



I assent.

C. Wood

Governor,

22nd March, 1951.

BRITISH GUIANA

ORDINANCE No. 1 of 1951.

AN ORDINANCE to amend the Matrimonial Causes Ordinance with respect to the dissolution of marriage and for purposes connected therewith.

BE IT ENACTED by the Governor of British Guiana with A.D. 1951. the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Matrimonial Causes Short title.
(Amendment) Ordinance, 1950, and shall be construed and read as one with the Matrimonial Causes Ordinance, hereinafter referred to as the Principal Ordinance. Cap. 143.

Repeal and re-enactment of section 9 of the Principal Ordinance.

2. Subsection (1) of section nine of the Principal Ordinance is hereby repealed and the following substituted therefor —

“Petition for dissolution of marriage.

9. (1) A petition for divorce may be presented to the Court either by the husband or the wife on the ground that the respondent —

- (a) has since the celebration of the marriage been guilty of adultery or malicious desertion with or without adultery; or
- (b) has since the celebration of the marriage treated the petitioner with cruelty; or
- (c) is incurably of unsound mind and has been continuously under care and treatment for a period of at least five years immediately preceding the presentation of the petition;

and by the wife on the ground that her husband has, since the celebration of the marriage been guilty of rape, sodomy or bestiality.”

Definition of “care and treatment” in relation to insanity.

3. For the purposes of subsection (1) of section nine of the Principal Ordinance as substituted by section two of this Ordinance, a person of unsound mind shall be deemed to be under care and treatment —

- (a) while he is detained in the Mental Hospital under the provisions of section twelve or section thirteen of the Mental Hospital Ordinance, 1930; or
- (b) during such time as he is receiving treatment as a voluntary patient in the Mental Hospital under the provisions of section fourteen of the Mental Hospital Ordinance, 1930; or
- (c) is being dealt with as a lunatic under the provisions of section one hundred and seventy-three of the Criminal Law (Procedure) Ordinance.

No. 9 of 1930.

Cap. 18.

Extension of jurisdiction of Court in relation to divorce.

4. Anything in the provisions of section two of the Principal Ordinance to the contrary notwithstanding, the Court shall have jurisdiction to hear and determine any petition for divorce presented by a wife on the ground specified in paragraph (b) of subsection (1) of section nine of the Principal Ordinance as substituted by section two of this Ordinance where the petitioner was, immediately before the marriage, domiciled in the Colony.

Amendment of section 12 of the Principal Ordinance.

5. Section 12 of the Principal Ordinance is hereby amended—

- (a) by the substitution for the words “after the expiration of a period, not less than six months from the pronouncement thereof by general or special order from time to time directed by the Court” in subsection (1) of the words “after the expiration of six weeks”; and
- (b) by the insertion therein after subsection (2) of the following subsection —

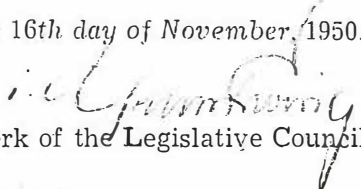
(2A) Where a decree *nisi* has been obtained, whether before or after the coming into force of this subsection, and no application for the decree to be made absolute has been made by the party who obtained the decree, then at any time after the expiration of three weeks from the earliest date on which that party could have made such an application, the party

against whom the decree *nisi* has been granted shall be at liberty to apply to the Court, and the Court shall, on such application, have power to make the decree absolute, reverse the decree *nisi*, require further inquiry or otherwise deal with the case as the Court thinks fit.

6. Subsection (2) of section twenty-nine of the Principal Ordinance is hereby amended by the deletion of the words "The decree *nisi* shall not be made absolute until after the expiration of six calendar months from the pronouncement thereof, unless the Court fixes a shorter time."

Amend-
ment of
subsection
(2) of sec-
tion 29 of
the Princi-
pal Ordi-
nance.

Passed by the Legislative Council this 16th day of November, 1950.


Clerk of the Legislative Council.

(M.P. 70/7).