

Rules of the High Court (Amendment) Rules 2008

The Rules of the High Court (Cap. 4A)

Order 89 – PROCEEDINGS BETWEEN HUSBAND AND WIFE

Remarks:

Adaptation amendments retroactively made – see 25 of 1998 s. 2

Remarks

1. Determination of questions as to property (O. 89, r. 1)

(HK)(1) Proceedings under section 6 of the Married Persons Status Ordinance (Cap. 182) ~~must be~~ may be begun by originating summons.

Rule 62
Rec 12

2. Provisions as to actions in tort (O. 89, r. 2)

(1) This rule applies to any action in tort brought by one of the parties to a marriage against the other during the subsistence of the marriage.

(2) On the first application by summons ~~or motion~~ in an action to which this rule applies, the Court shall consider, if necessary of its own motion, whether the power to stay the action under section 5(2) of the Married Persons Status Ordinance (Cap. 182) should or should not be exercised.

Rule 63
Rec 14

(3) Notwithstanding anything in Order 13 or Order 19, judgment on failure to give notice of intention to defend or in default of defence shall not be entered in an action to which this rule applies except with the leave of the Court.

(4) An application for grant of leave under paragraph (3) must be made by summons and the summons must, notwithstanding anything in Order 65, rule 9, be served on the defendant.

(5) If the summons is for leave to enter judgment on failure to give notice of intention to defend, the summons shall not be issued before the time limited for acknowledging service of the writ.

(Enacted 1988)