

DRAFT MATRIMONIAL CAUSES RULES 2022

EXPLANATORY MEMORANDUM

The law on dissolution of statutory marriages and related family law matters is set out in the *Matrimonial Causes Act* Chapter 282. The Rules of Court relating to the practice and procedure of the National Court in its matrimonial causes jurisdiction are the *Matrimonial Causes Rules*.

The existing *Matrimonial Causes Rules* pre-date Independence and have been drafted in a different manner to the standard, modern form of drafting of Rules of Court in Papua New Guinea.

The standard, modern form of drafting is that the lengthy and more complex rules (eg *National Court Rules*, *Supreme Court Rules*) are arranged in Orders using conventional Arabic numbering (1, 2, 3, 4, 5 etc) with the consecutive numbering of each provision being re-set to 1 at the start of each Order and each provision being referred to as a rule (or sub-rule).

The existing *Matrimonial Causes Rules* use Roman numerals (I, II, III, IV, V etc) to describe the Parts, not Orders, and the consecutive numbering is not reset at the start of each Order and the provisions are referred to as sections. So the existing Rules consist of Parts I to XXII and start at section 1 and continue to section 306.

The Rules Committee has embarked on a project to amend the drafting and layout of the *Matrimonial Causes Rules* to make the format compliant with the modern standard. The draft *Matrimonial Causes Rules 2022* are the product of that project. The draft Rules involve no substantive amendment of the existing Rules. The existing Rules will be repealed on the new Rules coming into force (see O 22, r 12).

JUSTICE CANNINGS
CHAIRMAN, RULES COMMITTEE
