

Statutory Instrument No. 33 of 1973

THE MATRIMONIAL CAUSES (AMENDMENT) RULES, 1973

IN EXERCISE of the powers conferred by sections 15 (b), 18 and 31 of the Matrimonial Causes Act, 1972 and of all other powers enabling in that behalf, the Chief Justice, with the approval of the Minister, hereby makes the following Rules:

1. These Rules may be cited as the Matrimonial Causes (Amendment) Rules, 1973.
2. Rule 9(1)(b) of the Matrimonial Causes Rules, 1973 (hereinafter referred to as the principal Rules) is amended by the deletion of the "(Declaration)" in the third line thereof and the insertion of the word "declaration" between the words "plaintiff's" and "file".
3. Rule 17(2)(b) of the principal Rules is amended by the deletion of the word "for" in the first line and replacing it with the word "or".
4. The principal Rules are amended by the deletion of Form 1 appearing therein and by the substitution therefor of a new form, as follows –

S.I. No. 23
of 1973

“ FORM 1 Rule 5(4)

In the High Court of
the Republic of Botswana

Matrimonial Cause No.

BETWEEN:

..... Plaintiff

and

..... Defendant

I,
being the Defendant in this suit have carefully read the Plaintiff's declaration, more particularly paragraphs
thereof, and I hereby consent to a decree of divorce being granted in favour of the Plaintiff on the ground that the marriage between myself and the said Plaintiff has broken down irretrievably by reason of the fact that we have lived apart for a continuous period of at least two years immediately preceding the commencement of this action.

I hereby acknowledge that I fully understand the consequences of my consent to a decree being granted in favour of the Plaintiff as aforesaid and I agree to abide by those consequences.

Dated at this day of 19....

.....
Defendant

Read, interpreted and explained to
the Defendant in
language by me.

.....
(Name of Interpreter in capitals)
and he seemed perfectly to under-
stand same before affixing his sign-
ature/thumb impression in my presence.

.....
(Signature)

Made this 21st day of March, 1973.

T. AKINOLA AGUDA
Chief Justice

Approved this 10th day of April, 1973.

(SGD.) M. P. K. NWAKO,
The Minister.