

LEGAL NOTICE NO. 61

REPUBLIC OF TRINIDAD AND TOBAGO

THE SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01

RULES

MADE BY THE RULES COMMITTEE UNDER SECTION 78 OF THE
SUPREME COURT OF JUDICATURE ACT

THE FAMILY PROCEEDINGS (AMENDMENT) RULES, 2004

1. These Rules may be cited as the Family Proceedings Citation
(Amendment) Rules, 2004.

2. (1) The Family Proceedings Rules, 1998 are hereby amended as
set out in the Schedule.

Amendment
of the Family
Proceedings
Rules, 1998

(2) Column I of the Schedule sets out the Rules amended and
Column II sets out the extent of the amendments to those Rules.

SCHEDULE

Column I <i>Number of the Rule</i>	Column II <i>Extent of the Amendment</i>
1.3	After the word “parties” add the words “and their attorneys”.
2.1	Delete in subrule (2) the word “2003” and insert the word “2004”.
2.2 (1)	Delete the words “Registry of the Supreme Court, Port-of-Spain” and substitute the words “court office”.
2.2(2)(b)(ii)	After the words “set down for trial” delete “, and” and substitute a semi-colon. Insert the words “and in either case” immediately before the words “the court office”.
2.2.4(b)(v)	Delete the bracket before the word “Attachment”.
2.3	Insert before the definition of “cross-petition” the following: “ “court office” means the Registry of the Family Court situate at NIPDEC House, Port-of-Spain;”. Under the definition of “relevant child” delete “(c)” and insert “(b)”.
2.8(3)	Remove the “s” at the end of the word “Examples”. Remove “(a)”.

Column I <i>Number of the Rule</i>	Column II <i>Extent of the Amendment</i>
2.8(6)(b)(iii)	Insert a semi-colon after the word "Tuesday".
5.10(1)	After the word "petition" insert the words "or application".
5.11	Delete the number "(5)". Re-number "(6)" as "(5)".
6.2(2)	Delete the word "may" and substitute the word "shall".
6.2(3)	Delete the word "may" after the word "Service" and substitute the word "shall".
12	Under "Contents of this Part" delete the words "Applications against estate of dead spouse or former spouse" and substitute the words "Proceedings against estates".
12.3(2)	Delete the words "where practicable" and begin the sentence with the word "The".
12.7	In the heading add the letter "s" to the word "estate" and delete the words "of dead spouse or former spouse".
12.7(1)	Delete the word "respondent" and substitute the word "person".
12.7(4)	Delete the word "respondent's".
12.7(5)	Delete the word "dead respondent's".
14(1)(b)	Delete the word "and" appearing after the semi-colon.
14(1)(f)	Delete the word "and" appearing after the semi-colon.
14(1)(l)	Delete the word "though".
15	Under "Contents of this Part" do the following: Delete the words "petition, application etc" appearing after the words "Court's general power to strike out". Delete ", etc" appearing after the words "Setting aside order for striking out" and substitute the words "on an <i>ex-parte</i> hearing".
15.1(3)	Delete the word "and" wherever it appears.
15.3	In the heading delete the words "petition, application, etc.", Delete subrule (7).
15.4	In the heading delete ", etc." and add the words "on an <i>ex-parte</i> hearing". Delete subrule (2).

<p>Column 1 <i>Number of the Rule</i></p>	<p>Column II <i>Extent of the Amendment</i></p>
15.6	Renumber subrules “(5)” and “(6)” as “(4)” and “(5)” respectively.
16	Under “Contents of this Part” delete the words “attendance at” appearing after the words “Dispensing with”.
16.2	In the heading delete the words “or pre-trial review”.
16.3	In the heading delete the words “attendance at”.
16.7(4) (b)	Add the following: “(vii) a clean copy of all or any of the affidavits”.
19.8(2)	Delete the word “answer” and substitute the word “cross-petition”.
19.9(3)	Delete the word “rule” and substitute the word “Part”.
19.9(4)	Delete the word “rule” and substitute the word “Part”.
25	Under “Contents of this Part” delete “Use by one party of expert’s report disclosed by another Rule 25.11” and renumber the Rules that follow accordingly.
26	Under “Contents of this Part” add the words “before an examiner” immediately after the words “Enforcing attendance of witness”.
26.2(2)	Delete the word “prescribed” and substitute the words “appropriate practice”.
26.7(5)	Delete the numbers “26.7” and substitute the numbers “26.6”.
26.10	In the heading after the word “witness” add the words “before an examiner”.
27.(1)(4)	Delete the letter “s” at the end of the word “documents”.
29	Under “Contents of this Part” delete the letter “s” at the end of the word “summons”.
29.6	In the heading delete the letter “s” at the end of the word “summons”.
34	<p>In this Part do the following:</p> <p>Delete the words “claim” and “claim form” wherever they appear and substitute the word “application”.</p> <p>Delete the word “claimant” wherever it appears and substitute the word “applicant”.</p>

Column I <i>Number of the Rule</i>	Column II <i>Extent of the Amendment</i>
34.3(1)	<p>Delete the words "a fixed date" and insert the word "an" after the word "issuing".</p> <p>Add the following new Rule: "Part 39 Miscellaneous</p> <p>Contents of this Part Right to inspect and obtain copies of certain documents Rule 39.1</p> <p>Right to inspect and obtain copies of certain documents</p> <p>39.1 (1) A party to any family matter or his attorney or the Attorney General may have a search made for, and may inspect and bespeak a copy of, any document filed or lodged in the court office in such matter.</p> <p>(2) Except as provided by Rule 11.10 and subrule (1) of this Rule, no document filed in the court office other than a decree or order made in open court, shall be open to inspection by any person without the permission of the Registrar, and no copy of any such document, or of an extract from any such document, shall be taken by, or issued to, any person without such permission."</p>
Appendix A (g)(ii)	<p>Delete the word "or" and substitute the word "and".</p> <p>Insert a comma after the word "case".</p>

Made by the Rules Committee this 18th day of March, 2004.

R. HAMEL-SMITH
Acting Chief Justice

J. JEREMIE
Attorney General

R. M. DOYLE
Master of the High Court

G. ARMORER
Attorney-at-law

R. N. MOHAMMED
Acting Registrar of the Supreme Court