference to the marriage by or on behalf of either of the parties to the marriage, and the result of such proceedings;
- (6) the matrimonial offences charged, set out in separate paragraphs;

(7) the claim for damages, if any.

(3) The petition shall conclude with a prayer setting out particulars of the relief claimed, including the amount of any claim for damages and any order for custody of children which is sought, and shall be signed by the petitioner and in the case of a minor or other person who is not *sui juris* by his or her, guardian.

2. The petition and every copy to be served shall be indorsed in conspicuous characters with a Notice to Appear in the form set out in Appendix I.

Notice to appear.

3. (1) Every petition shall be accompanied by an affidavit made by the petitioner, verifying the facts of which he or she has personal cognisance, and deposing as to belief in the truth of the other facts alleged in the petition, and such affidavit shall be filed with the petition.

Affidavit in support.

A petition for restitution of conjugal rights shall further state sufficient facts to satisfy the Court that a written demand for cohabitation and restitution of conjugal rights has been made by the petitioner upon the party to be served and that, after a reasonable opportunity for compliance therewith, such cohabitation and restitution of conjugal rights have been withheld.

(2) In cases where the petitioner is seeking a decree of nullity of marriage or of dissolution of marriage, or of judicial separation, or a decree in a suit of jactitation of marriage, the affidavit of the petitioner, filed with his or her petition, shall further state that no collusion or connivance exists between the petitioner and the other party to the marriage or alleged marriage.

4. In every petition for dissolution of marriage on the ground of adultery the alleged adulterers, if male, shall be made co-respondents in the cause and served with a sealed copy of the petition, unless the Court shall otherwise direct by order on summons supported by affidavits.

Co-respondents.

- “Respondent” includes “Co-respondent”.
5. The term “respondent” in these Rules shall include a co-respondent so far as the same is applicable.
- Sealed copies.
6. Every petitioner who has filed a petition shall forthwith obtain in the Registry a sealed copy or copies of the petition indorsed with Notice to Appear for service upon the respondent or respondents respectively.
- Service of petition.
7. A petition shall be served personally by delivery of such sealed copy as aforesaid. It may not be served by the petitioner.
- Personal service.
8. Service of any document on a party who has not entered an appearance must be personal service unless otherwise ordered.
- Substituted service.
9. Where personal service cannot be effected leave to substitute some other mode of service may be granted upon an application to the Court supported by affidavit or affidavits to include an affidavit of the person having conduct of the proceedings.
- Place of service.
10. Any petition or decree may be served within or without Her Majesty’s Dominions.
- Certified petition to be filed.
11. After service has been effected a copy of the petition as served with a certificate of service indorsed thereon shall be returned into and filed in the Registry. A form of certificate is given in Appendix No. 11.
- Advertising notice to appear.
12. When it is ordered that notice to appear to a petition shall be advertised the form of advertisement shall be settled in the Registry and the newspapers containing the advertisements shall be filed with the sealed copy of the petition.
- Respondent entering or failing to enter appearance.
13. A petitioner cannot proceed to trial unless an appearance has been entered by or on behalf of the respondents or it has been shown by affidavit filed in the Registry that they have been duly served with the petition and by certificate issued by and filed in the Registry that they have not appeared.

14. An affidavit of service of a petition must be substantially in the form given in Appendix No. III to these Rules and in addition shall show the means of knowledge of the deponent as to the identity of the person served. A copy of the petition referred to in the affidavit must be annexed thereto and marked by the person before whom the same is sworn. Affidavit of service.
15. All appearances are to be entered in the Registry in a book provided for that purpose, and shall be accompanied by an address for service within one mile of the Court House at Belize City. Notice of such appearance must be given to the opposite party. A form of entry of appearance is given in Appendix No. IV to these Rules. Entry of appearance.
16. (1) An appearance may be entered at any time before a proceeding has been taken in default, or afterwards by leave obtained on summons. Time and kind of appearance entered.
- (2) The appearance may be under protest or limited to any proceeding in the cause in respect of which the party shall have received notice to appear:
- Provided that (a) any appearance under protest shall state concisely the grounds of protest, and (b) the party appearing under protest shall forthwith proceed by summons to obtain directions as to the determination of the question or questions arising by reason of such limited appearance and in default of so proceeding shall be deemed to have entered an unconditional appearance.
- Directions to be given upon an appearance under protest may provide for the trial of a preliminary issue with or without stay or proceedings in the cause or for determination of the matters in question at the hearing of the cause.
17. Where a husband is charged with adultery with a named person a sealed copy of the pleading containing such charge shall be delivered to the person with whom adultery is alleged to have been committed, indorsed in lieu of notice to appear with notice that such person is entitled within eight days after delivery thereof to apply for leave to intervene in the cause. Such delivery and notice Interveners.

may only be dispensed with by order upon summons for cause shown. A form of notice is contained in Appendix No. V to these Rules.

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| Application for leave. | 18. Application for leave to intervene in any cause shall be made by summons supported by affidavit, and leave may be given with such directions as to appearance and procedure as the Court shall think fit. |
| Stage of proceedings. | 19. Parties intervening must join in the proceedings at the stage at which they find them unless otherwise ordered by the Court. |
| Stay of proceedings for restitution. | 20. At any time after the commencement of proceedings for restitution of conjugal rights the respondent may apply by summons for an order to stay the proceedings by reason that he or she is willing to resume or to return to cohabitation with the petitioner. |
| Answer to petition. | 21. A respondent who has entered an appearance may within fourteen days from the expiration of the time allowed for the entry of such appearance file in the Registry an answer to the petition. A form of answer is given in Appendix No. VI to these Rules. |
| Affidavit in support. | 22. (1) Every answer which contains matter other than a simple denial of the facts stated in the petition shall be accompanied by an affidavit made by the respondent, verifying such other or additional matter so far as he or she has personal cognisance thereof and deposing to his or her belief in the truth of the rest of such other or additional matter, and where the respondent is husband or wife of the petitioner shall further state, except where the claim in question is for restitution of conjugal rights, that there is not any collusion or connivance between the parties; and such affidavit shall be filed with the answer.

(2) Where the answer of a husband alleges adultery and prays relief the alleged adulterer must be served personally with a sealed copy thereof bearing a notice to appear in like manner as a petition. Where in such a case no relief is claimed the alleged adulterer shall not be made a co-respondent but a sealed copy of the answer shall be delivered to him indorsed with notice |

as under Rule 17 of these Rules that such person is entitled within eight days to apply for leave to intervene in the cause and upon which application he may be allowed to intervene subject to such directions as shall then be given.

23. Within fourteen days from the filing and delivery of the answer the petitioner may file a reply thereto except where such answer is a simple denial, and no subsequent pleadings shall be delivered except by leave. Reply.

24. A copy of every answer and subsequent pleading shall within twenty-four hours after the same is filed be delivered to the opposite parties or their Attorneys-at-Law. Copy of pleading to be delivered.

25. A pleading may be amended by leave to be obtained upon summons subject to any directions which may then be given as to re-service of the amended pleading and any consequential amendments of pleading already filed. Amendment of pleading.

26. No pleading shall be amended out of time without leave nor shall any pleading be filed out of time after a step in default has been taken without leave, such leave to be obtained upon summons. Amendment or filing of pleading out of time.

27. Application for further particulars of matters pleaded may be made by summons, but before applying by summons, a party may apply for them by letter. The costs of such letter and of any particulars delivered pursuant thereto shall be allowable on taxation and in dealing with the costs of any application for particulars by summons the provisions of this rule shall be taken into consideration. Further particulars.

All particulars, whether given under order or otherwise, shall be filed together with a verifying affidavit and within twenty-four hours a copy thereof shall be delivered to the party who has applied for such particulars.

28. Notices and copies of pleadings and other instruments which are required by these Rules to be delivered but of which personal service is not expressly required may be delivered by leaving the same at the respective addresses Delivery of pleadings, etc..

furnished by or on behalf of the parties.

Every notice shall be in writing and indorsed by the party or his Attorney-at-Law.

Personal service. 29. When it is necessary to serve personally any order or decree of the Court an office copy thereof under seal of the Court must be produced to the party served and a copy annexed to the affidavit of service and marked as an exhibit by the commissioner or other person before whom the affidavit is sworn.

Certification of pleadings. 30. (1) Before a cause is set down for trial or hearing the pleadings and proceedings in the cause shall be referred by the petitioner or any party who is defending the suit to the Registrar who shall certify that the same are correct and in order and the Registrar shall cause any irregularity in such pleadings or proceedings to be corrected or refer any question arising thereon to the Court for its direction.

(2) Unless the Court shall otherwise order on summons, all causes in which damages are claimed shall be tried by a common jury and all other causes shall be heard by the Court itself without a jury.

When trial to be by jury. 31. The petitioner after obtaining the Registrar's certificate shall set the cause down for trial or hearing and within twenty-four hours file and give to each party in the cause for whom an appearance has been entered notice of his having done so.

If the petitioner fails so to set down within fourteen days after the granting of such certificate, any party defending the suit may proceed as the petitioner might have done.

Putting cause in list for trial. 32. No cause shall be placed in the list for trial or hearing until after the expiration of ten days from the date of setting down save with the consent of all parties to the suit or by order of the Court.

- 33. The Registrar shall sign the decree of the Court and the same shall be issued under the seal of the Court. Signature of decree.

- 34. After entering an appearance a respondent in a cause may without filing an answer be heard in respect of any question as costs and a respondent who is husband or wife of the petitioner may be heard also as to custody of or access to children. Hearing respondent as to costs, custody of children, etc.

- 35. (1) In any cause or matter a party may deliver interrogatories for the examination of an opposite party or parties by leave to be obtained upon summons. Interrogatories and discovery of documents.

- (2) A copy of the interrogatories proposed to be delivered shall be delivered with the summons.

- (3) Interrogatories shall be answered within ten days or such other time as may be appointed.

- (4) A party may without affidavit apply for discovery of documents by an opposite party or parties and such opposite party or parties may be ordered to make such general or limited discovery as in the discretion of the judge or Registrar shall seem fit.

- 36. When the Court has directed that all or any of the facts set forth in a pleading may be proved by affidavit all affidavits sworn in pursuance of such direction shall be filed in the Registry and copies thereof delivered to the other parties to the suit within such time as the Court shall direct. Evidence by affidavit.

- 37. Application for an order for the attendance of a deponent for the purpose of being cross-examined in open court shall be made to the Court on summons. Attendance of deponent.

- 38. (1) Any necessary application for an order for examination of one of the parties or of a witness who is within the jurisdiction of the Court shall be Order for examination.

made to the Court by summons.

(2) Such examination shall be viva voce, unless otherwise directed, before a person to be nominated by the Court.

(3) The other parties in the suit shall have four clear days' notice of the time and place appointed for the examination, unless the Court shall otherwise direct.

Commission or
letters of request

39. (1) Application for a commission or for letters of request, or for the appointment of a special examiner to examine a party or a witness who is outside the jurisdiction of the Court, may be made by summons and the procedure with regard thereto shall conform as nearly as may be to the Rules of the Supreme Court in like cases. (For Form of Commission, see Appendix VII to these Rules: for Forms of Letters of Request, Commission Rogatoire, and order for Special Examiner in France, see Rules of Supreme Court, Appendix K.)

(2) A wife may apply to the Court for security for her costs of such examination at the hearing of the summons or subsequently by summons.

Separate trial.

40. The Court may direct and any petitioner and any party to a cause who has entered an appearance may apply on summons to the Court for a direction for the separate trial of any issue or issues of fact, or any question as to the jurisdiction of the Court.

Application to
be by summons.

41. All applications under these Rules may be made upon summons to the Court.

Persons entitled
to take out
summons.

42. A summons may be taken out by a party or at the discretion of the Court by any other person having or claiming right to be heard in the cause or matter.

43. The name of the cause or matter and of the agent taking out a summons is to be indorsed thereon and a true copy of the summons is to be served on the party summoned or his Attorney-at-Law two clear days at least before the summons is returnable and before 6 p.m. and on Saturdays before 1 p.m. Indorsement on and service of summons.
44. On the day and at the hour named in the summons the party taking out the same shall attend with the original summons at the place appointed for hearing the same. If any party to the summons do not appear after the lapse of half an hour from the time named in the summons the other party or parties may proceed in his absence. Attendance on summons.
45. Appeal from any decision of the Registrar may be made to a judge in chambers by summons issued within five days of the decision complained of and returnable on the first day on which summonses are heard after this period has elapsed, but such appeal shall not act as a stay unless so ordered by the Court. Appeal from Registrar by summons.
46. An application for the re-hearing of a cause heard by the Court alone where no error of the Court at the hearing is alleged shall be by notice, of motion, stating the grounds of the application, filed in the Registry and served within six weeks after judgment, and such notice shall be a fourteen days notice, and may be amended at any time by leave of the Court. Application for re-hearing.
47. A petition to the Court for the reversal of a decree of judicial separation must set out the grounds on which the petitioner relies. A form of such petition is given in Appendix No. VIII to these Rules. Reversal of decree of judicial separation.
48. Before such a petition can be filed an appearance on behalf of the party praying for a reversal of the decree of judicial separation must be entered in the cause in which the decree has been pronounced, leave to enter such appearance being first obtained upon summons. Entry of appearance.
49. A certified copy of such petition, under seal of the Court, shall be served personally upon the party in the cause in whose favour the decree has been Answer.

made, who may within fourteen days file in the Registry an answer thereto and shall on the day on which the answer is filed deliver a copy thereof to the other party in the cause or to his or her Attorney-at-Law.

Subsequent proceedings.

50. All subsequent pleadings and proceedings arising from such petition and answer shall be filed and carried on in the same manner as before directed in respect of an original petition and answer thereto so far as such directions are applicable.

Procedure when Attorney General shows cause.

51. (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 *nisi* has been pronounced and shall within fourteen days after entering appearance file his plea in the registry setting forth the grounds upon which he desires to show cause as aforesaid and within twenty-four hours of filing his plea shall deliver a copy thereof to the person in whose favour such decree has been pronounced, or to his Attorney-at-Law.

(b) Where such plea alleges a petitioner's adultery with any named woman the Attorney General shall deliver to each such woman personally a copy of his plea omitting such part thereof as contains any allegation in which the woman so served is not named, and such copy shall be indorsed with the notice contained in Appendix V to these Rules, so far as applicable; such delivery and notice may only be dispensed with by order on summons for cause shown proof of such delivery must, unless the Court shall otherwise direct, be by affidavit to which a copy of the plea, as delivered, marked as an exhibit, must be annexed; the means of knowledge of the deponent as to the identity of the person served must be shown.

- (c) All subsequent pleadings and proceedings in respect of such plea shall be filed and carried on in the same manner as is hereinbefore directed in respect of an original petition except as hereinafter provided.

(2) If no answer to the plea of the Attorney General is filed within the time limited or if any answer is filed and withdrawn 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, within fourteen days from the date of the Registrar's certificate that the pleadings are correct and in order, set down the cause for trial or hearing and within twenty four hours afterwards shall file and give to the Attorney General notice of his having so done.

In default of such setting down and notice the Attorney General may apply forthwith by motion to rescind the decree *nisi* and dismiss the petition.

52. Any person other than the Attorney General wishing to show cause against making absolute a decree *nisi* shall enter an appearance in the cause in which such decree *nisi* has been pronounced and within four days thereafter file affidavits setting forth the facts upon which he relies and within twenty-four hours deliver copies thereof to the party or the Attorney-at-Law of the party in whose favour the decree *nisi* has been pronounced.

Person other than Attorney General showing cause.

53. The party in the cause in whose favour the decree *nisi* has been pronounced may within fourteen days after delivery of the affidavits file affidavits in answer, and the person showing cause against the decree *nisi* being made absolute may within fourteen days file affidavits in reply.

Affidavits in answer.

54. No affidavits are to be filed in rejoinder to the affidavits in reply without leave of a Registrar.

Affidavits in rejoinder.

- Questions raised on affidavits. 55. The questions raised on such affidavits shall be argued in such manner and at such time as a judge may on application upon summons direct.
- Decree Absolute. 56. (1) Subject to paragraph (3), an application by a spouse to make absolute a decree *nisi* pronounced in his favour may be made by filing in the Registry a notice in the form given at Appendix IX.
- 10/1982.
- (2) On the filing of such a notice, the Registrar shall search the Court records and if he is satisfied-
- (a) that no appeal against the decree and no application for rehearing of the cause or for rescission of the decree is pending;
 - (b) that no order has been made extending the time for appealing against the decree or the time for making an application for rehearing the cause or, if any such order has been made, that the time so extended has expired;
 - (c) that no application for an order as is mentioned in subparagraph (b) is pending; and
 - (d) that no intervention under rule 51 or 52 is pending.

The Registrar shall make the decree absolute:

Provided that if the notice is filed more than twelve months after the decree *nisi*, the Registrar may require the applicant to file an affidavit accounting for the delay and may make such order on the application as he thinks fit or refer the application to a Judge.

(3) Where there are circumstances which ought to be brought to the notice of the Court before a decree *nisi* is made absolute, an application for the decree to be made absolute shall be made to a judge.

Unless otherwise directed, the summons by which the application is made shall be served on every party to the cause (other than the applicant) and on any other person with whom adultery is alleged, and the application shall be heard in open court.

(4) An application by a spouse to have made absolute a decree *nisi* pronounced against him may be made to a judge or the Registrar and the summons by which the application is made shall be served on the other spouse not less than four clear days before the day on which the application is heard.

(5) An order granting an application under paragraph (3) or (4) shall not take effect until the Registrar has searched the Court minutes and is satisfied as to the matters mentioned in paragraph (2).

(6) Where a decree *nisi* is made absolute, the Registrar shall make an indorsement to that effect on the decree, stating the precise time at which it was made absolute.

57. A wife who is petitioner in a cause, after filing her petition may file and after serving the same may serve a petition for alimony pending suit, and a wife after entering appearance to a petition may file and serve a petition for alimony pending suit.

Alimony
pendente lite.

58. The husband shall within fourteen days after service of a petition for alimony file his answer thereto upon oath setting out his property and income and, if respondent, shall before so doing enter an appearance in the cause. Such appearance may be limited to the alimony proceedings.

Answer.

59. The wife if the husband's answer is insufficient may apply on summons for a further and better answer or for discovery of documents or for an order

Further and
better answer,
etc.

for the husband's attendance for cross-examination, and such order shall thereupon be made as in the circumstances of the case may appear to the Registrar to be required.

Reply and
rejoinder.

60. If the answer of the husband alleges that the wife has property or income she may within fourteen days file a reply on oath to that allegation; but the husband may not file a rejoinder to such reply without leave of the Court.

Investigation.

61. The Court shall investigate the averments in the petition for alimony answer and reply, in the presence of the parties or their Attorneys-at-Law, and shall be at liberty to require the attendance of either party for the purpose of being examined or cross-examined, and to take the oral evidence of witnesses, and to require the production of any document, and to call for affidavits, and shall direct such order to issue as the Court shall think fit.

Permanent
alimony.

62. A wife who has obtained a decree of judicial separation may apply for an allotment of permanent alimony. She may proceed with such application upon the pleadings already filed on her application for alimony pending suit on giving eight days' notice to her husband or his Attorney-at-Law of her intention so to do. Otherwise the rules governing an application for alimony pending suit shall govern an application for permanent alimony.

Increase or
reduction of
alimony.

63. A wife may at any time after alimony has been allotted to her, whether alimony pending suit or permanent alimony, file her petition supported by affidavit for an increase of the alimony allotted, by reason of the increased means of the husband or the reduction of her own means or the husband may file a petition supported by affidavit for a reduction of the alimony allotted, by reason of his reduced means or the wife's increased means, and the course of proceeding in such cases shall be the same as required by these Rules in respect of the original petition for alimony and the allotment thereof.

Commencement
of alimony.

64. Permanent alimony shall unless otherwise ordered commence from the date of the final decree.

65. (1) Application for maintenance or periodical payments on a decree for dissolution or nullity of marriage shall be made in a and separate petition which may be filed at any time after decree *nisi* but not later than one calendar month after decree absolute except by leave to be applied for by summons to a judge.
- Maintenance and periodical payments.
- (2) Application for periodical payments may be made in like manner at any time after non-compliance with a decree of restitution of conjugal rights.
66. A certified copy of such petition under the seal of the Court shall be served on the husband or wife (as the case may be) or his or her Attorney-at-Law upon the record.
- Service of petition.
67. A party served with such petition may within fourteen days after service, after entering an appearance thereto, file an answer on oath and thereupon on the same day shall deliver a copy of such answer to the opposite party or his Attorney-at-Law.
- Answer.
68. If the answer of the husband alleges that the wife has property of her own, she may within fourteen days file a reply on oath to that allegation; but the husband may not file a rejoinder to such reply without leave of the Court.
- Reply and rejoinder.
69. (1) Upon an application for maintenance or periodical payments the pleadings when completed shall be referred to the Court and the Court shall investigate the averments therein contained, in the presence of the parties or their Attorneys-at-Law, and for that purpose shall be at liberty to require any affidavits, the production of any document, and the attendance of the husband or wife for the purpose of being examined or cross-examined, and to take the oral evidence of any witnesses, and shall direct such order to issue as to the maintenance of either party to the marriage or the children of the marriage as the Court shall think fit.
- Investigation by Court.
- (2) Pending the final determination of an application for maintenance or periodical payments an interim order may be made upon such terms as shall

appear to the Court to be just and without prejudice to the effect of the order to be ultimately made.

Increase or reduction.

70. The provisions of Rule 63 of these Rules shall be observed in cases of application for increase or reduction of payments for maintenance and of periodical payments.

Variation of settlements.

71. Application to vary marriage settlements shall be made by petition filed after but within one calendar month of decree absolute unless such time is extended by the Court, on summons personally served on the husband or wife as the case may be, the trustees of the settlements, and such other persons as the Court shall direct. Subsequent pleadings shall be as in proceedings for maintenance. Appearance must be entered in the principal causes before an answer is filed. The Court shall conduct its investigation as in maintenance proceedings. The parties respectively upon enquiry by them in the Registry shall be informed of the result of such investigation.

Settlement of wife's property.

72. Application for a settlement of property of a wife by virtue of the Matrimonial Causes Act, 1857, (U.K.), section 45, shall be made and proceeded with in the manner prescribed in Rule 71 of these Rules with regard to application for variation of settlements.

Custody and maintenance of children and access.

73. (1) When custody of children is claimed in any petition the father, mother, or guardian, or any person who has intervened in the suit for the purpose of applying to be appointed guardian of such children, or who has the custody or control of such children under an order of the Court, may apply at any time either before or after final decree to the Court on summons for any order relating to the custody, maintenance or education of such children or for directions that proper proceedings be taken for placing such children under the protection of the Court.

(2) When custody of children is claimed in any petition and a petition for alimony *pendente lite*, permanent alimony, periodical payments, maintenance, settlement, or variation of settlement has been filed and is pending

in such suit, applications for maintenance for children may be made from time to time to the Court.

(3) Applications as to access to children may be made to the Court on summons.

74. (1) A minor who has attained the age of seven years may elect a guard *ad litem* for the purpose of any proceedings on his or her behalf.

Guardians *ad litem*.

(2) A guardian for an infant under the age of seven years may be assigned by the Court upon an application supported by affidavits.

(3) The election, the consent of the guardian to act, and an affidavit showing fitness and no contrary interest, must be filed in the Registry before an elected guardian can be permitted to file a petition or enter an appearance on behalf of the minor.

75. A committee or other person duly appointed under the Unsoundness of Mind Act for a person of unsound mind may prosecute, defend, or intervene in a suit on behalf of such person or otherwise represent him; but if there be no such committee or other person duly appointed application shall be made on affidavit to the Court, and the Court will assign a guardian to the person of unsound mind. If the opposite party is already before the Court, the application shall be upon summons.

Persons of unsound mind.
CAP. 122.

76. Subpoenas in causes and matters to which these Rules apply shall issue out of the Registry unless the Court shall direct otherwise.

Subpoenas.

77. Application for attachment or committal shall be made to the Court by motion.

Attachment and committal.

78. Any person attached or committed may apply for his or her discharge by motion to the Court.

Discharge.

- Enforcement of orders. 79. (1) In default of payment to any person of any sum of money at the time appointed by any order of the Court for the payment thereof, a writ of *feri facias*, sequestration, or *elegit* shall be sealed and issued as of course in the Registry upon an affidavit of service of the order and of non-payment.
- (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 indorsed with a memorandum in the words or to the effect following, viz.: If you the within named (A.B.) neglect to obey this order by the time therein limited you will be liable to process of execution for the purpose of compelling you to obey the same.
- Custody of pleadings. etc. 80. The Registrar is to have the custody subject to direction by the Chief Justice of all pleadings and other documents brought in or filed and of orders and decrees made in any matter or suit.
- Examined copies. 81. Copies or extracts of documents originals of which are retained in the Registry will, if required, be examined with the originals from which the same are copied. Every copy so required to be examined shall be certified under the hand of a Registrar to be an examined copy, and the seal of the Court will not be affixed to any copy which is not so certified.
- Times fixed by these Rules. 82. (1) The time fixed by these Rules for the performance of any act may be varied by order of the Court subject to such qualifications and restrictions and on such terms as upon the application for variation may be deemed fit.
- (2) The time fixed by these Rules for the performance of any act, or for any proceeding in a cause, shall in all cases be exclusive of Sundays, Christmas Day and Good Friday.
- Notice of motion. 83. When it is necessary to give notice of any motion to be made to the Court such notice shall be served on all parties who may be affected by the proposed order and who shall have entered an appearance four clear days

previously to the hearing of such motion, and a copy of the notice so served shall be filed in the 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 left in the Registry. Copies of such affidavits or documents shall be delivered upon request to the parties who are entitled to be heard upon the motion.

84. All bills of costs shall be referred to the Registrar for taxation and may be taxed by him without any special order for that purpose. Such bills shall be filed in the Registry. Notice of the time appointed for taxation will be forwarded to the party filing the bill at the address furnished by such party, who shall give the other party or parties to be heard on the taxation thereof at least one clear day's notice of such appointment and shall at the same time or previously deliver to him or them a copy or copies of the bill to be taxed.

Taxing bills of costs.

85. When an appointment has been made by the Registrar for taxing any bill of costs and any party to be heard on the taxation does not attend at the time appointed the Registrar may nevertheless proceed to tax the bill after the expiration of a quarter of an hour upon being satisfied by affidavit or otherwise that the parties not in attendance had due notice of the time appointed.

Party failing to appear.

86. The bill of costs of an Attorney-at-Law will be taxed on his application as against his client after sufficient notice given to the person or persons liable for the payment thereof, or on the application of such person or persons after sufficient notice given to the Attorney-at-Law.

Attorney-at-Law's bill of costs.

87. In divorce and matrimonial causes Attorneys-at-Law shall be entitled to charge and be allowed the costs set forth in the Tables of Fees in Appendix M Part B (Ordinary Scale) of the Rules of the Supreme Court if the case is tried by the Court alone without a jury but if the case is tried with a jury the costs shall be on the higher scale defined in the said Appendix Part B and where a fee is not prescribed therein applicable to the proceedings, then the fee shall be the same as the fee prescribed in the Tables of Fees to be taken in divorce and matrimonial causes in the High Court of Justice in England at the

Attorney-at-Law's fees and costs.

rate of \$4.86 to the pound sterling.

Payment of taxed costs.

88. 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. If more than one-sixth of the amount of any bill of costs taxed as between Attorney-at-Law and client is disallowed on taxation thereof no costs incurred in such taxation shall be allowed and the party on whose application the bill is taxed shall be at liberty to deduct the costs incurred by him in the taxation from the amount of the bill as taxed, if so much remains due; otherwise the same shall be paid by the Attorney-at-Law to the person on whose application the bill is taxed.

Order for payment.

89. Upon the Registrar's certificate as to 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.

Wife's costs.

90. After the Registrar's certificate that the pleadings are in order has been given, or at an earlier stage of a cause by order of the Court to be obtained on summons, a wife who is petitioner or has filed an answer may file her bill or bills of costs for taxation as against her husband, and the Court shall ascertain what is a sufficient sum of money to be paid into Court or what is a sufficient security to be given by the husband to cover the costs of the wife of and incidental to the hearing of the cause, and may thereupon unless the husband shall prove to the satisfaction of the Court that the wife has sufficient separate estate or show other good cause issue an order upon the husband to pay her costs up to the setting down of the cause and to pay into Court or secure the costs of the hearing within a time to be fixed by the Court. The Court may in its discretion order the costs up to setting down to be paid into Court.

Bond to secure costs.

91. The bond taken to secure the costs of a wife and incidental to the hearing of a cause shall be filed in the Registry, and shall not be delivered out or be sued upon without the order of a Court.

92. The order for payment of costs in which a respondent or co-respondent has been condemned by 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 the decree absolute has been obtained; but a wife who is unsuccessful in a cause, and who at the hearing of the cause has obtained the order of the Court for costs may nevertheless proceed at once to obtain payment of such costs after allowance thereof on taxation.
93. Persons entitled to payment of money out of Court on applying for the same, shall bring into the 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.
94. The Registry of the Court and the clerks employed therein shall be subject to and under the control of the Registrar of the Supreme Court.
95. In any matter of practice or procedure which is not governed by statute or dealt with by these Rules the Rules of the Supreme Court in respect of like matters shall be deemed to apply.
96. These Rules may be cited as the **MATRIMONIAL CAUSES RULES**.

Order for
payment before
decree absolute.

Payment of
money out of
Court.

Registry and
officers.

Rules of the
Supreme Court.

Short title.

APPENDIX I

In the Supreme Court of Belize. (Divorce)

To of

- (1) If the person summoned resides in Belize City or at any place within three miles of Belize City fill in eight days otherwise fill in fifteen days.
- (2) Or Answer.
- (3) Or Answer as the case may be.
- (4) Stating name and address of Petitioner or Attorney-at-Law.

TAKE NOTICE that you are required, within (1) after service hereof upon you, inclusive of the day of such service, to enter an appearance either in person or by your Attorney-at-Law, at the Registry of the Supreme Court, should you think fit so to do and thereafter to make answer to the charges in this Petition, (2) 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 (3) is filed and this notice to appear is issued by (4) of

Dated at Belize City the day of , 2 .

Registrar.

NOTE.-Any person entering an appearance must at the same time furnish an address for service within two miles of the Supreme Court.

APPENDIX II

CERTIFICATE OF SERVICE

This Petition was duly served by the undersigned G. H. on the within named C. B. of at on the day of 2 .

(Signed) G.H.

Printed by the Government Printer,
No. 1 Power Lane,
Belmopan, by the authority of
the Government of Belize.

APPENDIX III

AFFIDAVIT OF SERVICE

In the Supreme Court of Belize. (Divorce)

A. B. against C. B. and R. S.

I C.D., of &c., make oath and say, that the Petition bearing date the _____ day of _____, 20____ filed in this Court against C.B. the respondent (or R. S. the co-respondent), a copy of which is hereunto annexed and marked with the letter A was duly served by me on the said C. B. (or R. S.) at _____ on the _____ day of _____ 20____ by delivery to the said C. B. (or R. S.) personally a scaled copy thereof.

(Means of knowledge of identity to be inserted here.)

Sworn at, &c., on the _____ day of _____, 20____.

Before me

A Commissioner for Oaths or as the case may be.

APPENDIX IV

ENTRY OF AN APPEARANCE

In the Supreme Court of Belize. (Divorce)

<p>A.B., Petitioner against C. B., Respondent and R. S., Co-Respondent</p>	<p>The respondent C. B. (<i>or</i> the co respondent R. S.) appears in person (or C. D. the Attorney-at-Law for C. B. the respondent) (or R. S. the co-respondent) appears for the said respondent or co-respondent.</p>
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(Here insert the address required within two miles of the Supreme Court, Belize City.)

Entered this day of , 2 .

(1) Or as the case may be.

APPENDIX V

In the Supreme Court of Belize. (Divorce)

To of

Take notice that you are entitled within eight days (1) after delivery hereof to you, inclusive of the day of such delivery to apply upon summons for leave to enter an appearance either in person or by your Attorney-at-Law at the Office of the Registrar for leave to intervene in this cause, should you think fit so to do, and thereafter to make answer to the charges in this Petition (2), and that, in default of your so doing, the Court will proceed to hear the said charges proved and pronounce judgment, your absence notwithstanding.

(2) Or Answer.

[
 Printed by the Government Printer,
 No. 1 Power Lane,
 Belmopan, by the authority of
 the Government of Belize.
]

The Petition (3) is filed and this notice is issued (4) of

Dated at Belize City the day of ,2 .

Registrar.

(3) Or Answer as the case may be.
(4) Stating name and address of petitioner or Attorney-at-Law.

NOTE - Any person entering an appearance must at the same time furnish an address for service within two miles of the Supreme Court, Belize City.

APPENDIX VI

ANSWER

In the Supreme Court of Belize. (Divorce)

A. B. v C. B.

The Respondent C. B. by C. D. her Attorney-at-Law (or in person), in answer to the Petition filed in this cause, saith:

- 1. That she is not guilty of adultery as alleged in the said Petition.
- 2. That on the day of 2 , and on other days between that day and , and the said A. B. at in the committed adultery with K. L.

(In like manner Respondent is to state connivance, condonation, or other matter relied on as a ground for dismissing the Petition.)

Wherefore this Respondent humbly prays:

That your Honour will be pleased to reject the prayer of the said Petition, and decree, &c.

APPENDIX VII

COMMISSION FOR EXAMINATION OF WITNESSES

In the Supreme Court of Belize. (Divorce)

(1) The words “of the United Kingdom” should now be omitted.

Elizabeth II, by the grace of God, (of the United Kingdom) (1) of Great Britain and Ireland and of the British Dominions beyond the Seas, Queen, Defender of the Faith, to (*here set forth the name and proper description of the Commissioner*), Greeting.

To be signed by Petitioner.

Whereas a certain cause is now depending in the Supreme Court between A.B., Petitioner, and C. B., Respondent, and R. S., Co-Respondent, wherein the said A. B. has filed his Petition praying for a dissolution of his marriage with the said C. B. (or otherwise as in the prayer of the Petition). And Whereas by an Order made in the said cause on the day of 2 , on the application of the said A. B. it was ordered that a Commission should issue under the Seal of Our said Court for the examination of (*here insert name and address of one of the persons to be examined*) and others as witnesses to be produced on the part of the said A. B. the Petitioner, in support of his Petition (saving all just Exceptions). Now know ye that We do by virtue of this Commission to you directed, authorise you within thirty days after the receipt of this Commission at a certain time and place to be by you appointed for that purpose with power of adjournment to such other time and place as to you shall seem convenient to cause the said witnesses to come before you and to administer to the said witnesses

APPENDIX VIII

Appendix
VII - IX.

PETITION FOR REVERSAL OF DECREE OF JUDICIAL SEPARATION

In the Supreme Court of Belize. (Divorce)

To His Lordship Chief Justice.

The day of , 2 .

The Petition of A. B. of , showeth:

1. That your Petitioner was on the day of 2 ,
lawfully married to C. B. then C. D. Spinster (*or* Widow) at

(*Here state where the marriage took place.*)

2. That on the day of your Lordship
by your final decree, pronounced in a cause then depending in this Court, entitled
C. D. against A. B., decreed as follows: to wit:

(*Here set out the decree.*)

3. That the aforesaid decree was obtained in the absence of your Petitioner,
who was then residing at (*state facts
tending to show that the Petitioner did not know of the proceedings: and
further, that had he known of them he might have offered a sufficient defence*)
and that there was reasonable ground for your Petitioner leaving his said wife, for
that his said wife (*here state any legal grounds justifying
the Petitioner's separation from his wife.*)

Your Petitioner therefore humbly prays:

That your Lordship will be pleased to reverse the said decree.

(Signed by Petitioner.)

APPENDIX IX

10/1982.

NOTICE OF APPLICATIONS FOR DECREE NISI TO BE MADE ABSOLUTE

IN THE SUPREME COURT OF BELIZE

A. B. against C. B. and R. S.

TAKE NOTICE that the Petitioner (or Respondent) applies for the decree *nisi* pronounced in his (her) favour on the day of 2 ,
to be made absolute.

Dated this day of 2 .

Signed
(Attorney-at-Law for the) Petitioner or (Respondent)

CHAPTER 91

**SUPREME COURT (CONSTITUTIONAL REDRESS AND
REFERENCE) RULES**

ARRANGEMENT OF RULES

1. Short title.
2. Jurisdiction.
3. Procedure.
4. Notice of Motion.
5. Filing of Motion.
6. Reference to Supreme Court.
7. Supreme Court Rules.

CHAPTER 91

SUPREME COURT (CONSTITUTIONAL REDRESS AND REFERENCE) RULES

32 of 1982.
Ch. 82.

(Section 95)

[27th March, 1982.]

1. These Rules may be cited as the

Short title.

SUPREME COURT (CONSTITUTIONAL REDRESS AND REFERENCE) RULES.

2. The jurisdiction and powers conferred on the Supreme Court by and under sections 20 and 96 of the Constitution shall be exercisable by a single judge.

Jurisdiction.
CAP.4.

3. (1) An application to the Supreme Court for redress under section 20(1) of the Constitution may be made –

Procedure.
CAP.4.

(a) by motion supported by affidavit; or

(b) by filing a writ of summons –

(i) claiming a declaration,

(ii) praying for an injunction,

(iii) claiming or praying for such order as may be appropriate.

(2) A notice of motion under paragraph (1) (a) shall state –

(a) concisely the nature of the claim; and

(b) the relief or remedy required.

Notice of Motion. 4. (1) Subject to paragraph (2), a motion under paragraph (a) of rule 3(1) shall not be made without at least three clear days previous notice to the parties affected thereby unless the Supreme Court gives leave to the contrary.

(2) A judge, if he is satisfied that the delay involved in giving notice as required by paragraph (1) would or might entail irreparable or serious mischief, may make an order *ex parte* on such terms as to costs or otherwise, and subject to such undertaking, if any, as he thinks just; but any party affected by such order may apply to the Supreme Court within seven days of the making of the order to set it aside.

Filing of Motion. 5. Where an application is made to the Supreme Court for redress under CAP.4. section 20 (1) of the Constitution in accordance with rule 3 and the Attorney General is not a party to the proceedings, the applicant or plaintiff shall file an extra copy of -

(a) the motion and affidavit in support thereof; or

(b) the writ of summons,

as the case may be, and the Registrar shall within three days thereafter forward such copy to the Attorney General for his information.

Reference to Supreme Court. 6. (1) A question, referred to the Supreme Court pursuant to section CAP.4. 20(3) or section 96 (1) of the Constitution by a person presiding in any court shall be by way of case stated.

(2) The case shall be stated within fourteen days of the decision of the person presiding in that court to refer the question.

(3) The case shall-

(a) set out the facts which have been proved or admitted and the question which is referred to the Supreme Court for its decisions;

- (b) be signed by the person referring the question;
 - (c) be transmitted by the person referring the question to the Registrar of the Supreme Court.
- (4) The person referring the question shall cause copies of the case to be served upon-
- (a) the party (if any) at whose request the case was stated;
 - (b) such other parties to the proceedings as are affected by the question; and
 - (c) the Attorney General or the Director of Public Prosecutions as the case may be, where the Attorney General or, in a criminal matter, the Director of Public Prosecutions is not a party to the proceedings.
- (5) Upon receipt of a case transmitted pursuant to paragraph (3) the Registrar shall forthwith set down the case for hearing and notify the parties and the Attorney General and, in a criminal matter, the Director of Public Prosecutions of the date fixed for the hearing.
- (6) The Supreme Court hearing a case referred to it under this rule may -
- (a) amend the case or order it to be returned to the court by which it was stated for amendment; and
 - (b) draw inferences of fact from the facts stated in the case.

CAP. 4. (7) The Attorney General and, in the case of a criminal matter, the Director of Public Prosecutions, is entitled to appear and be heard in proceedings for the determination of a question referred to the Supreme Court pursuant to section 20(3) or section 96(1) of the Constitution.

(8) The Registrar shall notify the court by which the question was referred of the decision of the Supreme Court upon the question.

Supreme Court Rules.
CAP. 4. 7. Save as otherwise provided in these Rules the jurisdiction and powers conferred on the Supreme Court in respect of applications made by any person in pursuance of section 20 or section 96 of the Constitution shall be exercised in accordance with the practice and procedure (including any rules of Court) for the time being in force in relation to civil proceedings in the Supreme Court, with such variations as circumstances require.
