

TABLE E,—Contd.

Column I	Column II
Nitrous Oxide, in cylinders	10 cubic feet on any one vehicle.
Oakum	Unlimited.
Oil, Animal, Vegetable or Mineral having a flash point exceeding 150° but not exceeding 500° Fahrenheit	50 gallons on any one vehicle.
Oil Gas, in cylinders	10 cubic feet on any one vehicle.
Orthordichlorobenzene	Unlimited.
Orthornitrochlorobenzene	Unlimited.
Oxygen, in cylinders	10 cubic feet on any one vehicle.
Paper Shavings	Unlimited.
Paradichlorobenzene	Unlimited.
Paranitraniline	Unlimited.
Paranitrophenol	Unlimited.
Perchloric Acid (in solution not exceeding 72% of acid by weight)	2 gallons on any one vehicle.
Permanganates, all (except Ammonium Permanganate)	10 lbs. on any one vehicle.
Petroleum Gas (Butane, Propane, Isobutane) in cylinders	10 cubic feet on any one vehicle.
Phenol (Carbolic Acid)	500 lbs. on any one vehicle.
Pintsch Gas, in cylinders	10 cubic feet on any one vehicle.
Potassium Bisulphate (Potassium Hydrogen Sulphate)	Unlimited.
Potassium Hydroxide (Caustic Potash), liquid	10 gallons on any one vehicle.
Potassium Hydroxide (Caustic Potash), solid	Unlimited.
Potassium Nitrate (Saltpetre)	Unlimited.
Potassium Sulphide, fully hydrated and fused	Unlimited.
Propionic Acid	Unlimited.
Rosin (Colophony)	Unlimited.

TABLE E,—Contd.

Column I	Column II
Sodium Bisulphate (Sodium Hydrogen Sulphate)	Unlimited.
Sodium Nitrate (Chile Saltpetre)	Unlimited.
Sodium Sulphide, fully hydrated and fused	Unlimited.
Sulphur	Unlimited.
Sulphuric Acid	2 gallons on any one vehicle.
Trichloromonofluoromethane (Freon 11), in cylinders	Unlimited.
Waxes and Fats, Animal, Vegetable or Mineral	500 lbs. on any one vehicle.
Wood Shavings, if clean and free from oil	Unlimited.
Zinc Chloride (Tinning Flux), solid	Unlimited.

45. Any type V vessel may, outside the Harbour and with the permission of the Director, carry highly inflammable or inflammable liquid in such quantities and subject to such conditions as the Director may specify, at the same time as passengers.

Relaxations with regard to inflammable liquid on a vessel carrying passengers outside the Harbour.

46. (1) Any type V vessel under forty feet in length and powered by a compression ignition engine only may carry dangerous goods of port class E from the Government Explosive Depot at Green Island direct to such places as may be approved by the Director for the purpose of this regulation, or from such places direct to the said Depot, together with the owner or agent of the owner of the dangerous goods and not more than two labourers, as passengers, subject to the following conditions—

Relaxations with regard to dangerous goods of port class E on a vessel under 40 ft. in length carrying passengers.

- (a) the quantity of the dangerous goods shall not exceed four hundred pounds;
- (b) the dangerous goods shall be stowed as far as possible away from the engine;

(c) all detonators, time pencils or other means of initiating explosive materials shall be separated from all blasting compounds by a barrier of inert material.

(2) In the event of fire on board any such vessel carrying dangerous goods of port class E as permitted under paragraph (1), all such dangerous goods shall be jettisoned overboard.

Possession of dangerous goods on board, declaration required.

47. (1) Notwithstanding anything contained in regulation 43, 44(1), 45 or 46 no person shall, on any type V vessel, have in his possession any dangerous goods except with the permission of the Director.

(2) Such permission shall only be given in respect of dangerous goods the nature and quantity of which have been declared in writing to the Director.

Dangerous goods of port class B and E not to be carried together.

48. No type V vessel shall carry dangerous goods of port class B at the same time as dangerous goods of port class E.

Offences and penalties.

49. (1) The master and owner of any type V vessel contravening the provisions of regulation 40 or 43 shall each be guilty of an offence and liable to a fine of eight thousand dollars.

(2) The master and owner of any type V vessel contravening the provisions of regulation 46(2) or 48 shall each be guilty of an offence and liable to a fine of five thousand dollars.

(3) Any person who contravenes the provisions of regulation 47(1) shall be guilty of an offence and liable to a fine of eight thousand dollars.

Section F—Type VI vessels.

Endorsement of licence required for carriage of dangerous goods other than port class D.

50. No type VI vessel shall carry any dangerous goods other than those of port class D unless the vessel's licence contains a valid endorsement made in accordance with regulation 51 permitting the carriage of such dangerous goods and all conditions contained in such endorsement are complied with.

51. (1) The Director may, by endorsement of the vessel's licence, permit any type VI vessel to carry dangerous goods. Endorsement of licence.

(2) Every such endorsement shall—

(a) be valid for such period as shall be determined by the Director and specified in the endorsement;

(b) specify the category or categories of dangerous goods or in the case of a petroleum lighter, the type or types of petroleum permitted to be carried;

(c) in the case of a petroleum lighter state the limits within which the lighter may trade; and

(d) contain such conditions as the Director may determine.

(3) The Director may, at any time, cancel or suspend or amend any such endorsement or conditions contained therein.

(4) No such endorsement shall be made or renewed unless a valid certificate issued in accordance with regulation 52 in respect of the vessel has been produced to the Director.

(5) No such endorsement for the carriage of highly inflammable or inflammable liquids shall be made in respect of any type VI vessel which is not constructed of metal:

Provided that—

(a) the Director may at his discretion and subject to such conditions as he may prescribe, renew the endorsement of a type VI vessel which was permitted to carry inflammable liquids prior to the date of the coming into operation of these regulations, and which has, since that date, not changed ownership; and

(b) an endorsement for the carriage of inflammable liquid in containers for export may be made in respect of any junk, whether or not it is constructed of metal.

52. (1) A Government surveyor may, after surveying any type VI vessel, issue a certificate (herein referred to as a declaration of fitness) that the vessel is fit to carry dangerous goods. Issue of declaration of fitness.

(2) Every such declaration of fitness shall—

(a) be valid for such period as shall be determined by the Government surveyor by whom it is issued, and specified in the declaration of fitness;

- (b) state the name or number of the vessel, registered dimensions and gross and net tonnages;
- (c) certify that the hull, machinery (if any) and equipment are sufficient for the service intended and are in good condition;
- (d) certify that all openings in the main deck are efficiently protected by coamings or casings and are capable of being closed watertight; and
- (e) in the case of a petroleum lighter—
 - (i) state the type or types of petroleum which the lighter is fit to carry or tow;
 - (ii) give particulars of the lighters loadline certificate (if any);
 - (iii) state the number and type of life saving appliances on board and the number of persons for whom such appliances are sufficient; and
 - (iv) state the number and type of fire fighting appliances on board.

(3) The following fees shall be payable by the applicant for such survey, namely—

- (a) thirty dollars for every visit by a Government surveyor;
- (b) ten dollars for the issue of a declaration of fitness;
- (c) five dollars for each additional copy of a declaration of fitness; and
- (d) sixty dollars for examination of plans.

53. On any type VI vessel carrying any dangerous goods—

- (a) there shall be provided—
 - (i) at least two approved fire-extinguishers, each having a minimum capacity of two gallons, and such additional approved fire-fighting appliances as may be required by a Government surveyor;
 - (ii) a bin or bucket containing not less than one hundred pounds in weight of dry sand; and
 - (iii) at least three scoops or shovels suitable for throwing sand;

Safety equipment to be provided.

- (b) the anchor lamps and red lamp shall be of a flameproof design approved by the Director; and
- (c) at least two notices in English and Chinese, prohibiting smoking, with letters at least two inches in height, shall be prominently displayed.

54. Before the keel of any steel type VI vessel designed to carry dangerous goods in the waters of the Colony is laid, the owner shall submit for the approval of the Director all plans and specifications of the vessel and, during construction, he shall apply to have the vessel surveyed by a Government surveyor.

Submission of plans during construction.

55. No fire or artificial light other than navigation and signal lights in approved lamps shall be on board any type VI vessels carrying any dangerous goods.

Fire etc. not permitted on board when carrying dangerous goods.

56. No person shall smoke on board any type VI vessel carrying any dangerous goods.

Smoking not permitted on board when carrying dangerous goods.

57. No type VI vessel carrying—

- (a) any dangerous goods of port class E; or
- (b) any highly inflammable liquid in containers other than approved containers; or
- (c) more than two hundred gallons of highly inflammable liquid in approved containers; or
- (d) more than one hundred gallons of inflammable liquid in containers other than approved containers; or
- (e) more than one thousand gallons of inflammable liquid in approved containers,

Vessels carrying certain dangerous goods to be towed only by an approved tug.

shall, if not mechanically propelled, be underway in the Harbour unless towed or attended by an approved tug, or, if mechanically propelled, tow any vessel:

Provided that this regulation shall not apply to vessels carrying cargo which consists solely of highly inflammable or inflammable liquids in approved containers not exceeding one gallon in capacity.

Towage of vessels carrying inflammable liquid.

58. When any type VI vessel carrying highly inflammable or inflammable liquid is being towed—

- (a) not more than four such vessels shall be towed together at one time;
- (b) not more than two such vessels shall be towed together abreast;
- (c) not more than two such vessels shall be towed together in single line; and
- (d) no vessel of any other type, and no type VI vessel carrying any dangerous goods other than highly inflammable or inflammable liquids shall be towed together with such vessel.

No other vessel to be towed together with a vessel carrying dangerous goods of port class E.

59. When any type VI vessel carrying dangerous goods of port class E is being towed, no vessel of any other type and no type VI vessel carrying any other dangerous goods shall be towed, together with such vessel.

Dangerous goods not to be carried together with passengers.

60. No type VI vessel carrying any dangerous goods shall carry any passengers other than labourers employed to load or discharge the vessel.

Vessels carrying dangerous goods of port class A or E not permitted in typhoon shelters.

61. No type VI vessel carrying any dangerous goods of port class A or E, or highly inflammable or inflammable liquids, shall be in the typhoon shelter at Yaumati or Causeway Bay.

Vessels carrying dangerous goods of port class A or E or inflammable liquid not permitted in dock, etc.

62. No type VI vessel carrying any dangerous goods of port class A or E or any highly inflammable or inflammable liquid shall enter any dock or undergo in the Harbour repairs other than running repairs to machinery which do not involve the use of fires, blow-lamps, burners or naked lights, and which are undertaken after all holds have been closed down gastight.

63. Any type VI vessel which has loaded from another vessel any dangerous goods of port class A or E or any highly inflammable or inflammable liquid, shall as soon as such loading is completed leave the side of the discharging vessel and proceed directly either to a wharf or pier approved by the Director for the discharging of such dangerous goods or to a dangerous goods anchorage, and shall not move from such wharf, pier or anchorage until all dangerous goods have been discharged therefrom.

Loading of dangerous goods of port class A or E.

64. No type VI vessel carrying any dangerous goods of port class A or E, or any highly inflammable or inflammable liquid shall—

Place of berthing when carrying dangerous goods of port class A or E.

- (a) anchor or berth at any place other than—
 - (i) alongside a vessel for the purpose of loading or discharging such dangerous goods; or
 - (ii) at a wharf or pier approved for the loading or discharging of such dangerous goods; or
 - (iii) at a dangerous goods anchorage; or
- (b) lie alongside any vessel between the times of sunset and sunrise.

65. No fire, lights or electrical apparatus other than electric filament lamps or self-contained electric lamps, heaters, cookers or other approved types of apparatus, so designed constructed and maintained as to be incapable of igniting inflammable vapour, shall be used on any wharf at which highly inflammable liquid is being loaded onto or discharged from any type VI vessel.

Fire etc. not permitted on wharf during loading or discharging of highly inflammable liquid.

66. No iron or steel hammers or other instruments capable of causing a spark shall be used for the purpose of opening or closing any hatch on any type VI vessel carrying inflammable liquid.

Iron or steel hammers not to be used when carrying highly inflammable liquid.

67. No person shall wear any footwear having metal nails, studs, or other fittings liable to cause a spark, on board any type VI vessel carrying highly inflammable liquid.

Studded footwear not to be worn when carrying highly inflammable liquid.

Matches etc. to be deposited with the master.

68. Any person boarding a type VI vessel carrying highly inflammable liquid, who has in his possession any matches or other means of ignition shall deposit the same with the master of the vessel, and every person on board shall, if required, submit to being searched by the master of the vessel or by any duly authorized officer of the Government.

Procedure in typhoons when carrying dangerous goods of port class E or highly inflammable liquid.

69. When any typhoon signal other than the number one and number three signal is hoisted, any type VI vessel carrying any dangerous goods of port class E or highly inflammable liquid shall immediately leave and remain outside the Harbour, and may anchor or berth in any other place within the waters of the Colony except Junk Bay or the Eastern approaches to the Harhour.

Copy of regulations to be kept.

70. On any type VI vessel in respect of which the licence is endorsed for the carriage of highly inflammable liquid—

- (a) a copy of this section of Part II shall be kept, and shall be produced on demand to any police officer, marine officer or fire brigade officer; and
- (b) an extract consisting of regulations 66, 67 and 68, in English and Chinese, shall be posted up in a prominent place and maintained in a legible condition.

Construction etc.

71. In any type VI vessel which is provided with propelling or pumping machinery, and of which the licence is endorsed for the carriage of any dangerous goods of port class A or E, or highly inflammable or inflammable liquids—

- (a) the machinery space shall lie at the stern of the vessel, separated from the cargo space by a cofferdam consisting of two gas-tight bulkheads at least two feet apart;
- (b) the engine shall be of the compression ignition type and arranged for air or hand starting;
- (c) no electrical ignition appliances or external heating arrangements shall be fitted;
- (d) the machinery space and pump room, shall be kept clean and free from used or dirty cotton waste;
- (e) clean cotton waste shall be kept in the machinery space in a metal container, and only sufficient for one day's use shall be kept therein;

- (f) there shall be provided open bins containing a quantity of dry sand proportionate to the length of the hull in the following ratio, namely, one cubic foot of sand to each twenty feet in length of the hull, and also shovels or scoops for use with the sand in the event of fire; and
- (g) means shall be provided for sealing the machinery space as to prevent a fire originating in that space from spreading to other parts of the vessel.

72. No inflammable liquid in bulk or highly inflammable liquid shall be carried in any junk.

Junks not to carry certain inflammable liquid.

73. (1) No inflammable liquid in containers shall be carried in any junk other than a junk of which the licence is endorsed for the carriage of inflammable liquid in containers for export.

Carriage etc. in junks of inflammable liquid in containers.

(2) No inflammable liquid in containers shall be loaded on any such junk at any place other than a prescribed place at that end of the Harbour which is nearer to the junk's destination.

(3) Any such junk which has completed loading inflammable liquid in containers shall, subject to the provisions of the Merchant Shipping Ordinance, 1953, immediately leave the Harbour, or, if prevented from so doing for any reason, shall anchor in the nearest dangerous goods anchorage and there remain until departure becomes possible.

(14 of 1953).

74. Any type VI vessel which at any time has carried below decks—

Gas free certificate.

- (a) any highly inflammable or more than one hundred gallons of inflammable liquid in containers other than approved containers; or
- (b) any highly inflammable or inflammable liquid in an approved container which was leaking,

shall be deemed for the purposes of the regulations in this section of Part IV to be carrying such liquid unless a gas free certificate has since that time been issued in respect of such vessel.

75. The Director may exempt any type VI vessel from compliance with any or all of the regulations in this section of Part IV, if he is satisfied that compliance is impracticable, or that other safety precautions which obviate the risk of fire or explosion have been taken.

Power to exempt.

Offences and penalties.

76. (1) The master and owner of any type VI vessel contravening the provisions of regulation 50 shall each be guilty of an offence and liable to a fine of eight thousand dollars.

(2) The master and owner of any type VI vessel contravening the provisions of regulation 53, 54, 55, 57, 61, 62, 63, 64, 69, 70, 71, 72 or 73 shall each be guilty of an offence and liable to a fine of five hundred dollars.

(3) The master of any vessel towing or being towed in contravention of the provisions of regulation 58 or 59 shall be guilty of an offence and liable to a fine of five hundred dollars.

(4) The master of any type VI vessel which has on board any passengers in contravention of the provisions of regulation 60 shall be guilty of an offence and liable to a fine of five hundred dollars and to an additional fine of twenty-five dollars or twice the highest fare paid by any such passenger, whichever is the greater, for every passenger on board such vessel; and the owner of any such vessel shall be guilty of a like offence and liable to a like penalty unless all passengers on board such vessel are on board without his knowledge or consent and no profit, benefit or advantage is derived by him from the carriage of such passengers.

(5) Any person who contravenes the provisions of regulation 65, and the manager of the wharf on which any such contravention takes place shall each be guilty of an offence and liable to a fine of five thousand dollars.

(6) Any person who contravenes the provisions of regulation 66, and the master of the vessel on which any such contravention takes place shall each be guilty of an offence and liable to a fine of five hundred dollars.

(7) Any person who contravenes the provisions of regulation 56, 67 or 68 shall be guilty of an offence and liable to a fine of five hundred dollars.

Section G—Type VII vessels.

(A) Tankers.

Carriage of any type of petroleum.

Place of berthing.

77. No tanker carrying any petroleum shall anchor or berth at any place other than at a prescribed place or in a dangerous goods anchorage.

78. No tanker carrying any petroleum which is to be discharged at a prescribed place shall anchor or berth at any place other than at that prescribed place or in the dangerous goods anchorage specified hereunder as appropriate for that prescribed place—

Place of berthing for discharge of petroleum.

<i>Prescribed place.</i>	}	<i>Appropriate dangerous goods anchorage.</i>
Taikoktsui	}	Western or Northern
Laichikok		
North Point	}	Eastern
Kuntong		
Tsun Wan		Tsun Wan Bay
Any other prescribed place.		As the Director may direct.

79. (1) All pipes, valves, hoses and other apparatus used on any tanker carrying, loading or about to load any petroleum shall be suitable for their purpose, free from leakage and in good condition.

Equipment.

(2) All electric lamps on any such tanker shall be so designed, constructed and maintained as to be incapable of igniting inflammable vapour.

80. No person shall smoke on or near any tanker carrying, loading or about to load any petroleum, and which is lying alongside any wharf.

Smoking not permitted alongside the wharf.

81. When any petroleum is being loaded or discharged on or from any tanker, such loading or discharging shall proceed with all due speed and diligence.

Manner of loading and discharging petroleum.

82. Any tanker carrying any petroleum shall at all times lie afloat.

Tankers to lie afloat.

83. Any tanker from which all of her cargo of petroleum has been discharged shall remain at the place where such discharge was completed and shall not move therefrom, without the permission of the Director, except for the purpose of proceeding directly

Procedure after discharge of petroleum.

to sea or when the stress of weather necessitates such movement, until—

- (a) every tank, compartment and pipe which has contained such petroleum has been thoroughly cleansed and ventilated by the removal of all petroleum and inflammable vapour therefrom; and
- (b) a gas free certificate has been issued in respect of the vessel.

Carriage of highly inflammable or inflammable petroleum.

Place of berthing for loading and discharging.

84. No tanker shall, without the permission of the Director, load or discharge any highly inflammable or inflammable petroleum except at a prescribed place.

Procedure when bound to or from a prescribed place etc.

85. No tanker carrying highly inflammable or inflammable petroleum shall—

- (a) if bound to or from a berth in the Northern, Western or Tsun Wan dangerous goods anchorage pass through the Harbour without the permission of the Director; or
- (b) if bound to or from the Eastern dangerous goods anchorage or the prescribed place at North Point enter or leave port otherwise than by the Eastern entrance; or
- (c) if bound to or from the prescribed place at Taikoktsui enter or leave the Harbour other than by the channel to the north of Stonecutters Island.

Certificated officers required on board.

86. Any tanker carrying, loading or about to load highly inflammable or inflammable petroleum shall, save with the permission of the Director, have on board at all times at least one certificated deck officer and one certificated engineer officer.

Requirements during loading and discharging.

87. When any tanker is loading or discharging highly inflammable or inflammable petroleum—

- (a) all openings, except the gas escape line, from cargo tanks to the open air shall, save with the permission of the Director, be kept closed:

Provided that ullage plugs or sighting ports may be removed for taking dips or samples; and

- (b) any ullage plug or sighting port so removed shall be closed immediately after the dip or sample has been taken unless the opening is adequately protected by strong incorrodible wire gauze of mesh not less than twenty eight to the linear inch and of gauge not less than twenty eight S.W.G., and which is clean and free from obstruction.

88. The upper opening of every ventilator connected with any cargo tank or compartment of any tanker carrying, loading or about to load highly inflammable or inflammable petroleum shall be covered with strong incorrodible wire gauze, of mesh not less than twenty eight to the linear inch and of gauge not less than twenty eight S.W.G. :

Construction of ventilators.

Provided that this regulation shall not apply to any ventilator which forms part of any ventilating system complying with the rules of a classification society relating thereto.

89. From the time when any cargo tank or compartment of any tanker is first opened for the purpose of loading or discharging highly inflammable or inflammable petroleum until the time when all such tanks and compartments have been securely closed and, where all the cargo of such petroleum has been discharged, cleansed and ventilated and a certificate to that effect has been issued in accordance with the provisions of regulation 83 there shall not be on board such tanker any fire or artificial light other than lamps, heaters, cookers or other apparatus, electric or otherwise, designed, constructed and maintained in compliance with the rules of a classification society relating thereto :

Fire etc. not permitted on board during loading and discharging.

Provided that, under conditions approved by the Director, fire may be used on board any such tanker for the purpose of loading or discharging such petroleum by means of—

- (a) steam from her own boilers; or
- (b) power generated on board by electrical plant designed, constructed, installed, positioned and maintained in compliance with the rules of a classification society relating thereto.

Use of electric power from the shore,

90. Where electric power supplied from the shore is used in the loading or discharging of highly inflammable or inflammable petroleum on or from any tanker—

- (a) the connexion between the shore cable and the tanker shall be made by means of a connexion box designed, constructed and maintained in compliance with the rules of a classification society relating thereto and situated in a position approved by the Director;
- (b) the shore cable shall be of a flexible tough rubber sheathed type approved by the Director;
- (c) a changeover switch or suitable interlocking device shall be installed at the tanker's switchboard to prevent the shore supply from being connected to the switchboard while the switchboard is connected to the tanker's generating plant; and
- (d) all electrical equipment used in or in connexion with the shore supply to the tanker shall be maintained in such condition as to prevent danger from electric shock or fire.

Requirements during loading and discharging.

91. When highly inflammable or inflammable petroleum is being loaded or discharged on or from any tanker—

- (a) all pipes, cables and other equipment connecting the tanker with the shore shall be adequately secured to prevent chafing; and
- (b) all flanges and connecting bolts and rapid release clamps fitted to portable hose connexions shall be made of non-ferrous metal.

Requirements between sunset and sunrise.

92. Subject to any permission given by the Director under the provisions of regulation 149, when loading or discharging of highly inflammable or inflammable petroleum on or from any tanker is not completed by sunset all necessary steps shall be taken by the master of the tanker and by the person in charge of the wharf at which the tanker is lying to prevent the escape of any petroleum which then remains in any hose or pipe, and all cargo tanks and compartments shall be kept securely closed until loading or discharging recommences.

93. No tanker carrying highly inflammable or inflammable petroleum shall undergo in the Harbour repairs other than running repairs to machinery which do not involve the use of fires, blow-lamps, burners or naked lights, and which are undertaken after all cargo tanks and compartments have been closed down gas-tight.

Repairs in the Harbour.

94. (1) When any tanker enters a graving dock and any residue of highly inflammable or inflammable petroleum is suspected to be, or is found, in any pipe line or other part of the tanker, all proper precautions shall be taken to prevent such petroleum or any water mingled therewith from running on to the floor or into the pump-well of the dock.

Requirements in dock.

(2) When, in any graving dock, the cargo tanks or bilges of any tanker which has carried highly inflammable or inflammable petroleum are drained through plug holes or by any other method, all such drainings shall be received into approved containers, and shall, without delay, be removed to a storage place approved by the Chief Officer of the Fire Brigade.

Carriage of highly inflammable petroleum.

95. No fire, lights or electrical apparatus other than electric filament lamps or self-contained electric lamps, heaters, cookers or other apparatus, so designed, constructed and maintained as to be incapable of igniting inflammable vapour, shall be used on any wharf at which highly inflammable petroleum is being loaded or discharged on or from any tanker.

Fire etc. not permitted on wharf during loading and discharging.

96. No iron or steel hammers or any other instruments capable of causing a spark shall be used for the purpose of opening or closing hatches or tank covers of any tanker carrying highly inflammable petroleum.

Iron or steel hammers not to be used.

97. All pipe-lines and hoses whilst rigged for loading or discharging highly inflammable petroleum from any tanker shall be adequately and continuously earthed and kept under constant supervision.

Use of pipe-lines and hoses during loading and discharging.

98. No tanker carrying highly inflammable petroleum shall, except for the purpose of transshipment of such petroleum, lie within one hundred feet of any other tanker carrying such petroleum.

Distance to be kept from other tankers.

Procedure in typhoons.

99. When any typhoon signal other than the number one and number three signal is hoisted any tanker carrying highly inflammable petroleum shall immediately leave and remain outside the Harbour, and may anchor or berth in any other place within the waters of the Colony except Junk Bay and the Eastern approaches to the Harbour.

(B) *Petroleum lighters.*

Carriage of any type of petroleum.

Construction.

100. Every petroleum lighter shall be constructed of steel or other approved metal with adequate scantlings in compliance with the rules of a classification society relating thereto.

Provision of bulkheads.

101. Every petroleum lighter shall be provided with oil-tight bulkheads at the forward and after ends of each cargo tank and no such bulkhead shall be fitted with a sluice.

Construction of cargo tanks.

102. Any cargo tank extending from side to side of any petroleum lighter shall be fitted with a centre-line bulkhead which may be intact or perforated. If intact, the scantlings shall comply with the rules of a classification society relating to boundary bulkheads and equalising or independent tank pumping arrangements shall be fitted thereon; if perforated, the total area of perforations shall be not less than five per cent nor more than ten per cent of the total area of the bulkhead.

Requirements relating to cargo tanks.

103. On any petroleum lighter—

- (a) every cargo tank which is not fitted with an expansion trunk shall—
 - (i) at all times contain an air space equal to at least one twentieth of the capacity of the tank; and
 - (ii) be fitted with an internal bar, or other approved device or contrivance, to indicate the level to which the tank may be filled;
- (b) every expansion trunk fitted to any cargo tank shall have a capacity of at least one twentieth of the capacity of the tank;
- (c) every cargo tank shall be fitted with independent approved suction pipes and valves, or with stand pipes with blank flanges and with manholes having screw-down covers with spirit-tight joints;

- (d) every cargo tank shall be fitted with a pressure-release system to the satisfaction of a Government surveyor; and
- (e) no cargo tank shall be capable of containing more than one hundred and fifty tons of petroleum.

104. Every petroleum lighter shall be equipped with two anchors, a suitable chain cable, a windlass, wire ropes, mooring and towing bits, and suitable fenders or belting. Provision of anchors etc.

105. All electric wiring and fittings on any petroleum lighter shall comply with the rules made by the Institution of Electrical Engineers, or by a classification society relating to electrical equipment in ships, and all lamps, fuse-boxes and other electrical equipment shall be flameproof. Requirements relating to electric wire etc.

106. When any petroleum lighter carrying, loading or about to load any petroleum is lying alongside any wharf the master of the lighter and the manager of the wharf alongside which the lighter is lying shall— Duties of wharf managers and masters.

- (a) take all proper precautions to prevent fire and explosion; and
- (b) so far as their control respectively extends take all reasonable steps to ensure that—
 - (i) no person smokes on the lighter or at or near the place where the lighter is lying;
 - (ii) no person engaged in loading, discharging or handling petroleum is carrying matches or any appliance for producing ignition; and
 - (iii) no unauthorized person goes on board the lighter.

107. No person shall smoke on or near any petroleum lighter carrying, loading or about to load any petroleum, and which is at a prescribed place. Smoking not permitted at a prescribed place.

108. When any petroleum is being loaded or discharged on or from any petroleum lighter— Requirements during loading and discharging.

- (a) all pipes and other appliances used in such loading or discharging shall be reasonably free from leakage;

- (b) all pipes, cables and other equipment connecting the lighter with the shore shall be adequately secured to prevent chafing;
- (c) all flanges and connecting bolts and rapid release clamps fitted to portable hose connexions shall be made of non-ferrous metal;
- (d) such loading or discharging shall proceed with all due speed and diligence.

Procedure after loading or discharging.

109. (1) All manholes and valves opened for loading or discharging any petroleum on or from any petroleum lighter shall be securely closed immediately after such loading or discharging ceases and shall not be reopened until the lighter has been made fast for the purpose of further loading or discharging any petroleum.

(2) No petroleum lighter on or from which any petroleum has been loaded or discharged shall be moved, and no tug shall approach any such lighter until all such manholes and valves have been securely closed.

Copy of regulations to be kept.

110. On any petroleum lighter—

- (a) a copy of regulations 100 to 119 inclusive shall be kept, and shall be produced on demand to any police officer, marine officer or fire brigade officer; and
- (b) an extract consisting of regulations 106, 107 and 109 in English and Chinese, shall be posted up in a prominent place and maintained in a legible condition.

Place of berthing.

111. No petroleum lighter shall—

- (a) load or discharge any petroleum except at a prescribed place or at an approved marine fuelling station; or
- (b) carry any petroleum when anchored or berthed at any place other than a prescribed place, an approved marine fuelling station or a dangerous goods anchorage.

Carriage of highly inflammable or inflammable petroleum.

Not to be underway in the Harbour between sunset and sunrise.

112. (1) No petroleum lighter carrying highly inflammable or inflammable petroleum shall be underway in the Harbour between sunset and sunrise.

(2) Notwithstanding any thing contained in regulation 111, if any petroleum lighter carrying highly inflammable or inflammable petroleum encounters fog, mist, heavy rain storms or other exceptional conditions affecting visibility whilst under way in the Harbour, the master of the lighter shall, as soon as practicable, anchor or moor in the most convenient adjacent position clear of the fairway but shall, subject to paragraph (1), proceed to his destination as soon as the fog, mist, heavy rain storms or other exceptional conditions affecting visibility have cleared or ceased.

113. (1) Any mechanically propelled petroleum lighter carrying highly inflammable or inflammable petroleum shall be provided with approved flameproof navigation lamps.

Provision of approved navigation lamps.

(2) Any tug in attendance upon or towing any petroleum lighter carrying highly inflammable or inflammable petroleum shall be provided with approved flameproof navigation lamps for the use of such lighter in the event of its having to anchor or berth in the Harbour.

(3) If any petroleum lighter carrying highly inflammable or inflammable petroleum is required to exhibit anchor lights or other signal lights with which the lighter is not provided the necessary lamps shall be obtained from the tug in attendance. Such lamps shall not be lighted or extinguished on board the lighter, and shall be returned to the tug immediately after use.

114. No petroleum lighter carrying highly inflammable or inflammable petroleum shall lie alongside any tug for any purpose other than for the transference of lamps in accordance with regulation 113.

Not to lie alongside any tug.

115. (1) Any petroleum lighter carrying highly inflammable or inflammable petroleum, and which is provided with propelling or pumping machinery shall carry cylinders charged with carbon dioxide under pressure, together with delivery pipes therefrom.

Provision of carbon dioxide cylinders.

(2) The total volume of all such cylinders shall at normal atmospheric pressure be equal to at least one fifth of the capacity of the machinery space of the lighter.

(3) Every such cylinder shall be fitted in a cool place outside the machinery space.

(4) The outlet of the delivery pipe from any such cylinder shall—

- (a) be kept in the machinery space in a position approved by a Government surveyor; and
- (b) be fitted with fusible plugs capable of being punctured from the deck.

(5) All delivery pipes and fittings attached to such cylinders shall be of robust construction.

Carriage of highly inflammable petroleum.

Fire etc. not permitted on wharf during loading and discharging.

116. No fire, lights or electrical apparatus other than electric filament lamps or self-contained electric lamps, heaters, cookers or other apparatus, so designed, constructed and maintained as to be incapable of igniting inflammable vapour, shall be used on any wharf at which highly inflammable petroleum is being loaded or discharged on or from any petroleum lighter.

Iron or steel hammers not to be used.

117. No iron or steel hammers or any other instruments capable of causing a spark shall be used for the purpose of opening or closing hatches or tank covers of any petroleum lighter carrying highly inflammable petroleum.

Use of pipe-lines and hoses during loading and discharging.

118. All pipe-lines and hoses whilst rigged for loading or discharging highly inflammable petroleum from any petroleum lighter shall be adequately and continuously earthed and kept under constant supervision.

Distance to be kept from other lighters.

119. No petroleum lighter carrying highly inflammable petroleum shall, except for the purpose of transshipment of such petroleum, lie within one hundred feet of any other petroleum lighter carrying such petroleum.

(C) *Case oil vessels.*

Carriage of any type of case oil.

Place of berthing.

120. No case oil vessel shall anchor or berth at any place other than at a prescribed place or in a dangerous goods anchorage.

121. The master of any case oil vessel and, if such vessel is loading or discharging case oil alongside any wharf, the manager of the wharf shall—

Duties of wharf managers and masters.

- (a) take all proper precautions to prevent fire and explosion; and
- (b) so far as their control respectively extends take all reasonable steps to ensure that—
 - (i) no person smokes on the case oil vessel or at or near a place where case oil is being loaded or discharged on or from such vessel;
 - (ii) no person engaged in loading, discharging or handling case oil is carrying matches or any appliance for producing ignition; and
 - (iii) no unauthorized person goes on board the case oil vessel.

122. No person shall smoke on or near any case oil vessel which is at a prescribed place.

Smoking not permitted at a prescribed place.

123. When any case oil is being loaded or discharged on or from any case oil vessel, such loading or discharging shall proceed with all due speed and diligence.

Manner of loading and discharging.

124. Any case oil vessel from which all of her cargo of case oil has been discharged shall remain at the place where such discharge was completed and shall not move therefrom without the permission of the Director, except for the purpose of proceeding directly to sea, or when the stress of weather necessitates such movement, until—

Procedure after discharge of petroleum.

- (a) every compartment which has contained such case oil has been thoroughly cleansed and ventilated by the removal of all highly inflammable and inflammable liquid and inflammable vapour therefrom; and
- (b) a gas free certificate has been issued in respect of the vessel.

125. Any case oil vessel which is a type I, II or III vessel shall have on board at all times at least one certificated deck officer and one certificated engineer officer.

Certificated officers required on board.

Construction of ventilators.

126. The upper opening of every ventilator connected with any compartment of any case oil vessel shall be covered with strong incorrodible wire gauze, of mesh not less than twenty eight to the linear inch and of gauge not less than twenty eight S.W.G.

Fire etc. not permitted on board during loading and discharging.

127. From the time when any hold of a case oil vessel is first opened for the purpose of loading or discharging case oil until the time when all such holds have been securely closed and, where all the cargo of case oil has been discharged, cleansed and ventilated and a certificate to that effect has been issued in accordance with the provisions of regulation 124, there shall not be on board such vessel any fire or artificial light other than lamps, heaters, cookers or other apparatus, electric or otherwise designed, constructed and maintained in compliance with the rules of a classification society relating thereto:

Provided that, under conditions approved by the Director, fire may be used on board any such vessel for the purpose of loading or discharging case oil by means of—

- (a) steam from her own boilers; or
- (b) power generated on board by electrical plant designed, constructed, installed, positioned and maintained in compliance with the rules of a classification society relating thereto.

Use of electric power from the shore.

128. Where electric power supplied from the shore is used in the loading or discharging of case oil on or from any case oil vessel—

- (a) the connexion between the shore cable and the vessel shall be made by means of a connexion box designed, constructed and maintained in compliance with the rules of a classification society relating thereto and situated in a position approved by the Director;
- (b) the shore cable shall be of a flexible tough rubber sheathed type approved by the Director;
- (c) a change over switch or suitable interlocking device shall be installed at the vessel's switchboard to prevent the shore supply from being connected to the switchboard while the switchboard is connected to the vessel's generating plant; and

(d) all electrical equipment used in or in connexion with the shore supply to the vessel shall be maintained in such condition as to prevent danger from electric shock or fire.

129. When any case oil is being loaded or discharged on or from any case oil vessel, the vessel's fire-fighting appliances shall be kept ready for instant use. Fire fighting appliances.

130. No case oil vessel shall undergo in the Harbour repairs other than running repairs to machinery which do not involve the use of fires, blow lamps, burners or naked lights, and which are undertaken after all holds have been closed down gas-tight. Repairs in Harbour.

131. (1) When any case oil vessel enters a graving dock and any residue of highly inflammable or inflammable liquid is suspected to be or is found in any pipe line or other part of the vessel all proper precautions shall be taken to prevent such liquid or any water mingled therewith from running onto the floor or into the pump well of the dock. Requirements in dock.

(2) When, in any graving dock, the tanks or bilges of any case oil vessel are drained through plug holes or by any other method, all such drainings shall be received into approved containers, and shall, without delay, be removed to a storage place approved by the Chief Officer of the Fire Brigade.

Carriage of highly inflammable case oil.

132. No fires, lights or electrical apparatus other than electric filament lamps or self-contained electric lamps, heaters, cookers or other apparatus, so designed, constructed and maintained as to be incapable of igniting inflammable vapour, shall be used on any wharf at which highly inflammable case oil is being loaded or discharged on or from any case oil vessel. Fire etc. not permitted on wharf during loading and discharging.

133. No iron or steel hammers or any other instruments capable of causing a spark shall be used for the purpose of opening or closing hatches or tank covers of any case oil vessel carrying highly inflammable case oil. Iron or steel hammers not to be used.

134. Before any highly inflammable case oil is discharged from any case oil vessel, any hold in which such case oil to be discharged is carried shall be thoroughly ventilated. Ventilation of holds.

Distance to be kept from other case oil vessels.

135. No case oil vessel carrying highly inflammable case oil shall, except for the purpose of transshipment of such case oil, lie within one hundred feet of any other case oil vessel carrying such case oil.

(D) *General.*

Saving.

136. The regulations contained in this section of Part II shall be in addition to and not in derogation of such other regulations contained in Part II as may be applicable to any type VII vessel as a vessel of another type, except in so far as those regulations are inconsistent with the regulations contained in this section of Part II.

Vessels deemed to be carrying petroleum etc. until gas free certificate issued.

137. Any type VII vessel which at any time has carried any type of petroleum in bulk or any highly inflammable case oil shall be deemed for the purposes of the regulations contained in this section of Part II to be carrying such petroleum in bulk or case oil as the case may be unless a gas free certificate has since that time been issued in respect of such vessel.

Power of director to board vessels.

138. The Director may board and inspect any type VII vessel for the purpose of seeing that these regulations are complied with.

Power to exempt.

139. The Director may exempt any petroleum lighter from compliance with any or all of the regulations contained in this section of Part II, if he is satisfied that compliance is impracticable, or that other safety precautions which obviate the risk of fire or explosion have been taken.

Offences and penalties.

140. (1) The master and owner of any vessel contravening the provisions of regulation 77, 78, 79, 83, 84, 93, 100, 101, 102, 103, 120, 124 or 130 shall each be guilty of an offence and liable to a fine of eight thousand dollars.

(2) The master of any vessel contravening the provisions of regulation 81, 82, 85, 99, 108 or 123 shall be guilty of an offence and liable to a fine of five thousand dollars.

(3) The master of any vessel and the manager of any wharf contravening the provisions of regulation 91, 92, 106 or 121 shall each be guilty of an offence and liable to a fine of five thousand dollars.

(4) The master and owner of any vessel contravening the provisions of regulation 86, 88, 89, 90, 94, 111, 115, 125, 126, 127, 128, 129, 131 or 134 shall each be guilty of an offence and liable to a fine of five thousand dollars.

(5) Any person who contravenes the provisions of regulation 95, 116 or 132 and the manager of the wharf on which any such contravention takes place shall each be guilty of an offence and liable to a fine of five thousand dollars.

(6) The master of any vessel contravening the provisions of regulation 87, 97, 98, 109, 112, 113(3), 114, 118, 119 or 135 shall be guilty of an offence and liable to a fine of five hundred dollars.

(7) The master and owner of any vessel contravening the provisions of regulation 104, 105, 110, 113(1) or 113(2) shall each be guilty of an offence and liable to a fine of five hundred dollars.

(8) Any person who contravenes the provisions of regulation 96, 117 or 133 and the master of the vessel on which any such contravention takes place shall be guilty of an offence and liable to a fine of five hundred dollars.

(9) Any person who contravenes the provisions of regulation 80, 107 or 122 shall be guilty of an offence and liable to a fine of five hundred dollars.

PART III.

GENERAL REGULATIONS RELATING TO SHIPPING.

(A) *Dangerous goods manifests.*

141. The master or owner of any vessel arriving in the waters of the Colony from outside river trade limits with any dangerous goods on board shall furnish to the Director at least forty-eight hours prior to the estimated time of arrival of the vessel a dangerous goods manifest in accordance with regulation 145 in triplicate :

Information required when arriving from outside river trade limits.

Provided that where it is not possible to furnish to the Director the dangerous goods manifest as aforesaid, the said manifest may be furnished to the Director immediately after the arrival of the vessel in the Harbour.

Information required when arriving from within river trade limits.

142. The master or owner of any vessel arriving in the waters of the Colony from within river trade limits with any dangerous goods on board shall—

- (a) if any dangerous goods of port class A or E are on board, report this fact to the Director on or before entering the waters of the Colony; and
- (b) furnish to the Director after the arrival of the vessel in the Harbour a dangerous goods manifest in accordance with regulation 145 in triplicate.

Information required for loading dangerous goods.

143. Except with the permission of the Director no dangerous goods shall be loaded onto any vessel for a voyage outside the waters of the Colony unless the master or owner of such vessel has furnished to the Director at least twenty-four hours before such dangerous goods are loaded a dangerous goods manifest in respect of such dangerous goods in accordance with regulation 145 in triplicate.

Power of Director in absence of dangerous goods manifests.

144. Notwithstanding anything contained in these regulations any vessel carrying any dangerous goods in respect of which a dangerous goods manifest has not been furnished to the Director in accordance with regulation 141, 142 or 143, or in respect of which any dangerous goods manifest so furnished is incomplete, shall, if so required by the Director, anchor in a dangerous goods anchorage and there remain until such dangerous goods manifest has been furnished to the Director or completed as the case may be.

Dangerous goods manifests.

145. Every dangerous goods manifest shall contain the following information (where applicable)—

- (a) the type number of the vessel under these regulations; and
- (b) in respect of all dangerous goods on board or to be loaded as the case may be—
 - (i) the port class and category under these regulations;
 - (ii) the chemical and trade name;
 - (iii) whether in transit or for discharge in the Colony;
 - (iv) the position of stowage;
 - (v) the flash point if 73° Fahrenheit or below, or a statement that the flash point exceeds 73° Fahrenheit but does not exceed 150° Fahrenheit if such is the case;

- (vi) the total quantity of each substance;
- (vii) the proposed time and place of discharging or loading;
- (viii) the method of packing; and
- (ix) the relevant bill of lading numbers.

(B) *Dangerous goods signals.*

146. Any vessel carrying or about to load dangerous goods shall at all times exhibit the prescribed dangerous goods signals. Dangerous goods signals to be exhibited.

147. (1) The dangerous goods signals required to be exhibited by any vessel other than a type VI or type III vessel shall be the following— Dangerous goods signals.

- (a) by day—the International code flag "B";
- (b) by night—an all-round red light at a height of at least twenty feet above the topmost deck, and visible at a distance of at least one mile in normal weather conditions.

(2) The dangerous goods signals required to be exhibited by any type VI vessel other than a petroleum lighter shall be the following—

- (a) by day—
 - (i) a square red flag, or
 - (ii) a square metal sign painted red,
 which shall, in either case, be not less than three feet square and on the face of which, in either case, shall be displayed the letters "D.G." in white at least twelve inches in height; and
- (b) by night—an all-round red light at a height of not less than six feet above the hull and visible at a distance of at least one mile in normal weather conditions.

(3) The dangerous goods signals required to be exhibited by any type VII vessel shall be the following—

- (a) by day—a red flag not less than three feet square, with a white circular centre six inches in diameter, and also the International code flag "R.K.O."; and
- (b) by night—an all-round red light at a height of at least twenty feet above the topmost deck, and visible at a distance of at least one mile in normal weather conditions.

(C) *Port fire alarm signals.*

Port fire alarm signals.

148. (1) The port fire alarm signals shall be the following International code signals—

- (a) Z.P. I am on fire. Explosion is imminent. All ships stand clear.
- (b) Z.Q. I am on fire. Cargo may detonate. Request immediate assistance.
- (c) Z.R. I am on fire. Little danger of explosion. Request immediate assistance.
- (d) Z.S. I am on fire. No danger of explosion. Danger of intense heat and dense smoke with possible toxic effects. Request immediate assistance.
- (e) Z.T. I am on fire. No risk of explosion but serious danger of toxic effects. Request immediate assistance.
- (f) N.Q. I am on fire.

(2) The above signals shall be made—

- (a) by day by means of flags, sound signal or aldis light; and
 - (b) by night by means of sound signal or flashing light.
- (3) When, for any reason, the appropriate signal prescribed in paragraph (1) cannot be made, the following signals shall for the purposes of this regulation be deemed to be port fire alarm signals—
- (a) by night—
 - (i) a red "flare up" light every minute; or
 - (ii) three coloured lights in a vertical line in the following order of colour, namely, white red white;
 - (b) by night or day—a continuous sounding of any fog signal apparatus.

(D) *Miscellaneous.*

Loading of dangerous goods etc. not permitted between sunset and sunrise.

149. Except with the permission of the Director—

- (a) no dangerous goods other than those of port class D shall be loaded, discharged or otherwise handled on or from any vessel; and

(b) no cargo whatsoever shall be loaded, discharged or otherwise handled on or from any vessel carrying dangerous goods other than those of port class D, between the times of sunset and sunrise.

150. No person shall, on board any vessel carrying dangerous goods—

General restrictions on board vessels carrying dangerous goods.

- (a) smoke, or ignite any fire, match or cigarette lighter, within fifty feet of any open hold, hatch or compartment wherein dangerous goods are stowed or being handled;
- (b) be in possession of cotton waste, kerosene, petroleum or any other inflammable material when within any hold or compartment wherein dangerous goods are stowed or being handled;
- (c) be in any hold or compartment wherein dangerous goods are stowed or being handled, whilst under the influence of alcohol or drugs; or
- (d) except with the permission of the Director of Marine make use of any apparatus for—
 - (i) rivetting, occasioning the use of rivet fires;
 - (ii) welding;
 - (iii) electrical or oxy-acetylene cutting; or
 - (iv) temporary electrical wiring systems for welding, cutting or supplying light or power other than a ship to shore telephone system.

151. The master of any vessel lying alongside any wharf and carrying dangerous goods of port class B, E or F shall—

Requirements relating to vessels carrying dangerous goods of port class B, E or F lying alongside a wharf.

- (a) have the vessel's engines (if any) ready for instant use; and
- (b) provide at the outboard quarter pipes at the forward and after ends of the vessel, a suitable towing wire, the eye of which shall be hung out through the pipe so as to be within reach of a tug's crew, and the inboard part of which shall be suitably stoppered in bits, so that the vessel may be towed as expeditiously as possible.

Procedure on outbreak of fire on vessels.

152. (1) The master of any vessel carrying any dangerous goods, on an outbreak of fire anywhere in the vessel, shall immediately—

- (a) bring into action all available fire appliances;
- (b) make the appropriate port fire alarm signal by flag, sound signals or coloured lights as prescribed in regulation 148;
- (c) communicate all relevant information to a Marine Department signal station by telephone or, where no telephone is available, by flashing;
- (d) follow such orders as may be given by the Director, the Commissioner of Police, or the Chief Officer of the Fire Brigade;
- (e) bring the vessel's engines (if any) to a state of readiness and be prepared to single up the moorings of the vessel forward and aft; and
- (f) take all practical steps to get all passengers on board to a place of safety.

(2) No vessel upon which any fire or explosion has occurred shall leave the Colony except with the permission of the Director.

Requirements relating to spaces in which dangerous fumes are present.

153. (1) When any work or inspection is to be carried out on any vessel at or in any confined space in which dangerous fumes of any nature are liable to be present to such an extent as to involve the risk of any person being overcome or that an explosion may be occasioned thereby—

- (a) all practicable steps shall be taken to remove such fumes; and
- (b) no person shall enter such confined space unless he is wearing a suitable breathing apparatus or a belt to which is securely attached a rope of which the free end is held by a person outside such confined space.

(2) No welding, cutting or rivetting entailing the use of any fire, flame or electrical or oxy-acetylene heating apparatus shall be carried out on any vessel in such confined space which contains liquid having a flash point below 600° Fahrenheit or which has contained such liquid at any time unless a gas free certificate has since that time been issued in respect of such space.

(3) On any vessel every confined space in which dangerous fumes are liable to be present shall, unless there is other adequate means of egress, be provided with a man-hole, which shall be rectangular, oval or circular in shape and not less than eighteen inches long and sixteen inches wide, or (if circular) not less than eighteen inches in diameter.

(4) Suitable breathing and reviving apparatus, and suitable belts and ropes, shall be provided and maintained in good condition at all dockyards so as to be readily accessible; sufficient number of the persons employed at the dockyard shall be trained and practised in the use of such apparatus, and in the method of restoring respiration.

(5) The Director may exempt any vessel, dockyard or person, subject to such conditions as he may see fit to impose, from compliance with any of the requirements of this regulation where he is satisfied that compliance with such requirements is unnecessary or impracticable.

154. When a fire which may give rise to an explosion breaks out on any vessel alongside any wharf, the manager of the wharf shall take all necessary steps to inform the Director and the master or officer-in-charge of any other adjacent vessel that there is a risk of explosion.

Duty of manager of wharf on outbreak of fire.

155. On any vessel carrying, loading or discharging any dangerous goods—

- (a) all fire fighting appliances shall be rigged and ready for instant use;
- (b) all cargo handling equipment used shall be in good condition;
- (c) a fire watchman shall be present in every cargo space containing any dangerous goods other than those of port class D, and every such fire watchman shall have near at hand a suitable foam or gas-water two gallon fire extinguisher; and
- (d) notices in English and Chinese prohibiting smoking, with letters at least two inches in height, shall be prominently displayed at all gangways and at each open cargo space.

Requirements relating to vessels carrying, loading or discharging dangerous goods.

Dangerous goods in leaking containers.

156. No vessel shall carry any dangerous goods in a leaking container unless such container is isolated from all other cargo on board and surrounded by effective absorbent material.

Loading and discharging of radioactive isotopes etc.

157. No vessel carrying dangerous goods of port class E shall load or discharge any radioactive isotopes, compounds, ore or sludge outside the Eastern dangerous goods anchorage.

Giving of permission discretionary.

158. (1) Where any person or vessel is by any of these regulations prohibited from doing anything except with the permission of or under and in accordance with a permit from the Director, the giving of such permission or the issue of such permit shall be in the absolute discretion of the Director, and such permission or permit shall be subject to such conditions endorsed thereon as the Director may determine.

(2) For the purpose of exercising such discretion the Director may require any vessel to be surveyed by a Government surveyor.

(3) In respect of any survey required by the Director under paragraph (2), a fee of thirty dollars shall be payable by the applicant for such permission or permit for every visit by a Government surveyor.

Exemption of vessel's fuel, stores and equipment.

159. Any substance or article carried on any vessel as the vessel's necessary fuel, stores or equipment shall be exempted from the operation of the Ordinance and shall be deemed not to be dangerous goods for the purposes of these regulations.

(E) Penalties.

Offences and penalties.

160. (1) The master and owner of any vessel in respect of which any information or manifest required by regulation 141 or 142 is not furnished to the Director shall each be guilty of an offence and liable to a fine of eight thousand dollars.

(2) The master and owner of any vessel contravening the provisions of regulation 143, 144, 146, 149, 152(2), 153(2), 153(3), 155, 156 or 157 shall each be guilty of an offence and liable to a fine of eight thousand dollars.

(3) The master of any vessel contravening the provisions of regulation 151, 152(1) or 153(1) shall be guilty of an offence and liable to a fine of five thousand dollars.

(4) The manager of any dockyard who contravenes the provisions of regulation 153(4) shall be guilty of an offence and liable to a fine of five thousand dollars.

(5) The manager of any wharf who contravenes the provisions of regulation 154 shall be guilty of an offence and liable to a fine of five thousand dollars.

(6) Any person who contravenes the provisions of regulation 150, and the master of the vessel on which any such contravention takes place shall each be guilty of an offence and liable to a fine of five hundred dollars.

PART IV.

FORMS AND FEES.

161. (1) The Director may issue and renew licences required under section 6 of the Ordinance for hiring out and supplying labour, vessels and equipment.

Licensing of stevedores and lightermen.

(2) Any such licence shall—

(a) be in the form prescribed in the Schedule;

(b) be valid for a period of twelve months from the date of issue or renewal;

(c) not be transferable; and

(d) relate to one company, firm, association or business only.

(3) The following fees shall be payable in advance for any such licence—

(a) on issue, one hundred dollars;

(b) on renewal, twenty dollars.

162. Every application for a licence to be issued under these regulations shall be furnished or made on an appropriate form to be supplied by the Director on request.

Forms.

DANGEROUS GOODS ORDINANCE, 1956.

(No. 38 of 1956).

DANGEROUS GOODS (AMENDMENT) REGULATIONS, 1956.

In exercise of the powers conferred by section 4 of the Dangerous Goods Ordinance, 1956, the Governor in Council has made the following regulations—

- 1.** These regulations may be cited as the Dangerous Goods Citation. (Amendment) Regulations, 1956.
- 2.** Regulation 2 of the Dangerous Goods Regulations, 1940, (hereinafter referred to as the principal regulations) is amended by the deletion from paragraph (2) of the last fourteen words thereof and the substitution therefor of the following—
"regulation 3".
Amendment of regulation 2. (G.N. 236/40).
- 3.** Regulation 5 of the principal regulations is amended by the deletion from the second line of the number "5" and the substitution therefor of the following—
"4".
Amendment of regulation 5.
- 4.** Regulation 6 of the principal regulations is amended by the deletion from the first line of the number "10" and the substitution therefor of the following—
"5".
Amendment of regulation 6.
- 5.** Regulation 7 of the principal regulations is amended by the deletion of the words and numbers "Sections 8, 9 and 13" and the substitution therefor of the following—
"Section 8".
Amendment of regulation 7.
- 6.** Regulations 8 to 18 inclusive and 110 to 193 inclusive of the principal regulations are rescinded.
Rescission of regulations 8 to 18 and 110 to 193.

Addition
of new
regulation
381A.

7. The principal regulations are amended by the addition in Part XXVII before regulation 382 of the following new regulation—

“381A. The Chief Officer of the Fire Brigade may issue licences for the possession, custody and control of dangerous goods.”.


Deputy Clerk of Councils.

COUNCIL CHAMBER,
18th December, 1956.

Explanatory Note.

(This Note is not part of the regulations, but is intended to indicate their general purport).

The Dangerous Goods Regulations, 1940, remain in force and are deemed to have been made under the Dangerous Goods Ordinance, 1956, by virtue of section 9(2) of the Interpretation Ordinance, Chapter 1. The amendments to the principal regulations contained in these regulations are consequent on the new Dangerous Goods Ordinance and regulations made thereunder.

(Secretariat 11/3231/51)

ADMINISTRATION OF JUSTICE (SUMMARY
OFFENCES) ORDINANCE, 1955.

(No. 52 of 1955).

ADMINISTRATION OF JUSTICE (SUMMARY OFFENCES) (AMENDMENT
OF FIRST SCHEDULE) (NO. 2) ORDER, 1956.

In exercise of the powers conferred by section 7 of the Administration of Justice (Summary Offences) Ordinance, 1955, the Governor in Council has made the following Order—

1. This Order may be cited as the Administration of Justice (Summary Offences) (Amendment of First Schedule) (No. 2) Order, 1956, and shall come into operation on the 1st day of January, 1957. Citation and commencement.

2. The First Schedule to the Administration of Justice (Summary Offences) Ordinance, 1955, is amended— Amendment of First Schedule. (52 of 1955).

(a) by the deletion of Item 2 and the substitution therefor of the following—

“2. Causing or permitting a motor vehicle or trailer to stand on a road in such a position or in such condition or in such circumstances as to be likely to cause any unnecessary obstruction of such road or danger to other person using the road contrary to regulation 108 of the Vehicle and Road Traffic (Construction and Use) Regulations, 1956.

(G.N.A.
106/56).

\$15.”;

(b) by the deletion of Item 6 and the substitution therefor of the following—

“6. Causing or permitting a motor vehicle other than a motor cycle not having a sidecar attached thereto and an invalid carriage, to be in motion on any road during the hours of darkness and not carrying two lamps showing to the front a white light visible from a reasonable distance, properly trimmed, lighted and in a clean and efficient condition and attached to the motor vehicle in such position and manner

(G.N.A.
106/56).

as is provided by the Vehicle and Road Traffic (Construction and Use) Regulations, 1956, contrary to regulation 143 of those regulations.

\$15.

- 6A. Causing or permitting a motor cycle not having a sidecar attached thereto to be in motion on any road during the hours of darkness and not carrying one lamp showing to the front a white light visible from a reasonable distance, properly trimmed, lighted and in a clean and efficient condition and attached to the motor cycle in such position and manner as is provided by the Vehicle and Road Traffic (Construction and Use) Regulations, 1956, contrary to regulation 143 of those regulations.

\$15."; and

- (c) by the deletion of Item 7 and the substitution thereof of the following—

- "7. Causing or permitting a motor vehicle other than a motor cycle not having a sidecar attached thereto and an invalid carriage, to be in motion on any road during the hours of darkness and not carrying two lamps showing to the rear a red light visible from a reasonable distance, properly trimmed, lighted and in a clean and efficient condition and attached to the motor vehicle in such position and manner as is provided by the Vehicle and Road Traffic (Construction and Use) Regulations, 1956, contrary to regulation 143 of those regulations.

(G.N.A.
106/56).

- 7A. Causing or permitting a motor cycle not having a sidecar attached thereto to be in motion on any road during the hours of darkness and not carrying one lamp showing to the rear a red light visible from a reasonable distance, properly trimmed, lighted and in a clean and efficient condition and attached to the motor cycle in such position and manner as is provided by the Vehicle and Road Traffic (Construction and Use) Regulations, 1956, contrary to regulation 143 of those regulations.

\$15.

\$15.".


Deputy Clerk of Councils.

COUNCIL CHAMBER,
18th December, 1956.

Explanatory Note.

(This Note is not part of the Order, but is intended to indicate its general purport).

The provisions relating to—

- (a) obstruction of roads by vehicles; and
(b) the lights which are required to be carried on motor vehicles at night;

which at present are contained in the Vehicle and Traffic Regulation, will be replaced, on 1st January, 1957 by corresponding provisions in the Vehicle and Road Traffic (Construction and Use) Regulations, 1956, which come into operation on that date. This Order amends the Schedule to the Administration of Justice (Summary Offences) Ordinance, 1955, to replace the references in the Schedule to these provisions in the former regulations by reference to the corresponding provisions in the latter regulations.

(Secretariat 5/2706/54)

DIVORCE RULES, 1956.

ARRANGEMENT OF RULES.

<i>Rules.</i>		<i>Page.</i>
1.	Citation	3
2.	Interpretation	3
3.	Applications for leave to present a petition	4
4.	Commencement of proceedings	4
5.	Form of petition	6
6.	Co-respondent and interveners	10
7.	Affidavit in support of petition	10
8.	Notice of petition and notice of proceedings	10
9.	Notice of application for ancillary relief	11
10.	Service of petition, originating summons and notice of application for ancillary relief	11
11.	Proof of service	13
12.	Service of other documents	13
13.	Entry of appearance	14
14.	Form of appearance	14
15.	Amended and supplemental petitions	15
16.	Answer	16
17.	Form of answer, parties cited, and service of answer	16
18.	Reply	17
19.	Amendment of originating summons etc.	18
20.	Pleadings out of time	18
21.	Particulars	18
22.	Delivery of subsequent pleadings	18
23.	Discovery	18
24.	Medical inspection	19
25.	Evidence	20
26.	Staying proceedings for restitution	21
27.	Trial of issues	21
28.	Discretion statement	21
29.	Mode of trial	22
30.	Registrar's certificate	22
31.	Setting down for trial	23
32.	Right of respondent, co-respondent or party cited to be heard without filing answer	23
33.	Form of decree	24
34.	Non-payment of court fees	24
35.	Re-hearing	24

<i>Rules.</i>	<i>Page.</i>
36. Intervention by Attorney General	25
37. Intervention by person other than Attorney General	26
38. Decree absolute	26
39. Reversal of decree of judicial separation	27
40. Alimony pending suit	28
41. Maintenance of children	28
42. Maintenance, secured provision, settlement of wife's property and variation of marriage settlements	28
43. Permanent alimony	29
44. Periodical payments	29
45. Variation of orders for alimony, etc.	29
46. Evidence on applications for alimony, etc.	29
47. Evidence on applications for settlement of wife's property or variation of settlements	30
48. Evidence on application for modification order	30
49. Preliminary investigation by registrar of application for ancillary relief	30
50. Applications heard by registrar	31
51. Applications heard by judge	31
52. Custody of and access to children	31
53. Information as to other proceedings relating to children	32
54. Proceedings in chambers	32
55. Hearing of summons	32
56. Appeals from registrar	32
57. Attachment and committal	32
58. Enforcement of orders	33
59. Motions	33
60. Infants and persons of unsound mind	34
61. Security for wife's costs	36
62. Taxation	36
63. Payment of costs	37
64. Payment of money out of court	37
65. Shorthand notes	37
66. Application to pending proceedings	38
67. Fees	38
68. Rescission	38
First Schedule: Forms	39
Second Schedule: Fees	49

DIVORCE ORDINANCE.
(Chapter 179).

DIVORCE RULES, 1956.

In exercise of the powers conferred by section 48 of the Divorce Ordinance, I, Michael Joseph Hogan, Chief Justice, hereby make the following rules—

1. These rules may be cited as the Divorce Rules, 1956. Citation.

2. (1) In these rules, unless the context otherwise requires— Interpretation.

“judge” means any Judge of the Supreme Court;

“the registry” means the registry of the Supreme Court;

“registrar” means the Registrar of the Supreme Court and includes a Deputy Registrar;

“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) a cause in which relief is sought under section 5(1)(d) or 13(2)(c) of the Ordinance;

(b) a cause in which a co-respondent, party cited or person named, whether made a respondent or not, denies, in accordance with rule 16, a charge of adultery without filing an answer; or

(c) a cause in which a co-respondent claims to be heard as to damages without filing an answer;

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

“application for ancillary relief” means an application for any relief of the kind mentioned in rule 3(3);

“modification order” has the meaning assigned to it by rule 4(3)(i);

“filed” means filed in the registry;

“office copy” means a copy examined against the original in the registry and sealed with the seal of the registry, or a photographic copy so sealed;

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

(2) In these rules, unless the context otherwise requires a Form referred to by number means the Form so numbered in the First Schedule.

First Schedule.

Applications for leave to present a petition.

3. (1) An application for leave to present a petition for dissolution of marriage before three years have passed since the date of the marriage shall be made by originating summons in accordance with 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 has been any previous application under this rule, 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. A copy of the intended petition shall be exhibited to the affidavit.

(3) When the summons is issued, it shall be made returnable for a fixed date before a judge in chambers and shall be accompanied by a form of acknowledgment of service in accordance with Form 4.

(4) Unless otherwise directed, the summons shall be served on the respondent at least five clear days before the return date.

(5) No appearance need be entered to the summons and no affidavit need be filed in reply, and the intended respondent may be heard without entering an appearance.

Commencement of proceedings.

4. (1) Every matrimonial cause shall be commenced by filing a petition addressed to the Supreme Court.

(2) A petition shall not be filed if there is before the court another petition by the same petitioner which has not been dismissed or otherwise disposed of by a final order.

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

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

(b) for maintenance of any children of the marriage (in these rules referred to as “maintenance of the children”), except where a claim for such relief is made in the petition;

(c) for the payment by a husband, on a decree for dissolution or nullity of marriage, of monthly or weekly sums for the maintenance and support of his wife, (in these rules referred to as “maintenance”), except where a claim for such relief is made in the petition;

(d) for the securing by a husband, on a decree for dissolution or nullity of marriage, of a gross or annual sum of money to his wife (in these rules referred to as “a secured provision”), except where a claim for such relief is made in the petition;

(e) for the payment by a husband, on a decree for judicial separation, of monthly or weekly sums for the maintenance and support of his wife or for the securing by a husband, on any such decree, of a gross or annual sum of money to his wife (in these rules referred to as “permanent alimony”);

(f) for periodical payments to a wife in whose favour a decree for restitution of conjugal rights has been made, or, where a wife against whom such a decree has been made is in receipt of any profits of trade or earnings, for periodical payments of any part of such profits of trade or earnings 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 in whose favour a decree for restitution of conjugal rights has been made;

(g) in the case of a decree for dissolution of marriage or judicial separation made against the wife by reason of her adultery, desertion or cruelty, or in the case of a decree for restitution of conjugal rights made against the wife, for the settlement of any 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");

- (h) for 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) for an order (in these rules referred to as "a modification order") discharging, modifying or temporarily suspending any order for alimony pending suit, maintenance of the children, maintenance, a secured provision, permanent alimony, periodical payments or for securing periodical payments to a wife;

shall be made by notice in accordance with Form 2 issued out of the registry :

Provided that where the parties have agreed upon the terms of the proposed order the application may be made by summons to the registrar except in the case of an application under sub-paragraphs (g) or (h) of this paragraph.

(4) Except where these rules otherwise provide, every other application in a matrimonial cause or matter—

- (a) shall be made to the registrar, and
- (b) shall be made by summons.

5. (1) The petition (except in a suit for jactitation of marriage) shall state—

- (a) the names of the parties to the marriage, the place and date of the marriage and the name and status of the wife before the marriage;
- (b) the principal addresses at which the parties to the marriage have cohabited within the jurisdiction or, if it be the case, that there has been no cohabitation within the jurisdiction;
- (c) whether there are living any 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 parentage of any living child of the wife born during the marriage is in dispute;

Form of petition.

(d) the occupation of the husband and the residence and domicile of the parties to the marriage (or, in the case of a petition for presumption of death and dissolution of the marriage, the residence and domicile of the petitioner) at the date of the institution of the cause;

(e) in the case of a petition by a wife in which the court is alleged to have jurisdiction by virtue of section 46(1)(a) of the Ordinance, the domicile of the husband immediately before the desertion, deportation or expulsion, and the date when and the circumstances in which the alleged desertion began or, as the case may be, the date of the deportation or expulsion order;

(f) in the case of a petition by a wife in which the court is alleged to have jurisdiction by virtue of section 46(1)(b) of the Ordinance—

(i) (unless otherwise directed, and in lieu of the statement as to domicile required by sub-paragraph (d) of this paragraph) the addresses at which the petitioner has resided during the three years immediately preceding the presentation of the petition and the length of her residence at each address; and

(ii) whether to the knowledge of the petitioner proceedings for dissolution or nullity of the marriage or judicial separation or restitution of conjugal rights, or for other relief in respect of the marriage, are pending in any other country and, if so, the nature of those proceedings;

(g) in the case of a petition by a wife in which the court is alleged to have jurisdiction by virtue of section 46(2) of the Ordinance, (unless otherwise directed, and in lieu of the statement as to domicile required by sub-paragraph (d) of this paragraph) the addresses at which the petitioner has resided during the three years immediately preceding the presentation of the petition and the length of her residence at each address;

(h) whether there have been any, and if so what, previous proceedings (including any application under rule 2) with reference to the marriage or the children of 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, in the case of proceedings with reference to the marriage, whether there has been any resumption of cohabitation since the making thereof;

- (i) the matrimonial offences alleged, or other grounds upon which relief is sought, setting out with sufficient particularity the individual facts relied on, but not the evidence by which they are to be proved, and, if such be the case, that any person with whom adultery or sodomy is alleged to have been committed has died before the presentation of the petition;
- (j) 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, the date when and the place where the respondent was last seen or heard of, and the steps which have been taken to trace the respondent;
- (k) 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 of the petitioner to render them to the respondent;
- (l) where adultery is alleged, whether the petitioner has in any way been accessory to or connived at or condoned the adultery, and, where cruelty is alleged, whether the petitioner has condoned the cruelty;
- (m) in the case of a petition for nullity of marriage under section 13(2)(c), (d) or (e) 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 grounds for a decree; and
- (n) whether (except in the case of a petition for restitution of conjugal rights) the petition is presented or prosecuted in collusion with the respondent or any of the co-respondents.

(2) A wife petitioner may include in her petition a claim for alimony pending suit, maintenance of the children, maintenance or a secured provision, 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 the amount of any claim for damages, any claim for costs, and, 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.

The prayer may also include a claim for—

- (a) custody of the children of the marriage;
- (b) alimony pending suit;
- (c) maintenance of the children;
- (d) maintenance; or
- (e) a secured provision.

(4) A petition for jactitation of marriage shall state—

- (a) the occupation, residence and domicile of the petitioner and the respondent at the date of the institution of the cause;
- (b) the dates, times and places of the alleged boastings and assertions;
- (c) that the alleged boastings and assertions are false and that the petitioner has not acquiesced therein;

and shall conclude with a prayer setting out the relief claimed.

(5) Every petition shall, if settled by counsel, be signed by him. If not settled by counsel, it shall be signed by the solicitor for the petitioner, or by the petitioner if he is acting in person.

(6) The solicitor for a petitioner represented by a solicitor shall endorse on the petition his name or the name of his firm and the address of his or of his firm's place of business within the jurisdiction, which shall be an address for service.

(7) A petitioner acting in person shall endorse on the petition an address for service, which shall be his place of residence, or, if he has no place of residence within the jurisdiction, an address for service within the jurisdiction.

Co-respondent and interveners.

6. (1) Unless otherwise directed, where a husband's petition alleges adultery, the alleged adulterer shall, if living at the date of the filing of the petition, be made a co-respondent in the cause, and where a wife's petition alleges adultery with a woman named and contains a claim for costs against her, she shall be made a respondent in the cause.

(2) Where a person charged with adultery or sodomy in a petition is not made a co-respondent or respondent under paragraph (1), he shall be entitled to appear and intervene in the proceedings.

(3) Unless otherwise directed, a party intervening in a cause under these rules shall join in the proceedings at the stage which those proceedings have reached at the time he appears and his name shall appear thereafter in the title of the cause.

Affidavit in support of petition.

7. (1) Every petition shall be supported by an affidavit by the petitioner verifying the facts of which he has personal knowledge and deposing as to belief in the truth of the other facts.

(2) Where the petition contains an allegation of desertion without cause for a period of at least three years immediately preceding the presentation of the petition, this rule shall be deemed to be complied with if the affidavit is sworn not more than fourteen days before the petition is filed, or such longer time as may be allowed by the registrar having regard to the circumstances of the case.

(3) The affidavit in support of the petition shall be contained in the same document as the petition and shall follow at the foot or end thereof.

Notice of petition and notice of proceedings.

8. (1) Every copy of a petition for service on a respondent spouse shall be accompanied by a notice of petition in accordance with Form 3, a form of acknowledgment of service in accordance with Form 4 and a memorandum of appearance in duplicate in accordance with Form 5.

(2) Every copy of a petition for service on a co-respondent or person charged with adultery or sodomy, whether made a respondent or not, shall be accompanied by a notice of proceedings in accordance with Form 6, a form of acknowledgment of service in accordance with Form 4 and a memorandum of appearance in duplicate in accordance with Form 7.

9. (1) A notice of an application for 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 a notice to appear in accordance with Form 8, and shall be accompanied by a form of acknowledgment of service in accordance with Form 4 and a memorandum of appearance in duplicate in accordance with Form 9.

Notice of application for ancillary relief.

(2) A notice of an application for alimony pending suit, maintenance of the children, maintenance, a secured provision, permanent alimony, periodical payments or for securing periodical payments to a wife, and every copy thereof for service, shall contain a notice to file evidence in accordance with Form 10.

10. (1) Unless otherwise directed—

- (a) a copy of every petition shall be served personally or by registered post upon every respondent, co-respondent and person charged with adultery or sodomy who is named in the petition; and
- (b) a copy of every originating summons shall be served personally or by registered post upon the respondent thereto; and
- (c) a copy of every notice of an application for ancillary relief shall be served personally or by registered post upon the respondent thereto, unless the respondent thereto is the petitioner or, being respondent in the cause, 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, or sending it by pre-paid post to, the address for service.

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

Personal service shall in no case be effected by the petitioner or the intended petitioner.

(2) For the purposes of paragraph (1), a document shall be deemed to have been duly served by registered post if it is sent by prepaid registered post to the party to be served, and an acknowledgment of service in accordance with Form 4, of his identity and of his receipt of the document is signed by him and returned to the solicitor for the petitioner, or to the petitioner if he is acting in person, at the address for service :

Provided that where the party to be served is a respondent spouse, his signature on the acknowledgment of service shall be proved at the trial or hearing.

(3) An application for leave to substitute for the modes of service prescribed by the foregoing paragraphs of this rule some other mode of service, or to substitute for service notice of the proceedings by advertisement or otherwise, shall be made *ex parte* by lodging with the registrar an affidavit setting out the grounds on which the application is made.

(4) 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, together with any notice of petition or notice of proceedings.

(5) Service may be dispensed with altogether in any case in which it may appear necessary or expedient to do so. An application for leave to dispense with service on a respondent spouse shall be made to a judge and an application for leave to dispense with service in any other case shall be made to the registrar.

(6) (a) An originating summons or notice of an application for ancillary relief may be served out of the jurisdiction without leave in manner provided by these rules, or may be served in accordance with the procedure prescribed by rule 37(8) of Order II of the Code of Civil Procedure, so however that the official certificate required by paragraph (c) of that rule shall, in the case of a summons or notice served personally, show the servers means of knowledge as to the identity of the person served.

(b) Where a notice of an application for ancillary relief is to be served out of the jurisdiction the time limited for appearance which is to be entered in the notice shall be fixed having regard to the place or country where or within which the notice is to be served in accordance with the practice adopted under rule 37(3) of Order II of the Code of Civil Procedure.

(c) Where an originating summons is to be served out of the jurisdiction, the return date shall be fixed having regard to the time which would be limited for appearance under

sub-paragraph (b) of this paragraph if the document to be served were a notice of an application for ancillary relief.

11. Unless otherwise directed, and except where the provisions of rule 10(4) have been complied with, a petition shall not proceed to trial unless the respondent and every co-respondent thereto and every person named therein—

Proof of service.

(a) has entered an appearance; or

(b) is shown by affidavit in accordance with Form 11 (which shall be filed) to have been served with the petition personally or in accordance with an order for substituted service; or

(c) has returned to the solicitor for the petitioner, or to the petitioner if he is acting in person, an acknowledgment of service in accordance with Form 4, which shall be lodged with the registrar.

12. (1) Unless otherwise directed, service or delivery of any notice or other document in a matrimonial cause may, if no other mode of service or delivery is prescribed, be effected—

Service of other documents.

(a) where the party to be served is the petitioner or has entered an appearance, by leaving the notice or document at, or by sending it by pre-paid post to, the address for service;

(b) in any other case, by delivering the notice or document to the party to be served or by leaving it at, or by sending it to him by pre-paid registered post to, his last known address.

(2) A copy of every affidavit filed in support of an application under rule 3, or in support of or in answer to an application for ancillary relief, or an application under rule 56, or in pursuance of an order for interrogatories or discovery shall be delivered to the opposite party, if he is the petitioner or has entered an appearance, within twenty-four hours after the affidavit has been filed. If the opposite party is not the petitioner and has not entered an appearance and the time for entering an appearance has not expired, a copy of the affidavit shall be served upon him with the originating summons or notice in support of which the affidavit is filed.

(3) Any document in a matrimonial cause (not being a petition, originating summons or notice of an application for ancillary relief) may be served out of the jurisdiction without leave in the same manner as an originating summons may be so served under rule 10(6)(a).

Entry of appearance.

13. (1) If the person desiring to appear is acting in person he shall either leave at or send by post to the registry a memorandum of appearance in duplicate in accordance with Form 5, 7, 9 or 12, whichever is appropriate, containing an address for service within the jurisdiction.

(2) If a solicitor is acting on behalf of the person desiring to appear, he shall leave at or send by post to the registry a memorandum of appearance in duplicate in accordance with Form 5, 7, 9 or 12, whichever is appropriate, containing an address for service which shall be the place at which he carries on business within the jurisdiction.

(3) The registrar, on receipt of the memorandum of appearance, shall forthwith enter an appearance in the court minutes, and shall send by post to the petitioner or his solicitor, as the case may be, one copy of the memorandum sealed with the seal of the registry, and shall deliver or send by post to the person entering the appearance a notice in accordance with Form 13, and the production of that notice shall be *prima facie* evidence that the appearance has been duly entered.

Form of appearance.

14. (1) An appearance may be under protest, may be either general or limited to any claim made in the petition or by subsequent application, or to making an application under these rules and may be entered at any time.

(2) An appearance under protest shall state concisely the grounds of protest and the party so appearing 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 and in default of such application he 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 to the application.

15. (1) A petition may be amended before service—

- (a) upon the filing of an affidavit by the petitioner, or
- (b) with leave, upon the filing of an affidavit by the solicitor acting for the petitioner

Amended and supplemental petitions.

verifying the new facts alleged.

After service a petition may be amended only with leave.

(2) A supplemental petition may be filed only after service of the original proceedings and only with leave.

(3) An application for leave to amend a petition after service or for leave to file a supplemental petition shall, unless otherwise directed, be supported by an affidavit by the petitioner verifying the new facts alleged and shall unless otherwise directed, be served on every opposite party who has entered an appearance, or may, if no appearance has been entered, be made *ex parte* by filing the affidavit.

(4) Any affidavit filed under this rule shall verify the new facts of which the deponent has personal knowledge and depose as to belief in the truth of the other new facts alleged. The affidavit shall, in relation to those facts, contain the information required by sub-paragraph (l) and (n) of rule 5(1) in the case of the original petition.

(5) 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 memorandum of appearance must be amended or the answer must be filed or amended;
- (b) if made after the registrar has given his certificate under rule 30, provide for a stay of hearing until that certificate has been renewed.

(6) Unless otherwise directed, a copy of the amended petition or of the supplemental petition, together with a copy of the order (if any) made under this rule, shall be served upon the respondent, co-respondent or person named therein and, in the case of a respondent, co-respondent or person who is not named in the original petition or who is named therein but has not entered an appearance thereto, the amended petition or supplemental petition shall be accompanied by a notice of petition in accordance with

Form 3 or, as the case may be, by a notice of proceedings in accordance with Form 6, a form of acknowledgment of service in accordance with Form 4, and a memorandum of appearance in duplicate in accordance with whichever of Forms 5 or 7 is appropriate. The provisions of rules 10 and 11 shall apply to amended petitions and supplemental petitions as they apply to petitions.

Answer.

16. (1) A respondent, co-respondent or person named who has entered an appearance to a petition and who wishes to defend all or any charges made therein shall, within fourteen days after the expiration of the time limited for the entry of appearance, file an answer to the petition by sending it by pre-paid post to, or by leaving it at, the registry :

Provided that a co-respondent or person named, whether made a respondent or not, who indicates in the memorandum of appearance that he intends only to deny the charges of adultery, or any of them, shall be entitled, without filing an answer, to defend at the trial by denying such charges.

(2) Where the time limited for entry of appearance has expired and no appearance has been entered, then, if the registrar's certificate is granted under rule 30, the time for filing an answer shall be deemed to have expired, notwithstanding that the said period of fourteen days has not elapsed.

Form of answer, parties cited, and service of answer.

17. (1) Every answer or subsequent pleading containing more than a simple denial of the facts stated in the petition or answer, as the case may be, shall set out with sufficient particularity the facts relied upon but not the evidence by which they are to be proved, and, if the answer or subsequent pleading is filed by the husband or wife, it shall, in relation to those facts, contain the information required by sub-paragraphs (l) and (n) of rule 5(1) in the case of a petition, and shall be supported by an affidavit verifying the facts of which the deponent has personal knowledge and deposing as to belief in the truth of the other facts. The affidavit shall be contained in the same document as the answer or subsequent pleading and shall follow at the foot or end thereof.

(2) Where the answer of a husband alleges adultery and prays for relief, or where the answer of a husband or a wife contains a claim for costs against an alleged adulterer, the alleged adulterer shall, if living at the date of the filing of the answer, be added to the title of the cause as "A.B. cited" and shall,

unless otherwise directed, be served with a copy of the answer accompanied by a notice of proceedings in accordance with Form 6, a form of acknowledgment of service in accordance with Form 4, and a memorandum of appearance in duplicate in accordance with Form 7, as if it were a petition.

(3) Where the answer of a husband alleges adultery, but does not pray for relief and does not contain a claim for costs against the alleged adulterer, or where the answer of a wife alleges adultery or sodomy with a person named, a copy of the answer shall, unless otherwise directed, be served on the alleged adulterer or person named, together with a notice of proceedings in accordance with Form 6, a form of acknowledgment of service in accordance with Form 4, and a memorandum of appearance in duplicate in accordance with Form 7, and the alleged adulterer or person named shall be entitled to appear and intervene in the proceedings.

(4) Service of a copy of an answer under either of paragraphs (2) and (3) shall be effected and proof of service shall be given in the manner provided for by rules 10 and 11 in the case of service of a copy of a petition on a co-respondent.

(5) A party cited or person named in an answer who has entered an appearance to the answer and who wishes to defend all or any charges made therein shall, within fourteen days after the expiration of the time limited for the entry of appearance, file an answer to the charges by sending it by pre-paid post to, or by leaving it at, the registry :

Provided that a party cited or person named in an answer who indicates in the memorandum of appearance that he intends only to deny the charges of adultery, or any of them, shall be entitled, without filing an answer, to defend at the trial by denying such charges.

(6) Every answer or subsequent pleading shall, if settled by counsel, be signed by him. If not settled by counsel, the pleading shall be signed by the solicitor for the party filing it, or by that party if he is acting in person.

18. (1) No reply shall be filed without leave except where the answer contains counter-charges and a prayer for relief, 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 without leave.

Amend-
ment of
originating
summons
etc.

19. Any originating summons, notice of an application for ancillary relief, summons, pleading or other document may be amended without leave before service, or with leave after service, subject to any directions as to verification by affidavit, as to re-service or as to consequential amendment of pleadings already filed.

Pleadings
out of
time.

20. (1) No pleading shall be filed out of time without leave after the registrar's certificate has been granted under rule 30.

(2) A co-respondent, party cited or person named, whether made a respondent or not, shall not, without leave, be heard to deny any charge of adultery, unless he or she has entered an appearance before the Registrar's certificate has been granted under rule 30.

Particu-
lars.

21. (1) Any party may by letter require any other party to furnish particulars of any allegation or other matter pleaded and, if the 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.

(2) All particulars, whether given in pursuance of an order or otherwise, shall be filed within twenty-four hours after being furnished to the party requiring them.

Delivery
of subse-
quent
pleadings.

22. A copy of every answer (except an answer which is required to be served in the same manner as a copy of a petition), and of every reply and subsequent pleading shall, within twenty-four hours after it is filed, be delivered to the opposite parties or their solicitors.

Discovery.

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

(2) A copy of the interrogatories proposed to be delivered shall be lodged in the 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) Any party to a matrimonial cause may apply for an order for discovery of documents by an opposite party, who may be ordered to make such general or limited discovery on oath as the registrar may think fit.

Medical
inspection.

24. (1) In proceedings for nullity on the ground of impotence or incapacity 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 to the registrar for the determination of the question whether medical inspectors of the court should be appointed to examine the parties. Upon such application the registrar shall, if in the circumstances of the case he considers it expedient so to do, appoint a medical inspector, or, if it appears to him necessary, two medical inspectors of the court to examine the parties and to report to the court the result of the examination.

(2) At the hearing of any such proceedings the court, if it thinks fit, may appoint a medical inspector, or two medical inspectors, to examine any party who has not been examined or to examine further any party who has been examined.

(3) Notice of the time and place of the inspection shall be served upon the respondent, and service shall be effected and proof of service shall be given in the manner provided for by rules 10 and 11 in the case of service of a copy of a petition on a respondent :

Provided that where the respondent has appeared by a solicitor service may be effected on the solicitor in the manner provided for by rule 12.

(4) In proceedings 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 inspectors to examine the parties and to report to the court the result of the examination. Upon such application the registrar shall appoint a medical inspector, or, if it appears to him necessary, two medical inspectors of the court, and either of the parties shall be at liberty to submit himself for examination to the inspector or inspectors so appointed.

(5) Every examination under this rule shall, if either party so requires, be held at the residence of the medical inspector, or, as the case may be, of one of the medical inspectors so appointed as aforesaid, or at some other convenient place selected by him or them, and in every other case shall be held at the registry or at such other place as the registrar may direct.

(6) The medical inspector or inspectors shall call upon the solicitors for the parties to identify the parties to be inspected and, after identification, the parties and their solicitors shall sign their names and the paper bearing the signatures shall be signed by the inspector or inspectors and annexed to the report.

(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.

Evidence.

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

Provided that a judge or the registrar may—

- (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 on such conditions as the judge or registrar may think reasonable ;
- (c) order that evidence of any particular facts to be specified in the order shall be given at the trial 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 or registrar 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 or registrar 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 authorizing 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, and the provisions of rules 2(2), 3, 5, 6, 7, 8, 9 and 11 of Order XIV of the Code of Civil Procedure shall apply to the examination.

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

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 on the ground that he is willing to resume or to return to cohabitation with the petitioner. Staying proceedings for restitution.

27. An application for directions for the separate trial of any issue or, except in a case to which rule 14(2) applies, of any question as to the jurisdiction of the court shall be made to a judge. Trial of issues.

28. (1) Every party to a matrimonial cause praying that the court shall exercise its discretion to grant a decree *nisi* notwithstanding his adultery shall lodge in the registry a statement (in this rule called "a discretion statement") signed by him or his solicitor, stating that the court will be asked to exercise its discretion in his favour 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. Discretion statement.

(2) Where the application for the registrar's certificate under rule 30 is made by the party praying for the discretion of the court the discretion statement shall be lodged in a sealed envelope 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 in a sealed envelope within ten days after the receipt of notice that the cause has been set down for trial. The envelope shall be endorsed with a certificate by the solicitor for the party praying for the discretion of the court, or by that party if he is acting in person, that the statement is signed and dated, and that paragraph (4) of this rule does not apply or has been complied with.

(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 :

Provided that where an application is made to the registrar by or on behalf of a party who has filed a discretion statement for leave to give his own evidence by affidavit, the discretion statement shall be open to inspection by the registrar.

(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 the allegation shall be given forthwith to that spouse :

Provided that the court may at the trial dispense with the notice if it is satisfied that failure to give the notice was justified.

(5) Neither the fact that a discretion statement has been lodged or that such notice as aforesaid 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 the discretion statement or notice or the contents thereof in evidence in open court.

Mode of trial.

29. (1) Unless otherwise directed, all causes or issues shall be tried by a judge alone.

(2) When the trial is with a jury the judge at the trial shall decide at his discretion whether or not any issues arising on the pleadings (other than the issue of adultery in respect of which damages are claimed, and the amount of the damages) shall be left to the jury.

Registrar's certificate.

30. (1) The petitioner or any party who is defending a matrimonial cause shall, before setting down the cause for trial, refer the pleadings and proceedings in the cause to the registrar, who shall give a certificate that the cause is fit to be set down for trial if he is satisfied—

- (a) that a copy of the petition, and any document required to be served in the same manner as a copy of a petition, has been duly served;
- (b) if appearance has not been entered, that the time for entering an appearance has expired;
- (c) if an appearance has been entered, that the time for filing an answer or any subsequent pleading has expired;
- (d) in proceedings for nullity on the ground of impotence or incapacity, that a report by a medical inspector or inspectors appointed under rule 24(1) has been filed, or an order made that there shall be no medical inspection;

(e) in proceedings for nullity on the ground that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage, that the report of any medical inspector or inspectors appointed under rule 24(4) has been filed.

(2) The application for the registrar's certificate shall include a statement in writing of the probable length of time to be occupied by the hearing. Should circumstances arise before the trial tending to show that the statement is inaccurate, a further statement must be lodged.

31. (1) The petitioner, after the registrar's certificate has been obtained, or (where directions have been given for the separate trial of any issue) the plaintiff, after the directions have been complied with, shall set the cause or issue down for trial in the registry, and shall, within twenty-four hours thereafter, give to each party who has entered an appearance notice of his having done so. If the petitioner fails to set the cause down within fourteen days after the granting of the registrar's certificate, any party defending the cause may set it down for trial and shall, within twenty-four hours thereafter, give to the petitioner and all other parties who have entered an appearance notice of his having done so.

Setting down for trial.

(2) If an undefended cause is not set down within twenty-eight days after the granting of the registrar's certificate, it shall not thereafter be set down until the certificate has been renewed.

(3) Except with the consent of all parties or by leave of the judge, no cause shall be tried until after the expiration of ten days from the date of setting down.

(4) The party who has set the cause down for trial shall, within twenty-four hours after the date of the hearing has been fixed, give notice of such date to any party acting in person who has entered an appearance, and to the petitioner if he is acting in person and the cause has been set down for trial by a party other than the petitioner.

32. After entering an appearance, a respondent, co-respondent, or party cited in an answer may, without filing an answer, be heard in respect of any question as to costs or damages 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 :

Right of respondent, co-respondent or party cited to be heard without filing answer.

Provided that—

- (a) without leave, a co-respondent or party cited in an answer shall not be heard in respect of any question as to damages unless he has entered an appearance before the registrar's certificate has been granted under rule 30;
- (b) no allegation shall be made against a party claiming costs or damages unless the party making the allegation has filed an answer;
- (c) no bill of costs not directly referable to a decree *nisi* or decree absolute or other final decree shall be taxed against a party who has appeared (other than a spouse against whom a decree has been pronounced) unless notice has been given to such party of the intention to apply for an order that the costs should be costs in the cause; and
- (d) such party as aforesaid (whether he has appeared or not) may, before the expiration of the period mentioned in the order for payment of the costs by him after taxation, apply to a judge to discharge the order making the costs costs in the cause, so however that a party who has not appeared shall first enter an appearance for the purpose.

Form of
decree.

33. (1) Every decree of the court shall be signed by the registrar.

(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 there has been such a finding but the judge has exercised 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.

Non-pay-
ment of
court fees.

34. Where any part of any court fees payable in respect of a matrimonial cause or matter is not paid, a judge may, upon the application of the registrar, order the solicitor (if any) of the party by whom the fee has been incurred personally to pay the fee.

Re-hearing.

35. An application for re-hearing shall be made by way of appeal to the Full Court.

36. (1) When 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 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 twenty-four hours of filing the plea shall deliver a copy thereof to the party in whose favour the decree has been pronounced and, if the plea alleges collusion, to the other party or parties to the alleged collusion.

Interven-
tion by
Attorney
General.

(2) Where the plea alleges adultery by the petitioner with any named person, the Attorney General shall, unless otherwise directed, serve each such person with a copy of the plea, omitting any part thereof which contains any allegation in which the person so served is not named. Such copy shall be accompanied by a notice of proceedings in accordance with Form 6, a form of acknowledgment of service in accordance with Form 4 and a memorandum of appearance in duplicate in accordance with Form 7, so far as the same are applicable, and service shall be effected and proof of service shall be given in the manner provided for by rules 10 and 11 in the case of a copy of a petition served on a co-respondent.

(3) Except as hereinafter provided, these rules shall apply to all subsequent pleadings and proceedings in respect of the plea as if it were a petition.

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

(5) If any of the charges contained in the plea 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 under rule 30(1) and shall, within fourteen days after obtaining it, set the intervention down for trial and shall, within twenty-four hours thereafter, 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.

(6) If all the charges contained in the plea are denied in the answer thereto, the Attorney General shall apply for the registrar's certificate and shall, within fourteen days after obtaining it, set the intervention down for trial and shall, within twenty-four hours thereafter, give to the other parties to the intervention notice of his having done so.

Interven-
tion by
person
other than
Attorney
General.

37. (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 has been pronounced and shall, within four days thereafter, file an affidavit setting forth the facts upon which he relies and within twenty-four hours of filing such affidavit shall deliver a copy thereof to the party in whose favour the decree has been pronounced and if the affidavit alleges collusion, to the other party or parties to the alleged collusion.

(2) Any party to whom a copy of the affidavit has been delivered as aforesaid may, within fourteen days thereafter, file an affidavit in answer, and shall, within twenty-four hours after filing the affidavit, deliver a copy thereof to the person showing cause who may within fourteen days file an affidavit in reply and shall, within twenty-four hours after filing the affidavit, deliver a copy thereof to each party to whom he delivered a copy of his original affidavit.

No further affidavits shall be filed without leave.

Decree
absolute.

38. (1) An application by a spouse to make absolute a decree *nisi* pronounced in his favour shall be made by lodging in the registry a notice of application in accordance with Form 14 on any day after the expiration of the period prescribed for making the decree absolute. If the registrar, after searching the court minutes, is satisfied—

- (a) that no appeal against the decree and no application for re-hearing under rule 35 is pending,
- (b) that no order has been made by the Full Court enlarging the time for appealing against the decree or enlarging the time for making application for re-hearing, or, if any such order has been made, that the time so enlarged has expired, and

- (c) that no appearance has been entered, or, if appearance has been entered, that no affidavits have been filed within the time allowed for filing, by or on behalf of any person wishing to show cause against the decree being made absolute,

the notice shall be filed :

Provided that if the application is made after the expiration of one year from the date of the decree *nisi* there shall be lodged with the notice an affidavit by the applicant accounting for the delay, and the notice shall not be filed without leave.

(2) Upon the filing of the said notice the decree *nisi* shall become absolute.

(3) An application by a spouse to make absolute a decree *nisi* pronounced against him shall be made to the registrar on not less than four days' notice and shall be accompanied by a notice of application in accordance with Form 14. On any such application the registrar may make such order as he thinks fit, or may refer the application to a judge.

(4) A certificate in accordance with Form 15 or Form 16, whichever is appropriate, that the decree has been made absolute shall be prepared and filed by the registrar. The certificate shall be authenticated by fixing thereto the seal of the registry.

39. (1) A petition for the reversal of a decree of judicial separation shall set out particulars of the decree and the grounds for reversal on which the petitioner relies.

Reversal
of decree
of judicial
separation.

(2) A copy of the petition, accompanied by a form of acknowledgment of service in accordance with Form 4, shall be served upon the party in whose favour the decree was pronounced, who may within fourteen days after service file an answer to the petition. A copy of the answer shall be delivered to the petitioner within twenty-four hours after the answer is filed.

Service of a copy of the petition shall be effected and proof of service shall be given in the manner provided for by rules 10 and 11 in the case of a document served on a respondent to a petition.

(3) All subsequent proceedings on the petition shall be carried on in the same manner, so far as practicable, as the proceedings on the petition for judicial separation.

Alimony pending suit.

40. A wife petitioner who has not included in her petition a prayer for alimony pending suit may apply for alimony pending suit at any time after filing the petition, and a respondent wife, or a respondent husband against whom a petition for divorce or judicial separation is presented on the ground of his insanity, may apply for alimony pending suit at any time after entering appearance to a petition.

Maintenance of children.

41. An application for maintenance of the children may be made—

- (a) by a petitioner who has not included in the petition a prayer for maintenance of the children, at any time after service of a petition in which custody of any children of the marriage is claimed or after making a subsequent application for custody;
- (b) by a respondent spouse, after entering an appearance to a petition; or
- (c) by the guardian of any children of the marriage or by any person who has obtained leave to intervene in the cause for the purpose of applying for the custody of, or who has under an order of the court, the custody or control of, such children, after entering an appearance to the petition in accordance with Form 12.

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

42. (1) An application for maintenance or a secured provision, where a prayer for such relief has not been included in the petition, and an application for settlement of a wife's property, or variation of marriage settlements, in the case of proceedings for dissolution of marriage, 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 such application shall be made later than two months after final decree except by leave.

(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 decree has been pronounced.

(3) Upon an application for a secured provision, settlement of a wife's property or variation of marriage settlements, the court shall, unless it is satisfied that the secured provision or settlement

makes adequate provision for any children of the marriage, or, as the case may be, that the proposed variation does not adversely affect the rights or interests of any children of the marriage, direct that the children be separately represented on the application by a solicitor, or by a solicitor and 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 17 shall be filed.

43. An application for permanent alimony may be made at any time after a decree for judicial separation has been pronounced.

Permanent alimony.

44. An application for periodical payments or for 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 the guardian of such children or by a person who has obtained leave to intervene in the cause for the purpose of applying for custody or who has the custody or control of such children under an order of the court, he shall first enter an appearance to the petition in accordance with Form 12.

Periodical payments.

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

Variation of orders for alimony, etc.

46. (1) Where a husband is served with a petition in which alimony pending suit, maintenance of the children, maintenance or a secured provision is claimed, and enters an appearance, he shall, within fourteen days after the expiration of the time limited for appearance, file an affidavit setting out full particulars of his property and income.

Evidence on applications for alimony, etc.

(2) Where a husband is served with a notice of an application for alimony pending suit, maintenance of the children, maintenance, a secured provision, permanent alimony, periodical payments or for 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, after entering an appearance and within fourteen days after the expiration of the time limited for 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 gives notice to the husband of her intention to proceed with the application upon the evidence already filed on her application for alimony pending suit.

(3) Within fourteen days after delivery of any affidavit by a husband under this rule, the wife may file an affidavit in reply.

Evidence on applications for settlement of wife's property or variation of settlements.

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

(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 in accordance with Form 12, file an affidavit in answer.

Evidence on application for modification order.

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

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

Preliminary investigation by registrar of application for ancillary relief.

49. Unless the judge shall otherwise direct, an appointment shall be fixed for the hearing by the registrar of any application for ancillary relief which has not been dealt with by the judge at the trial. Notice of the appointment shall be given by the applicant to every other party to the application who has entered

an appearance and to the petitioner if he is not the applicant, and at the appointment so fixed the registrar 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 take the oral evidence of witnesses, and may order the attendance of any person for the purpose of being examined or cross-examined, and may at any stage of the proceedings order the discovery and production of any document or call for further affidavits.

50. In the case of a claim, contained in a petition, for alimony pending suit, maintenance of the children, maintenance or a secured provision, or of an application for ancillary relief, other than an application for settlement of a wife's property or variation of marriage settlements where there are children of the marriage, the registrar shall, after completing his investigation under rule 49, make such order as he thinks fit, or refer the application or any question arising therefrom to the judge for his decision and, pending the final determination of the application, the registrar may make an interim order upon such terms as he may think just.

Applications heard by registrar.

51. (1) In the case of an application for settlement of a wife's property or variation of marriage settlements where there are children of the marriage, the registrar shall, after completing his investigation, report the result thereof in writing to the judge to whom the application shall be adjourned.

Applications heard by judge.

(2) The registrar's report under paragraph (1) shall be filed and any party shall be entitled to be supplied with a copy of the report upon payment of the prescribed fee.

(3) The judge, upon hearing the application, may confirm or vary the registrar's report or make such other order as he thinks fit.

52. (1) The petitioner, or (if he has entered an appearance to the petition for this purpose) the respondent spouse or the guardian of any children of the marriage or any person who has obtained leave to intervene in the cause for the purpose of applying for the custody of, or who has under an order of the court the custody or control of, such children may at any time, either before or after final decree, apply to a judge for an order relating to the custody or education of the children of the marriage, or for directions that proper proceedings be taken for placing such children under the protection of the court.

Custody of and access to children.

(2) A petitioner may at any time after filing a petition in a matrimonial cause, and a respondent spouse 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 made, shall be made to a judge, unless the other party consents to give access to the children and the only question for determination is the extent to which access shall be given.

(3) An application for leave to remove a child under the age of 18 years permanently out of the jurisdiction of the court shall be made to a judge, and every other application relating to the removal of a child out of the jurisdiction shall be made to the registrar.

Information as to other proceedings relating to children.

53. On any application under these rules relating to any children of a marriage, there shall, if there are any proceedings relating to such children in progress in the Supreme Court, be filed a statement as to the nature of those proceedings.

Proceedings in chambers.

54. The name of the cause or matter and of the person taking out a summons shall be endorsed on the summons, and a copy thereof shall be served on the party to whom the summons is addressed or on his solicitor at least two clear days before the summons is returnable.

Hearing of summons.

55. The party taking out a summons shall, at the time appointed therein, attend with the original summons at the place appointed for hearing. If any party to the summons does not attend within a reasonable time after the time appointed, the judge or registrar, as the case may be, may proceed in his absence upon being satisfied by affidavit or otherwise that such party had due notice of the time appointed.

Appeals from registrar.

56. A party may appeal from an order or decision of the registrar to a judge in chambers by summons to be issued within seven days of the order or decision complained of and returnable on the first day on which summonses are heard after that period has elapsed, but the appeal shall not, unless otherwise ordered, act as a stay of the order or decision complained of.

Attachment and committal.

57. 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.

58. (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 out of the registry upon an affidavit of service of the order and of non-payment.

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 18 and shall be served personally on that person (the original decree or order or a copy issued by the court being produced to him at the time of service) or shall be delivered to his solicitor.

(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 at any time apply to a judge to vary the order by directing the payment of such damages to an individual to be specified in the application and the judge may, if satisfied that in the circumstances it is just and equitable to do so, vary the order accordingly upon an undertaking by that individual to lodge the damages in court or otherwise deal with them, as and when received, as the judge may direct. If the application is made after decree absolute or other final decree 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 the registrar to vary the order by directing payment to an individual to be specified in the application and the registrar may, if satisfied that in the circumstances it is just and equitable to do so, vary the order accordingly, so however that, if the application is made before decree absolute, the order shall be made only upon an undertaking by the said individual to pay the costs into court as and when received.

59. (1) Except as otherwise provided by these rules and unless a judge shall otherwise direct, five clear days' notice of any motion to be made to the court, other than an *ex parte* motion, shall be served on all parties who may be affected by the proposed order.

Motions.

(2) A copy of the notice shall be filed in the registry, and the affidavits to be used in support of the motion and the 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 registry. Copies of all such affidavits or documents shall be delivered upon request to the parties who are entitled to be heard on the motion.

Infants
and
persons of
unsound
mind.

60. (1) An infant or a person of unsound mind may commence and prosecute any cause or make any application to which these rules apply by his next friend and may defend or intervene in any such cause by his guardian *ad litem*, and, except as otherwise provided by this rule, no appointment of a guardian *ad litem* shall be necessary.

(2) Before the name of any person is used in any proceedings as next friend the solicitor for the infant or person of unsound mind shall obtain a written authority signed by that person. 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 person of unsound mind.

(3) Where in any cause to which these rules apply any document is required to be served and the person on whom service is to be effected is an infant, the document shall, unless otherwise directed, be served on the father or guardian of the infant or, if he has no father or guardian, upon the person with whom he resides or under whose care he is, and service so effected shall be deemed good service on the infant, so however that the registrar may order that service effected or to be effected on the infant shall be deemed good service.

(4) Where a petition, answer or originating summons has been served in accordance with paragraph (3) and no appearance has been entered on behalf of the infant, the party at whose instance the petition, answer or originating summons was served shall, before proceeding further with the cause, apply for an order that some proper person be assigned guardian of the infant by whom he may appear and defend or intervene in the proceedings.

(5) Where in any cause to which these rules apply any person on whom a petition, answer or originating summons is required to be served, is of unsound mind, then, unless otherwise directed the petition, answer or originating summons, as the case may be,

shall 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.

(6) Any document served in accordance with paragraph (4) 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 section 8(2) of the Supreme Court Ordinance in respect of the person of unsound mind, appointing a committee or receiver, the document shall be endorsed with a further notice that the contents or purport of the document shall be communicated to the committee or receiver so appointed. (Cap. 4).

(7) After service of any document has been effected on a person of unsound mind in accordance with paragraph (6), 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.

(8) In every case in which a petition, answer or originating summons has been served upon a person whom there is reasonable ground for believing to be of unsound mind, the party at whose instance the petition, answer or originating summons was served shall, before proceeding further with the cause, apply for an order that a guardian *ad litem* be assigned by whom such person may appear and defend or intervene in the proceedings, and on such application the registrar may, if he considers it necessary for the proper protection and representation of such person, order that some proper person be assigned guardian *ad litem*.

(9) A solicitor or other person seeking to enter an appearance on behalf of an infant or person of unsound mind shall file an affidavit of fitness in accordance with Form 17.

(10) Where any cause to which these rules apply is commenced against a person who is a mental defective within the meaning of the Mental Deficiency Acts, 1913 to 1938, or where a petition is filed for nullity of marriage on the ground that the respondent was at the time of the marriage of unsound mind or a mental defective, or subject to recurrent fits of insanity or epilepsy, the applicant or petitioner shall not proceed with the cause without leave, whether an appearance is entered or not, and the registrar may, if he considers that the respondent is not properly represented or ought to be represented, order that some proper person be assigned guardian of the respondent by whom he may appear and defend the cause.

Security for wife's costs.

61. (1) After the registrar's certificate under rule 30 has been granted, or, with leave, at an earlier stage of the cause, a wife who is a petitioner or who has filed an answer may apply for security for her costs of the cause up to the hearing, and of and incidental to the hearing.

(2) 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, or at any time after such an examination is granted, a wife who is a petitioner or who has entered an appearance to a petition may apply for security for her costs of and incidental to the examination.

(3) Where an application for security has been made under this rule, the registrar shall ascertain what is a sufficient sum of money to cover the costs of the wife, and if, after taking all the circumstances into account, including the means of the husband and the wife, he considers that the husband should provide security for all or some of the wife's costs, he may order the husband to pay the sum so ascertained, or some portion of it, into court or to give security therefor within such time as he 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 under this rule shall be given to the registrar and shall be filed and shall not be delivered out or sued upon without leave of the registrar.

Taxation.

62. (1) Every bill of costs shall be referred to the registrar for taxation. The bill shall be filed and notice of the time appointed for taxation shall be given to the party filing the bill

who 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, if he has not already done so, deliver to them a copy of the bill to be taxed.

(2) If any party to be heard on the taxation does not attend within a reasonable time after the time appointed, the registrar may proceed to tax the bill upon being satisfied by affidavit or otherwise that such party had due notice of the time appointed.

(3) In any cause or matter to which these rules apply the costs allowed to solicitors and the taxation of such costs shall, except where these rules otherwise provide, be in accordance with the provisions of Order XVI of the Code of Civil Procedure so far as the same are applicable.

(4) The fees payable on taxation shall be paid by the party on whose application the bill is taxed and shall be allowed as part of the bill.

63. (1) Upon the registrar's certificate as to costs being signed, an order of the court may issue for payment of the amount allowed within seven days after service of the order or such other time as the registrar may direct.

Payment of costs.

(2) An order for payment of costs contained in a decree *nisi*, if drawn up before the decree is made absolute, shall direct payment into court, and, unless otherwise directed, such costs shall not be paid out of court until the decree has been made absolute, but a wife who is unsuccessful in a cause and who at the trial has obtained an order for costs may proceed forthwith to obtain payment of the amount allowed on taxation.

64. A person entitled to payment of money out of court shall, on applying for payment, lodge in the registry in which the cause is proceeding a form in writing setting out 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 it.

Payment of money out of court.

65. (1) Shorthand notes shall be taken of the proceedings at the trial of any matrimonial cause in any case in which the judge thinks fit so to order.

Shorthand notes.

(2) The shorthand writer shall sign the shorthand note taken by him and shall certify it to be a correct shorthand note of the proceedings and shall retain the note unless he is directed by the registrar to forward the shorthand note to him.

(3) The shorthand writer shall, on being so directed by the registrar, furnish to him a transcript of the whole or any part of the shorthand note taken by him in pursuance of this rule.

(4) The petitioner, any party who has at any time entered an appearance or intervened in the cause, and the Attorney General shall be entitled to require from a shorthand writer a transcript of the shorthand note of the proceedings and the shorthand writer shall, at the request of any person so entitled, furnish that person with a transcript of the whole or any part of the shorthand note.

(5) Except as aforesaid, the shorthand writer shall not, without permission of a judge, furnish the shorthand note, or any typescript of the whole or any part of the shorthand note, to anyone.

(6) Where under this rule a transcript of the whole or any part of any shorthand note is required, that transcript shall be typewritten and may be made by the shorthand writer who took and certified the shorthand note, or by such other competent person as the registrar may approve.

Applica-
tion to
pending
proceed-
ings.

66. These rules shall apply to any cause or matter which is pending at the date on which these rules come into operation subject to such directions as a judge or the registrar may think fit to give.

Fees.
Second
Schedule.

67. The fees respectively specified in the Second Schedule shall be payable in all proceedings taken under the Ordinance and where no fee is provided in that Schedule the same fee shall be payable as is provided for a similar proceeding in the Original Jurisdiction.

The said fees shall be payable by means of adhesive stamps.

For the purposes of this rule a folio shall be deemed to consist of 72 words, each figure being counted as a word.

Rescission
(Vol. X,
p. 356).

68. The Hong Kong Divorce Rules are rescinded.

FIRST SCHEDULE. [rule 2(2).]

FORM 1. [rule 3(1).]

Originating Summons under rule 3.

In the Supreme Court of Hong Kong.

In the Matter of a Proposed Petition by A.B. for the Dissolution of his (or her) Marriage with C.D.

LET of attend the Judge in Chambers at the Supreme Court, Hong Kong, on day the day of 19, at o'clock in the noon on the hearing of an application of for an order that the said may be at liberty to file a petition in the Registry, Supreme Court, Hong Kong, for dissolution of his (or 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.

A copy of the affidavit to be used in support of the application is delivered herewith.

You are required to complete the accompanying Form of Acknowledgment of Service and send it to the under-mentioned solicitor.

If you wish to be heard on the application, you must attend at the time and place above-mentioned and if you do not attend, such order will be made and proceedings taken as the Judge may think just and expedient.

DATED the day of 19 .

THIS SUMMONS was taken out by solicitor for the above named.

FORM 2. [rule 4(3).]

Notice of Application for Ancillary Relief.

In the Supreme Court of Hong Kong.

In the Matter of a Petition by for [here set out particulars of the matrimonial cause in which the application is made].

To of

TAKE NOTICE that the petitioner (respondent) intends to apply to the Court for an order that [here set out the ancillary relief claimed].

[Insert here in appropriate cases the contents of Form 8 and/or 10.]

THIS NOTICE is issued by [state name and address of applicant or solicitor].

DATED the day of 19

Notice of Petition.

(Respondent spouse).

In the Supreme Court of Hong Kong.

To:—

TAKE NOTICE that a Petition has been presented to the Supreme Court of Hong Kong, by A copy of it is delivered with this Notice.

You must complete the accompanying Form of Acknowledgment of Service and send it to (the Solicitor for) (1) the Petitioner, at (address)

(1) Delete if not applicable.

If you do not intend to answer the charges, nor to be heard on the other claims made in the Petition, and if you do not wish to make any application on your own account, you need not do anything more than send the Form of Acknowledgment of Service to the above address. The Court may then, without further notice to you, proceed to hear the Petition and pronounce judgment, notwithstanding your absence.

If you wish to be heard on any matter in connexion with the Petition you (or your solicitor) must complete the accompanying Memorandum of Appearance in duplicate and send or deliver both copies (without fee) so as to reach this Registry within eight days (2) after you received this Notice. You (or your solicitor) will receive notice of the case being set down for hearing. When the case is heard, you must attend the hearing.

(2) Or as the case may be.

If you wish to defend the case at the hearing, you (or your solicitor) must, in addition to sending the Memorandum of Appearance, send or deliver an Answer in writing together with a fee of so as to reach this Registry within fourteen days after the time allowed for sending the Memorandum of Appearance. You (or your solicitor) must at the same time send a copy of your Answer to (the solicitor for) (3) the Petitioner.

(3) Delete if not applicable.

(4) Delete or amend this paragraph as necessary.

(4) If you wish to oppose the claim for alimony, maintenance of the children, maintenance or a secured provision, you (or your solicitor) must, in addition to sending the Memorandum of Appearance, also send or deliver, so as to reach this Registry within fourteen days after the time allowed for sending the Memorandum of Appearance, an affidavit (which must be sworn before a Commissioner for Oaths) giving full particulars of your property and income, together with a fee of . You (or your solicitor) must at the same time send a copy of your affidavit to (the solicitor for) (5) the Petitioner. If you wish to allege that your wife has property or income you should say so in your affidavit.

(5) Delete if not applicable.

Note: If you intend to instruct a solicitor to act for you in these proceedings, you should at once complete and sign the Form of Acknowledgment of Service and then give him all the documents which have been served upon you, so that he may take the necessary steps on your behalf within the times specified.

DATED the day of 19 .

Registrar, Supreme Court, Hong Kong.

Acknowledgment of Service.

In the Supreme Court of Hong Kong.

Between Petitioner and Respondent and Co-respondent.

I am the person named as in the Petition (1). (1) Or as the case may be.

I received on the day of , 19 , at (place of receipt).

- 1. A copy of the Petition (1) filed in this case. 2. Notice of Petition/Proceedings (2). 3. Memorandum of Appearance in duplicate (3).

(2) Delete whichever is not applicable. (3) Delete if not applicable.

DATED (Signed)

To [the Petitioner [or the Respondent] or his Solicitor]

Memorandum of Appearance.

(Respondent spouse)

In the Supreme Court of Hong Kong.

Between Petitioner and Respondent and Co-respondent.

1. Have you received and read the Petition for divorce (1) by your wife/husband (2) and the Notice of Petition which are delivered with this Form? (1) Or as the case may be.

- 2. On what date and at what address did you receive them? 3. Are you the person named as in the Petition? 4. Do you intend to defend the case at the hearing?

(2) Delete whichever is not applicable.

(Answer "Yes" or "No".)

5. Even if you do not wish to defend the case:—

A (3)

B

Do you wish to be heard as to other claims made in the Petition, namely:—

Do you wish to make any application on your own account, namely:—

- (1) Costs.
- (2) Custody of the children.
- (3) Maintenance of the children.
- (4) Alimony.
- (5) Maintenance.
- (6) A secured provision.

- (1) Access to the children.
- (2) Custody of the children.
- (3) Maintenance of the children.
- (4) Alimony.
- (5) Maintenance.

(Answer "Yes" or "No" against each item.)

Note: The fact that no claim under any of these heads is made in the petition does not mean that such a claim may not be made later.

6. What is your address to which communications should be sent?

(It must be in Hong Kong.)

DATED the _____ day of _____ 19 .

(Signed) (4)

Note: If you intend to instruct a solicitor to act for you in these proceedings, give this form to him. In any event, leave the space below blank.

To be completed only by the Respondent's solicitor.

On the instructions of my/our client, enter an appearance in the terms of the above Memorandum, for _____ the Respondent in this cause.

(Signed)

(Address for Service)

Note: If this Form is used, both copies must be completed and sent to the Registry.

FORM 6. [rules 8(2), 15(6), 17(2), 36(2).]

Notice of Proceedings.

(Co-respondent, party cited or person named)

In the Supreme Court of Hong Kong.

To:—

TAKE NOTICE that in proceedings in the Supreme Court by _____ for dissolution of marriage (1), it has been alleged by _____ that you have committed adultery (1) with _____ A copy of the Petition (1) is delivered with this Notice.

You must complete the accompanying Form of Acknowledgment of Service and send it to _____ (the solicitor for) (2) the Petitioner (3) at (address)

(3) To be struck out or altered if not applicable.

(4) To be signed by the Respondent only if a solicitor is not being instructed.

(1) Or as the case may be.

(2) Delete if not applicable.

(3) Or as the case may be.

If you do not intend to answer the charges, nor to be heard on the other claims made in the Petition (3), you need not do anything more than send the Form of Acknowledgment of Service to the above address. The Court may then without further notice to you, proceed to hear the Petition (3) and pronounce judgment, notwithstanding your absence.

If you wish to be heard on any matter in connexion with the Petition (3), you (or your solicitor) must complete the accompanying Memorandum of Appearance in duplicate and send or deliver both copies (without fee) so as to reach this Registry within eight days (3) after you received this Notice.

If you wish to defend the case only by denying the charges of adultery, or by resisting the claim for damages (4), or if you wish to be heard only as to costs (4), you need take no further step after sending the Memorandum of Appearance until the case is heard, when you must attend the hearing. You (or your solicitor) will receive notice of the case being set down for hearing.

If you wish to defend the case at the hearing on some other ground, you (or your solicitor) must, in addition to sending the Memorandum of Appearance, send or deliver an Answer in writing, together with a fee of _____ so as to reach this Registry within fourteen days after the time allowed for sending the Memorandum of Appearance. You (or your solicitor) must at the same time send a copy of your Answer to (the solicitor for) (4) the Petitioner (5).

Note: If you intend to instruct a solicitor to act for you in these proceedings you should at once complete and sign the Form of Acknowledgment of Service and then give him all the documents which have been served upon you, so that he may take the necessary steps on your behalf within the times specified.

DATED the _____ day of _____ 19 .

Registrar,
Supreme Court,
Hong Kong.

FORM 7. [rules 8(2), 13, 15(6), 17(2), 36(2).]

Memorandum of Appearance.

(Co-respondent, party cited or person named)

In the Supreme Court of Hong Kong.

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

1. Have you received and read the Petition (1) by _____ and the Notice of Proceedings which are delivered with this Form? (1) Or as the case may be.
2. On what date and at what address did you receive them?
3. Are you the person named as _____ in the Petition (1)?
4. Do you intend to defend the case by denying the charges of adultery made against you, and if so, which of them?

(4) Delete if not applicable.

(5) Or as the case may be.

5. Do you intend to defend the case on any ground other than a denial of the charges of adultery made against you?

(Answer "Yes" or "No".)

(2) Not applicable if no claim for damages.

6. (2) Even if you do not intend to defend the case or to make any allegation against the husband, do you wish to be heard on the claim for damages?

(Answer "Yes" or "No".)

(3) Not applicable if no claim for costs.

7. (3) If you do not intend to defend the case, do you wish to be heard as to costs?

(Answer "Yes" or "No".)

Note: If you intend to make any allegation against the person claiming damages or costs, you must send or deliver an Answer in writing, giving full particulars of the allegations.

8. What is your address to which communications should be sent?

(It must be in Hong Kong.)

DATED the _____ day of _____ 19 .

(Signed) (4)

(4) To be signed by the party appearing only if a solicitor is not being instructed.

Note: If you intend to instruct a solicitor to act for you in these proceedings, give this form to him. In any event, leave the space below blank.

To be completed only by the solicitor for the party appearing.

On the instructions of my/our client, enter an appearance in the terms of the above Memorandum for _____ the _____ in this cause.

(Signed)

(Address for Service)

Note: If this Form is used, both copies must be completed and sent to the Registry.

FORM 8. [rule 9(1).]

Additional Notice to be included in Form 2 only if there has been no appearance to the petition.

AND FURTHER TAKE NOTICE that you must complete the accompanying Form of Acknowledgment of Service and send it to (the Solicitor for) (1) the applicant, at (address).

(1) Delete if not applicable.

If you do not intend to oppose the application, you need not do anything more than send the Form of Acknowledgment of Service to the above address. The Court may then, without further notice to you, proceed to hear the application and make such order as it may think fit, notwithstanding your absence.

If you do wish to be heard on the application you (or your solicitor) must complete the accompanying Memorandum of Appearance in duplicate and send or deliver both copies (without fee) so as to reach the Registrar, Supreme Court, Hong Kong, within eight days (2) after you received this Notice.

(2) Or as the case may be.

FORM 9. [rule 9(1).]

Memorandum of Appearance.

(Limited to application for ancillary relief made by notice)

In the Supreme Court of Hong Kong,

Between
and

Petitioner
Respondent

1. Have you received and read the Notice of Application for (1) delivered with this Form? which is

(1) Insert nature of ancillary relief claimed.

2. On what date and at what address did you receive it?

3. Are you the person named as _____ in the Notice?

4. Do you wish to oppose the Applicant's claim for (1)

5. What is your address to which communications should be sent?

(It must be in Hong Kong.)

DATED the _____ day of _____ 19 .

(Signed) (2)

(2) To be signed by the respondent only if a solicitor is not being instructed.

Note: If you intend to instruct a solicitor to act for you in these proceedings, give this form to him. In any event, leave the space below blank.

To be completed only by the Respondent's solicitor.

On the instructions of my/our client, enter an appearance in the terms of the above Memorandum, for _____ the Respondent in this cause.

(Signed)

(Address for Service)

Note: If this Form is used, both copies must be completed and sent to the Registry.

FORM 10. [rule 9(2).]

Notice to File Evidence.

AND FURTHER TAKE NOTICE that if you wish to oppose the application and unless at the time of service hereof upon you (the solicitor for) (1) the applicant gives notice to you dispensing with this requirement you (or your solicitor) must (in addition to sending the Memorandum of Appearance) (2) send or deliver so as to reach the Registrar, Supreme Court, Hong Kong, within twenty-two days (3) after you received this Notice an affidavit (which must be sworn before a Commissioner for Oaths) giving full particulars of your property and income, together with a fee of _____. You (or your solicitor) must at the same time send a copy of your affidavit to (the solicitor for) (1) the applicant. If you wish to allege that the applicant has property or income, you should say so in your affidavit.

(1) Delete if not applicable.

(2) Delete if an appearance has been entered.

(3) Or as the case may be, and substitute "Fourteen days" if appearance has already been entered.

FORM 11.

[rule 11.]

Affidavit of Service.

In the Supreme Court of Hong Kong.

Between
and
and

Petitioner
Respondent
Co-respondent.

I, _____ of _____ make oath and say:—

1. That a copy of the [petition, originating summons or notice] bearing date the _____ day of 19____ filed in this Court [issued out of the Registry] together with a Memorandum of Appearance in duplicate, Notice of Petition/Proceedings (1) and Form of Acknowledgment of Service was duly served by me on _____ the _____ day of 19____ in this case at _____ on the _____ day of 19____ by delivering to the said _____ personally a copy thereof.

(1) Delete whichever is not applicable.

(Means of knowledge of identity of the person served must be inserted here.)

SWORN etc.

FORM 12.

[rules 13, 41, 44.]

Memorandum of Appearance.

In the Supreme Court of Hong Kong.

Between
and
and

Petitioner
Respondent
Co-respondent.

Enter an appearance [in person] (1) for _____ the respondent (2) in this cause.

(1) If such is the case.

(2) Or as the case may be.

(Signed)

(3) The address must be in Hong Kong.

of _____ whose address for service is _____ (3) agent for _____ of _____

DATED the _____ day of _____ 19 .

FORM 13.

[rule 13(3).]

Notice of Entry of Appearance.

In the Supreme Court of Hong Kong.

Between
and
and

Petitioner
Respondent
Co-respondent.

TAKE NOTICE that an appearance has been entered in the Registry on your behalf to the petition filed in this cause [state whether the appearance is general or limited to any particular relief].

TAKE NOTICE further that any order, notices, copies of pleadings or other instruments which are required to be served on or delivered to you but of which personal service is not required may be served or delivered by the petitioner's solicitor by leaving them at or sending them by post to you at the address for service given by you, namely

DATED the _____ day of _____ 19 .

Registrar,
Supreme Court,
Hong Kong.

FORM 14.

[rule 38.]

Notice of Application for Decree Nisi to be made Absolute.

In the Supreme Court of Hong Kong.

Between
and
and

Petitioner
Respondent
Co-respondent.

I [full name and description] solicitor for the petitioner (1) give notice that application is hereby made on behalf of the petitioner (1) that the decree nisi pronounced in this cause on the _____ day of _____ 19____ be made absolute. (1) Or respondent.

(Signed)

DATED the _____ day of _____ 19 .

FORM 15.

[rule 38(4).]

Certificate of making Decree Nisi Absolute (Nullity).

In the Supreme Court of Hong Kong.

Between
and

Petitioner
Respondent.

Referring to the decree made in this Cause on the _____ day of _____ 19____, whereby it was ordered that the Marriage in fact had and solemnized on the _____ day of _____ 19____, at _____ between _____ the Petitioner and _____ the Respondent be pronounced and declared to have been and to be absolutely null and void to all intents and purposes in the law whatsoever by reason _____ and the said Petitioner _____ be pronounced to have been and to be free of all bond of Marriage with the said Respondent _____ unless sufficient cause be shown to the Court within _____ weeks from the making thereof why the said Decree should not be made absolute and no such cause having been shown, it is hereby certified that the said Decree was on the _____ day of _____ 19____, made final and absolute and that the said Marriage was absolutely null and void and that the said Petitioner was and is free from all bond of Marriage with the said Respondent.

DATED the _____ day of _____ 19 .

FORM 16.

[rule 38(4).]

Certificate of making Decree Nisi Absolute (Dissolution).

In the Supreme Court of Hong Kong.

Between
and
and

Petitioner-
Respondent
Co-respondent.

Referring to the decree made in this Cause on the _____ day of _____ 19____, whereby it was decreed that the Marriage had and solemnized on the _____ day of _____ 19____, at _____ between _____ the Petitioner and _____ the Respondent be dissolved by reason that _____ unless sufficient cause be shown to the Court within _____ weeks from the making thereof why the said Decree should not be made absolute and no such cause having been shown, it is hereby certified that the said Decree was on the _____ day of _____ 19____, made final and absolute and that the said Marriage was thereby dissolved.

DATED the _____ day of _____ 19____.

FORM 17.

[rules 42(3), 60(9).]

Affidavit of fitness of guardian ad litem.

In the Supreme Court of Hong Kong.

Between
and
and

Petitioner
Respondent
Co-respondent.

I, _____ of _____ make oath and say as follows:—

(1) I am well acquainted with A.B. of _____ and verily believe that he is a fit and proper person to act as guardian *ad litem* of the respondent (1) in this cause. The consent of the said A.B. to act as such guardian is hereto annexed.

(1) Or as the case may be.

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

SWORN etc.

FORM 18.

[rule 58(2).]

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.

SECOND SCHEDULE.

[rule 67.]

FEEES.

- | | |
|---|---------|
| 1. Amendment of any document | \$ 2.00 |
| 2. Answer, reply or other pleading, filing | 10.00 |
| 3. Appearance, entering, each person (to be paid on <i>praeceipe</i>) ... | 4.00 |
| 4. Appointment before Registrar on reference, for each hour or part thereof | 10.00 |
| 5. Decree <i>nisi</i> or decree absolute, settling and entering | 6.00 |
| 6. Letters of request, settling and issuing | 15.00 |
| 7. Medical inspection; filing minute of identification and for oath | 6.00 |
| 8. Minute of Registrar (on filing bond, commission, deposition, report of medical inspection or any other document) | 4.00 |
| 9. Petition for alimony pending suit, permanent alimony, maintenance or periodical payments, variation of settlement, settlement of wife's property or increase or reduction of alimony, maintenance or periodical payments | 2.50 |
| 10. Petition not hereinbefore referred to | 10.00 |
| 11. Order of reference to Registrar, including application for appointment | 20.00 |
| 12. Report of Registrar on petition for alimony, pending suit ... | 20.00 |
| 13. Report of Registrar not hereinbefore referred to | 15.00 |

Dated this 17th day of November, 1956.

Chief Justice.

Approved by the Legislative Council this 19th day of December, 1956.

Deputy Clerk of Councils.

COUNCIL CHAMBER,

19th December, 1956.

(Secretariat 60/3231/47)