

## CHAPTER 126

### MATRIMONIAL CAUSES (SUMMARY JURISDICTION)

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## CHAPTER 126

## MATRIMONIAL CAUSES (SUMMARY JURISDICTION)

**An Act to amend and consolidate the law relating to matrimonial proceedings in Magistrates' Courts and to increase the maximum weekly rate of maintenance payments which may be ordered by Magistrates' Courts.**

*10 cf 1978*

*17 cf 1988*

*9 cf 1991*

*1 cf 2007*

*[Assent 24th November, 1978]*

*[Commencement 7th March, 1979]*

1. This Act may be cited as the Matrimonial Causes (Summary Jurisdiction) Act. Short title.

2. (1) In this Act — Interpretation.

“adopted” means adopted in pursuance of an adoption order made under the Adoption of Children Act; Ch. 131.

“child” in relation to one or both of the parties to a marriage, includes a child born out of wedlock to or an adopted child of that party or, as the case may be, of both parties, but does not include a child adopted by some other person or persons, and “parent” in relation to any child shall be construed accordingly;

“child of the family” in relation to the parties to a marriage, means —

- (a) any child of both parties; and
- (b) any other child of either party who has been accepted as one of the family by the other party;

“court” means a magistrate’s court;

“dependant” means a person —

- (a) who is under the age of eighteen years; or *17 cf 1988, s 2 and Sch*
- (b) who, having attained the age of eighteen but not twenty-two years, is either receiving fulltime instruction at an educational establishment or undergoing training for a trade, profession or vocation in such circumstances that he is required to devote the whole of his time to that training; or *17 cf 1988, s 2 and Sch*

- 17 cf 1988, s 2  
and Sch*
- Ch 54 (c) whose earning capacity is impaired through illness or disability of the mind or body and who has not attained the age of twenty-two years;
- Ch 54 “district” has the same meaning as in the Magistrates Act;
- Ch 230 “drug addict” means a person (not being a mentally disordered person under the Mental Health Act) who, by reason of the habitual taking or using, otherwise than upon medical advice, of any drug to which any of the provisions of the Dangerous Drugs Act applies —
- Ch 228 (a) is at times dangerous to himself or to others, or incapable of managing himself or his affairs; or
- (b) so conducts himself that it would not be reasonable to expect a spouse of ordinary sensibilities to continue to cohabit with him;
- Ch 230 “habitual drunkard” means a person (not being a mentally disordered person within the meaning of the Mental Health Act) who by reason of habitual drinking of intoxicating liquor —
- (a) is at times dangerous to himself or to others or incapable of managing himself or his affairs; or
- (b) so conducts himself that it would not be reasonable to expect a spouse of ordinary sensibilities to continue to cohabit with him;
- “interim order” means an order made under section 7 and includes an order made under section 9 varying or reviving an order made under section 7;
- “matrimonial order” means an order made under section 4 and includes an order made under section 9 varying or reviving an order under section 4;
- “rules” means rules made under section 16.
- (2) For the purposes of this Act, adultery or cruelty shall not be deemed to have been condoned by reason only of a continuation or resumption of cohabitation between the parties for one period not exceeding three months, or of anything done during such cohabitation, if it is proved that cohabitation was continued or resumed, as the case may be, with a view to effecting a reconciliation.

3. (1) A married woman or a married man may apply to the court for an order under this Act against the other party to the marriage on any of the following causes of complaint arising during the subsistence of the marriage that is to say, that the defendant —

Jurisdiction of court in matrimonial proceedings.

- (a) has deserted the applicant; or
- (b) has been guilty of persistent cruelty to —
  - (i) the applicant; or
  - (ii) an infant child of the applicant; or
  - (iii) an infant child of the defendant who, at the time of the cruelty, was a child of the family; or
- (c) has been found guilty —
  - (i) on information of any offence which involved an assault upon the applicant; or
  - (ii) by a court, whether or not presided over by a stipendiary and circuit magistrate, of an offence against the applicant under section 134(2) or 135(1) of the Penal Code; Ch. 84.
  - (iii) of, or an attempt to commit, an offence under sections 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 19, 22 or 23 of the Sexual Offences and Domestic Violence Act, 1991 against an infant child of the applicant or against an infant child of the defendant, who, at the time of the commission of, or attempt to commit, the offence, was a child of the family; or Ch. 99.
- (d) has committed adultery; or
- (e) while knowingly suffering from a venereal disease has insisted on, or has without the applicant being aware of the presence of that disease, permitted sexual intercourse between the applicant and the defendant; or
- (f) is for the time being an habitual drunkard or a drug addict; or
- (g) being the husband, has compelled the wife to submit herself to prostitution; or
- (h) being the husband, has wilfully neglected to provide reasonable maintenance for the wife or for any child of the family who is, or would but for that neglect have been, a dependant; or

- (i) being the wife has wilfully neglected to provide, or to make a proper contribution towards, reasonable maintenance for the husband or for any child of the family who is or would but for that neglect have been, a dependant, in a case where, by reason of the impairment of the husband's earning capacity through age, illness or disability of mind or body, and having regard to any resources of the husband and wife respectively which are, or should properly be made, available for the purpose, it is reasonable in all the circumstances to expect the wife so to provide or contribute.

(2) The court shall have jurisdiction to hear an application under this section —

- (a) if at the date of making the application either the applicant or the defendant ordinarily resides within the district; or
- (b) except in the case of an application under paragraph (c) of subsection (1), if the cause arose wholly or partly within the district; or
- (c) in the case of an application under paragraph (c), of subsection (1), if the offence or attempt to which the application relates occurred within the district.

Order by court in matrimonial proceedings

4. (1) Subject to this section and section 6, on hearing an application under section 3 by either of the parties to a marriage, the court may make a matrimonial order containing any one or more of the following provisions, namely

- (a) a provision that the applicant be no longer bound to cohabit with the defendant (which provision while in force shall have effect in all respects as a decree of judicial separation);
- (b) a provision that the husband shall pay to the wife such weekly sum and, if the court sees fit, in addition such periodical lump sum as the court considers reasonable in all the circumstances of the case;
- (c) where, by reason of the impairment of the husband's earning capacity through age, illness

17 *cf* 1988, s 2 and Sch

17 *cf* 1988, s 2 and Sch

or disability of mind or body, it appears to the court reasonable in all the circumstances of the case so to order, a provision that the wife shall pay to the husband such weekly sum and, if the court sees fit, in addition such periodical lump sum as the court considers reasonable in all the circumstances of the case;

- (d) a provision for the legal custody of any child of the family who is under the age of eighteen years: *17 cf 1988, s 2 and Sch*
- (e) if it appears to the court that there are exceptional circumstances making it impracticable or undesirable for any such child as aforesaid to be entrusted to either of the parties, a provision committing the care of the child to a relative of the child or to a person, named by the court willing to undertake such care:
- (f) a provision for access to any child of the family by either of the parties or by any other person who is a parent of that child, in a case where the child is committed by the order to the legal custody of a person other than that party or parent;
- (g) a provision for the making by the defendant or by the applicant or by each of them for the maintenance and education of any child of the family of weekly payments and of such periodical lump sum as the court may determine, for each child, being — *17 cf 1988, s 2 and Sch*
  - (i) if and for so long as the child is under the age of eighteen years, payments to any person to whom the legal custody of the child is for the time being committed by the order or by any other order made by a court and for the time being in force;
  - (ii) if it appears to the court that the child is, or will be, or, if such payments were made, would be, a dependant though over the age of eighteen years, and that it is expedient that such payments should be made in respect of that child while such a dependant, payments to such person (who may be the child) as may be specified in the order, for such period during which the child is over that age but under the age of twenty-two as may be so specified.

(2) Where on an application under section 3 the court makes a matrimonial order on the ground that the defendant is for the time being an habitual drunkard or a drug addict, and the order contains such a provision as is mentioned in paragraph (a) of subsection (1), then, if in all the circumstances, and after giving each party to the proceedings an opportunity of making representations, the court thinks it proper so to do, the court may include in that order —

- (a) if the applicant is the husband, a provision such as is mentioned in paragraph (b) of subsection (1); or
- (b) if the applicant is the wife, a provision such as is mentioned in paragraph (c) of that subsection, but save as aforesaid paragraph (b) or (c) shall not authorise the court to require any payment such as is therein mentioned to be made by the applicant.

(3) The court hearing an application under section 3 shall not make a matrimonial order containing a provision such as is mentioned in paragraph (a), (b) or (c) of subsection (1) —

- (a) on the ground that the defendant has committed an act of adultery, unless the court is satisfied that the applicant has not condoned or connived at, or by wilful neglect or misconduct conduced to, that act of adultery; or
- (b) where the applicant is proved to have committed an act of adultery during the subsistence of the marriage, unless the court is satisfied that the defendant has condoned or connived at, or by wilful neglect or misconduct conduced to, that act of adultery.

(4) The court shall not make an order containing —

- (a) such a provision as is mentioned in paragraph (d) or (e) of subsection (1) in respect of any child with respect to whose custody an order made by any other court in The Bahamas is for the time being in force;
- (b) such a provision as is mentioned in paragraph (e) or (f) of subsection (1) in respect of any child who is already for the purposes of the Children and Young Persons (Administration of Justice) Act in the care of an institution;



- (c) such a provision as is mentioned in paragraph (f) of subsection (1) in respect of any child in respect of whom the order contains such a provision as is mentioned in paragraph (e) of subsection (1).

(5) In considering whether any, and if so what, provision should be included in a matrimonial order under paragraph (g) of subsection (1) for payments by one of the parties in respect of a child who is not a child of that party, the court shall have regard to the extent, if any, to which that party had, on or after the acceptance of the child as one of the family, assumed responsibility for the child's maintenance, and to the liability of any person other than a party to the marriage to maintain the child.

(6) On an application under section 3, in considering whether any, and if so what, provision should be included in a matrimonial order under paragraph (b) or (c) of subsection (1), the court shall, without prejudice to the consideration of any other matters under those paragraphs, have regard to —

*17 cf 1988, s 2  
and Sch*

- (a) the income, earning capacity, property and other financial resources which each of the parties to that marriage has or is likely to have in the foreseeable future;
- (b) the financial needs, obligations and responsibilities which each of the parties to the marriage has or is likely to have in the foreseeable future;
- (c) the standard of living enjoyed by the parties to the marriage before the occurrence of the conduct which is alleged as the cause of complaint of the application;
- (d) the age of each party to the marriage and the duration of the marriage;
- (e) any physical or mental disability of either of the parties to the marriage;
- (f) the contributions made by each of the parties to the welfare of the family, including any contribution made by looking after the home or caring for the family;
- (g) any other matter which in the circumstances of the case the court may consider relevant including, so far as it is just to take into account, the conduct of each of the parties in relation to the marriage.

*17 cf 1988, s 2  
and Sch*

(7) In considering whether any, and if so what, provision should be included in a matrimonial order under paragraph (g) of subsection (1), the court shall have regard to all the circumstances of the case including —

- (a) the financial needs of the child;
- (b) the income, earning capacity (if any), property and other financial resources of the child;
- (c) any physical or mental disability of the child;
- (d) the standard of living enjoyed by the family before the occurrence of the conduct which is alleged as the cause of complaint of the application;
- (e) the manner in which the child was being and in which the parties to the marriage expected him to be educated or trained;
- (f) the matters mentioned in relation to the parties to the marriage in paragraphs (a) and (b) of subsection (6).

*17 cf 1988, s 2  
and Sch*

(8) Without prejudice to the generality of paragraphs (b), (c) or (g) of subsection (1), on an application under section 3, a matrimonial order containing a provision for the payment of a lump sum may be made for the purpose of enabling any liabilities or expenses reasonably incurred in maintaining the applicant, or any child of the family to whom the application relates, before the making of the order to be met.

*17 cf 1988, s 2  
and Sch*

(9) The amount of any lump sum required to be paid by a matrimonial order shall not exceed one thousand dollars.

Special powers  
and duties with  
respect to  
children

**5.** (1) Where the court has begun to hear an application —

- (a) under section 3; or
- (b) for the variation of a matrimonial order by the revocation, addition or alteration of provision for the legal custody of a child; or
- (c) for the revocation of a matrimonial order consisting of or including any such provision as aforesaid,

then, whether or not the court makes the order for which the application is made, but subject to subsections (4) and (5) of section 4 and subsection (6) of this section, the court

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may make a matrimonial order containing or, as the case may be, vary the matrimonial order so that it contains, any provision such as is mentioned in paragraphs (d) to (g) of subsection (1) of section 4 which, after giving each party to the proceedings an opportunity of making representations, the court thinks proper in all the circumstances, and the court shall not dismiss or make its final order on any application in a case where the powers conferred on the court by this subsection are or may be exercisable until it has decided whether or not, and if so, how, those powers should be exercised.

(2) Where, on hearing such an application as aforesaid or an application for the variation of a matrimonial order by the revocation, addition or alteration of provision for access to a child, the court, after it has made any decision which falls to be made on the application with respect to any provision as is mentioned in paragraphs (a) to (c) of subsection (1) of section 4, is of the opinion that it has not sufficient information to make the decision required by subsection (1) or, as the case may be, to make a decision as to access to the child, the court may call for a report, either oral or in writing, by a probation officer, with respect to such matters as the court may specify, being matters appearing to the court to be relevant to that decision.

(3) Any statement which is or purports to be a report in pursuance of subsection (2) shall be made, or if in writing be read aloud, before the court at a hearing of the application, and immediately after it has been so made or read aloud the court shall ask whether any party of the proceedings, who is present or represented by counsel at the hearing, objects to anything contained therein and where objection is made —

- (a) the court shall require the officer by whom the statement was or purported to be made, to give evidence on oath with respect to the matters referred to therein; and
- (b) any party to the proceedings may give or call evidence with respect to any matter referred to in the statement or in any evidence given by the officer.

(4) Subject to subsection (5), the court may take account of any statement made or read aloud under subsection (3) and of any evidence given under paragraph

(a) of that subsection, so far as that statement or evidence relates to the matters specified by the court under subsection (2), notwithstanding any enactment or rule of law relating to the admissibility of evidence.

(5) A report in pursuance of subsection (2) shall not include anything said by either of the parties to a marriage in the course of an interview which took place with, or in the presence of, a probation officer with a view to the reconciliation of those parties, unless both parties have consented to its inclusion and if anything so said is included without the consent of both those parties as part of any statement made or read aloud under subsection (3) then, unless both those parties agree otherwise, that part of the statement shall, for the purposes of the giving of evidence under subsection (3) and for the purposes of subsection (4), be deemed not to be contained in the statement.

(6) On the hearing of an application under section 3, in the case of which there is a child of the family who is not a child of both the parties, other than a child with respect to whose custody an order made by a court in The Bahamas is for the time being in force —

- (a) subsections (1) and (3) shall have effect as if any person who, though not a party to the proceedings, is a parent of that child and who is present or represented by counsel at the hearing were a party to the proceedings; and
- (b) if any such person is not so present or represented, the court shall not make a matrimonial order on the application unless it is proved to the satisfaction of the court, on oath or in such other manner as may be prescribed, that such steps have been taken as may be so prescribed with a view to giving notice to that person of the making of the application and of the time and place appointed for the hearing:

Provided that nothing in paragraph (b) shall require notice to be given to any person as the father of a child born out of wedlock unless that person has been adjudged by a court to be the father of that child.

(7) Where for the purposes of this section the court adjourns the hearing of any application, then on the court

being satisfied that adequate notice of the time and place of the resumption of the hearing has been given to the parties, the court may resume the hearing at the time and place appointed notwithstanding the absence of both or all of the parties.

6. Where, on hearing any application under section 3, the court is of the opinion that any of the matters in question between the parties would be more conveniently dealt with by the Supreme Court, the court may refuse to make a matrimonial order on the application and no appeal shall lie from that refusal, but, if in any proceedings in the Supreme Court relating to or comprising the same subject matter as that application the Supreme Court so orders, the application shall be re-heard and determined by a court in the same district as the first mentioned court.

Refusal of order  
in case more  
suitable for  
Supreme Court

7. (1) Where in the case of any application made to a court under section 3 —

Interim order by  
court or Supreme  
Court

- (a) the court, at any time before making its final order on the application, adjourns the hearing of the application for any period exceeding one week; or
- (b) the court refuses under section 6 to make a matrimonial order on the application; or
- (c) after such a refusal by the court as aforesaid, or on an appeal under section 12 from, or from the refusal of, a matrimonial order on the application, the Supreme Court under section 6 or 12 orders that the application shall be re-heard by the court,

then, in a case falling within paragraph (a) or (b), the court, or in a case falling within paragraph (c) thereof the Supreme Court, may make an order under this section (in this Act referred to as an “interim order”).

(2) An interim order may contain —

- (a) any such provision as is mentioned in paragraphs (b), (c) or (g) of subsection (1) of section 4; and
- (b) where by reason of special circumstances the court thinks it proper, but subject to subsection (4) of section 4, any provision such as is mentioned in paragraph (d) or (f) of that subsection,

and for the purposes of paragraph (a) the references in subparagraph (i) of the said paragraph (g) to any person to whom the legal custody of a child is for the time being committed by an order shall be construed as including a reference to any person, being one of the parties or a parent of the child, who for the time being has the care of the child and the appeal relates only to such a provision of the order as is mentioned in paragraph (a).

(3) Without prejudice to sections 8, 9 and 12, an interim order in connection with any application shall cease to be in force on whichever of the following dates occurs first, that is to say —

- (a) the date, if any, specified for the purpose in the interim order;
- (b) the date of the expiration of the period of three months beginning with the date of —
  - (i) the making of the interim order; or
  - (ii) if the interim order is one of two or more such orders made with respect to the application under the same paragraph of subsection (1), the making of the first of those interim orders;
- (c) the date of the making of a final order on, or the dismissal of, the application by a court.

(4) An interim order made by the Supreme Court under this section ordering that an application be reheard by a court shall, for the purposes of its enforcement and for the purposes of section 9, be treated as if it were an order of that court and not of the Supreme Court.

(5) The powers conferred on the Supreme Court by this section shall be without prejudice to the powers of that court on an appeal under section 12 from the refusal of an interim order by a court.

**8.** (1) Where a matrimonial or interim order is made while the parties to the marriage in question are cohabiting —

- (a) the order shall not be enforceable and no liability shall accrue thereunder until they have ceased to cohabit; and
- (b) if in the case of a matrimonial order they continue to cohabit for a period of three months

Suspension or  
cessation of  
orders

beginning with the date of the making of the order, the order shall cease to have effect at the expiration of that period:

Provided that, unless the court in making the order directs otherwise, this subsection shall not apply to any provision of the order

- (i) committing a child to the legal custody of a person other than one of the parties, or for access to that child by either of the parties or by any other person who is a parent of the child; or
- (ii) for the making by either or each of the parties to a person other than one of the parties of payments for the maintenance of a child.

(2) Notwithstanding section 9, any provision of a matrimonial or interim order, other than such a provision as is referred to in the proviso to subsection (1), shall cease to have effect upon the parties to the marriage in question resuming cohabitation.

- (3) Where after the making by a court of —
  - (a) a matrimonial order consisting of or including a provision such as is mentioned in paragraph (b), (c) or (g) of subsection (1) of section 4; or
  - (b) an interim order,

proceedings between, and relating to the marriage of, the parties to the proceedings in which that order was made have been commenced in the Supreme Court, the Supreme Court may, if it thinks fit, direct that the said provision, or, as the case may be, the interim order, shall cease to have effect on such date as the Supreme Court may specify.

**9.** (1) A matrimonial order or an interim order may be revoked, revived or varied by the court by order on application whatever the time at which it is made, and for the avoidance of doubt it is hereby declared that the expressions “vary” and “variation” in relation to any order includes the addition to that order of any provision authorised by this Act to be included in that order.

Revocation,  
revival and  
variation of  
orders

(2) Where, on an application for the revocation of a matrimonial order, it is proved that the parties to the

marriage in question have resumed cohabitation or that the party on whose application the order was made has during the subsistence of the marriage committed an act of adultery, the court shall revoke the order:

Provided that the court shall not revoke the order by reason of such an act of adultery as aforesaid —

- (i) except at the request of the person who was the defendant to the proceedings in which the order was made; or
- (ii) if the court is of the opinion that the person aforesaid has condoned, or connived at, or by wilful neglect or misconduct conduced to, that act of adultery,

and shall not be bound by reason of that act of adultery to revoke any provision of the order included therein under paragraphs (d) to (g) of subsection (1) of section 4.

(3) On hearing an application under this section the court may remit the whole or any part of any sum due under the order.

**10.** (1) It is hereby declared that any jurisdiction conferred on a court under section 9 is exercisable notwithstanding that the proceedings are brought by or against a person residing outside The Bahamas:

Provided that a matrimonial order shall not be varied by the addition of such a provision as is mentioned in paragraph (a) of subsection (1) of section 4 if the defendant to the application for the variation resides outside The Bahamas.

(2) Where, at the time and place appointed for the hearing of an application under section 9 the defendant does not appear but —

- (a) the court is satisfied that there is reason to believe that the defendant has been outside The Bahamas during the whole of the period beginning one month before the making of the application and ending with the date of the hearing; and
- (b) it is proved to the satisfaction of the court, on oath or in such other manner as may be prescribed, that such steps have been taken as may be prescribed with a view to giving notice to the defendant of the making of the application and of the time and place aforesaid,

Application for variation etc , by or against person outside The Bahamas



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the court may, if it thinks it reasonable in all the circumstances, hear and determine the application at the time and place appointed for the hearing or for any adjourned hearing in like manner as if the defendant had appeared at the time and place.

(3) Where an application for the revocation or variation of any provision for the making of payments by the applicant to the defendant is heard under subsection (2) in the absence of the defendant, and the court is satisfied that there is reason to believe that during the period of six months immediately preceding the making of the application the defendant was continuously outside The Bahamas or was not in The Bahamas for more than thirty days, then if, in all the circumstances, and having regard to any communication to the court in writing purporting to be from the defendant, the court thinks it reasonable so to do, the court may make the order for which the application is made or make such variation in that provision by way of reducing the amount of the payments as the court thinks fit.

(4) For the purposes of the hearing under subsection (2), in the absence of the defendant, of an application for the revocation or variation of the matrimonial order under which payments fall to be made by the applicant to the defendant through the court, a certificate in writing by the court dated not earlier than ten days before the date of the hearing and stating that, during the period mentioned in paragraph (a) of subsection (2) (or so much thereof as precedes the date of the certificate) or, as the case may be, during the period mentioned in subsection (3) —

- (a) every payment made under the order has been forwarded by the court to an address outside The Bahamas; and
- (b) the defendant has not to the knowledge of the court been in The Bahamas at any time or, in the case of the period mentioned in subsection (3), for more than thirty days,

shall be sufficient evidence that there is reason to believe as mentioned in paragraph (a) of subsection (2), or, as the case may be, in subsection (3).

(5) Nothing in this section shall be construed as authorising the making of an order under section 9 against a person residing outside The Bahamas for the inclusion in

a matrimonial or interim order of any provision requiring payments to be made by that person exceeding in amount those, if any, required to be made by him under the order sought to be varied, unless the order under section 9 is made at a hearing at which either that person appears or it is proved to the satisfaction of the court that the summons was served on the defendant within what appears to the court to be a reasonable time before the hearing or adjourned hearing or the defendant has appeared on a previous occasion to answer to the application.

Parties to  
application for  
variation, etc

**11.** (1) An application under section 9 for the revocation, revival or variation of a matrimonial or interim order may be made in the following cases by the following persons in addition to the parties to the marriage in question, that is to say —

- (a) where a child of the family is not a child of both the parties to the marriage, an application relating to any provision with respect to the child such as is mentioned in paragraph (d) or (f) of subsection (1) of section 4 may be made by any person who, though not one of the parties to the marriage, is a parent of the child;
- (b) an application relating to payments under the order such as are mentioned in paragraph (g) of subsection (1) of section 4 may be made by any person to whom such payments fall, or upon the making of the order for which the application is made would fall, to be made;
- (c) where under the order a child is for the time being committed to the legal custody of some person other than one of the parents, an application relating to any provision with respect to the child such as is mentioned in paragraph (d) or (f) of subsection (1) of section 4 may be made by any person to whose legal custody the child is committed by the order or who seeks the legal custody of the child by the application.

(2) Provision may be made by rules as to what persons shall be made defendants to any such application as aforesaid and where in the case of any such application there are two or more defendants, the court shall have power, whatever adjudication the court makes on the application, to order any of the parties to pay the whole or part of the costs of all or any of the other parties.

**12.** (1) Subject to section 6 and subsection (2) of section 7, an appeal shall lie to the Supreme Court from, the refusal or revocation of, or a refusal to revoke, a matrimonial order or interim order by a court. Appeals.

(2) Subject to subsection (3), any order of the Supreme Court shall, for the purposes of the enforcement of the order, be treated as if it were an order of the court from which the appeal was brought and not of the Supreme Court.

(3) Subsection (2) shall not apply to an order directing that an application shall be re-heard by a court, or, without prejudice to the provisions of subsection (4) of section 7, to an order to which that subsection applies.

**13.** An application under section 3 on the grounds of the commission of an act of adultery by the defendant may be heard if it is made within six months of the date when that act first became known to the applicant. Time limit for application where ground is adultery.

**14.** (1) The payment of any sum of money directed to be paid by an order made under this Act may be enforced in the same manner as the payment of money is enforced under an order made under the Child Protection Act. Enforcement. *I cf 2007, Sixth Sch*  
Ch. 132.

(2) Where an order made under this Act contains a provision committing a child to the legal custody of any person, a copy of that order may be served on any other person in whose actual custody the child for the time being is and, without prejudice to any other remedy which may be available, may be enforced as if it were an order of the court requiring that other person to give up the child to the person to whom the legal custody of the child is committed.

(3) Any person for the time being under an obligation to make payments under any order made in proceedings brought under this Act, shall give notice to such persons, if any, as may be specified in the order, of any change of address and any person who without reasonable excuse fails to comply with this subsection is guilty of an offence and is liable upon summary conviction to a fine not exceeding twenty-five dollars.

Parties domiciled  
outside The  
Bahamas.

**15.** It is hereby declared that any jurisdiction conferred upon a court by this Act is exercisable notwithstanding that any party to the proceedings is not domiciled in The Bahamas.

Rules.  
Ch. 53.

**16.** The Rules Committee constituted under section 75 of the Supreme Court Act may make rules for prescribing anything to be prescribed, for regulating proceedings and, subject to the provisions of that section, for prescribing the fees to be paid, under this Act.

Repeal and  
saving.  
27 *cf* 1896

**17.** <sup>1</sup>Sections 101 to 110 inclusive of the Magistrates Act are repealed:

Provided that notwithstanding the repeal of the said sections, any application, order or other thing done under or by virtue of any of the said sections replaced by this Act shall, so far as is pending and in force immediately before the commencement of this Act, continue to have effect as if made or done under or by virtue of the corresponding provision in this Act and anything begun under any of the said sections may be continued under this Act as if begun under this Act.

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<sup>1</sup> These sections have been deleted from Chapter 54. See 1965 Ed Chapter 36.