

Matrimonial Causes Act

CHAPTER 124

Act 3 of 1992

MATRIMONIAL CAUSES ACT

[1st September 1992]

ARRANGEMENT OF SECTIONS

SECTION

PART I- Preliminary

1. Short title
2. Interpretation
3. Jurisdiction of the Supreme Court

PART II - DIVORCE

4. Application for divorce
5. Reconciliation
6. Grant of divorce
7. Rescission of conditional order of divorce
8. Supplemental provisions regarding evidence of breakdown
9. Protection of respondent in cases falling under section 4(1)(d)
10. Relief for respondent in divorce proceedings
11. No appeal against absolute order of divorce

PART III - NULLITY AND SEPARATION

12. Grounds for nullity of marriage
13. Legal effect of certain marriages notwithstanding order of nullity
14. Order of separation
15. Effect of order of separation

PART IV - PRESUMPTION OF DEATH

16. Presumption of death and dissolution of marriage
17. Intervention of Attorney General in proceedings for divorce, nullity and presumption of death

PART V - CHILDREN

18. Order for care, custody etc in respect of a relevant child

PART VI - FINANCIAL PROVISIONS

19. Maintenance pending suit
20. Financial relief
21. Commencement of proceedings for maintenance pending suit or financial relief
22. Anti-Avoidance measures
23. Variation order by court

PART VII - MISCELLANEOUS

24. Scope and duration of order made in respect of a relevant child
25. Protection of a party, child or property etc
26. No damages
27. Rules of court
28. Transitional

Part I - PRELIMINARY

Short title 1. This Act may be cited as the Matrimonial Causes Act.

Interpretation 2. In this Act -

"adopted" means adopted under the Children Act, the now repealed Adoption Act or a corresponding law of any other country or jurisdiction;

"child" includes an adopted child or an illegitimate child of a party to a marriage;

"court" means the Supreme Court;

"matrimonial causes" means -

- (a) proceedings by a party to a marriage for an order of divorce, nullity or separation;
- (b) proceedings for an order of presumption of death and dissolution of marriage;
- (c) proceedings in respect of any other matter under this Act;

"relevant child" means -

- (a) a child of both parties to a marriage;

(b) a child, not being a child in the care of the Director responsible for children affairs under the Children Act and in respect of whom a party to the marriage is acting as a foster parent under the Children Act, who has been treated as a child of the family by the parties;

"welfare" includes access, care, custody, maintenance and education.

Jurisdiction of the Supreme Court 3.(1) Subject to subsection (2), the Supreme Court shall have jurisdiction in relation to matrimonial causes on an application of a party to a marriage who, at the date when proceedings are begun -

(a) is domiciled in Seychelles; or

(b) has been habitually resident in Seychelles throughout the period of one year ending with the date when proceedings are begun.

(2) The Supreme Court shall have jurisdiction in respect of proceedings -

(a) under section 25 if a party to the marriage -

(i) is domiciled in Seychelles; or

(ii) is resident in Seychelles at the date when proceedings are begun;

(b) for nullity, if a party to the marriage -

- (i) is domiciled in Seychelles; or

- (ii) has been habitually resident in Seychelles throughout the period of the year ending with the date when proceedings are begun;

- (c) in relation to a relevant child, if the child is in Seychelles at the date when proceedings are begun.

Part II - DIVORCE

Application for divorce down because - 4.(1) Subject to this Act, a party to a marriage may petition the court for divorce on the ground that the marriage has irretrievably broken down because -

- (a) the respondent has committed adultery and the petitioner finds it intolerable to live with the respondent;

- (b) the respondent has behaved in a way that the petitioner cannot reasonably be expected to live with the respondent;

- (c) the respondent has deserted the petitioner for a continuous period of at least 2 years immediately preceding the presentation of the petition; or

- (d) the petitioner and the respondent have lived apart for a continuous period of at least 1 year immediately preceding the presentation of the petition and the respondent consents to the grant of the divorce.

(2) Subject to subsection (3), a party to a marriage may not petition for divorce within one year of the date of the marriage.

(3) The Court may, on an application, grant leave for a petition for divorce within the one year referred to in subsection (2) if the court is satisfied that the petitioner has suffered exceptional hardship or the respondent is exceptionally deprived.

Reconciliation 5.(1) Subject to this Act, the court shall not grant a divorce on a petition under section 4(1) unless it is satisfied that -

(a) attempt has been made to reconcile the petitioner and the respondent;

(b) after inquiring into the evidence presented by the parties to the proceedings, there is no reasonable possibility of reconciliation between the parties; and

(c) the marriage has irretrievably broken down as provided in section 4(1).

(2) The court shall, if it appears to the court at any stage of the proceedings for divorce that there is a reasonable possibility of reconciliation between the parties, adjourn the proceedings for such period as the court thinks fit to enable attempt at reconciliation to be made.

Grant of 6.(1) When granting a divorce the court shall in the first instance

divorce grant a conditional order of divorce which, subject to this Act, the court may, on application, make absolute.

(2) Where the court has granted leave under section 4(3) and it appears to the court in the course of the proceedings for divorce that the petitioner has obtained leave by misrepresentation or concealment, the court may -

(a) dismiss the petition; or

(b) grant a conditional order of divorce on condition that an application to make it absolute shall not be made within such time as the court may specify in the order.

(3) An application for a conditional order of divorce to be made absolute may be made by the party who was granted the order at any time after the expiration of 6 weeks after the grant of the conditional order of divorce or after such longer or shorter period which the court has specified in the order.

(4) Where a party who was granted a conditional order of divorce fails to make an application under subsection (3) after 3 months from the earliest date on which the party would have made such application, the party against whom the conditional order of divorce was granted may apply to the court to make the order absolute

(5) On an application under subsection (3) or subsection (4), the court may, subject to subsection (6) -

(a) make the conditional order of divorce absolute;

(b) rescind the conditional order of divorce;

(c) require further inquiry to be made in the case;

(d) take any action under section 5(2);

(e) otherwise deal with the case as the court thinks fit.

(6) Where there is a relevant child, the court shall not make a conditional order of divorce absolute unless the court is satisfied that arrangement, to the satisfaction of the court, relating to the access, custody, maintenance and education of the child has been made by the parties and that the arrangement is in the best interest of the welfare of the child or an order under section 18 has been made relating to the child

Rescission of conditional order of divorce 7. Where a conditional order of divorce has been made, but not become absolute, the court may, if the court is satisfied, on the application of a party to the proceedings or on the intervention of the Attorney-General, that there has been a miscarriage of justice by reason of fraud, perjury, suppression of evidence or of any other circumstances, rescind the conditional order and, if the court thinks fit, order the rehearing of the proceedings.

Supplemental provisions 8.(1) For the purposes of section 4(1)(a) -

regarding evidence of breakdown or periods which together amount to, more than 6 months; (a) a party to a marriage may not rely on the adultery of the other party if, after the adultery became known to that party, the parties have lived together for a period of, or periods which together amount to, more than 6 months;

2) the court shall, in determining whether the petitioner finds it intolerable to live with the respondent, disregard the fact that the parties to the marriage have lived together for not more than 6 months after the party came to know of the adultery of the other party.

(2) For the purposes of section 4(1) (b), the court shall, in determining whether the petitioner cannot reasonably be expected to live with the respondent disregard the fact that the parties to a marriage have lived together for a period of, or periods which together amount to, not more than 6 months after the date of the occurrence of the last incident relied on by the petitioner and held by the court to support the petitioner's petition.

(3) For the purposes of section 4(1)(c) -

(a) the court may treat a period of desertion as having continued at a time when the deserting party was incapable of continuing the necessary intention if the evidence before the court is such that, had the party not been so incapable, the court would have inferred that his desertion continued at that time;

(b) the court shall not take into account any period of, or periods which together amount to, not more than 6 months during which the petitioner and the respondent have resumed living together but such period or periods shall not be counted as part of the period of desertion.

(4) For the purposes of section 4(1) (d) -

(a) the court shall not take into account any period of, or periods which together amount to, not more than 6 months during which the petitioner and the respondent have resumed living together but any such period or periods shall not be counted as part of the period during which the parties have lived apart;

(b) the petitioner and the respondent shall be treated as living apart unless they are living with each other in the same household;

(c) the consent of the respondent shall not be valid unless given by the respondent -

- (i) in court in the course of the proceedings for the divorce; or
- (ii) in the prescribed form.

(5) Where a party to a marriage who has been granted a separation order under section 14 or an order under section 25 (2)(a) or an order under section 4(a) of the Summary Jurisdiction (Wives and Children) Act applies for a divorce under section 4(1) on the same facts, or substantially the same facts as those on which he was granted the order under section 14 or section 25(2)(a) or section 4(a) of the Summary Jurisdiction (Wives and Children) Act, -

(a) the court may treat the order as sufficient proof of the facts on which the order was granted;

(b) a period of desertion immediately preceding the institution of proceedings for the order shall, for the purposes of section 4(1) (c), be deemed to be a period of desertion immediately preceding the presentation of the petition for divorce if -

- (i) the parties to the marriage have not resumed living together; and
- (ii) the order has been continuously in force since it was granted,

but the court shall not grant a conditional order of divorce without receiving evidence from the petitioner.

Protection of 9.(1) Where the court has granted a conditional order of divorce
respondent in based on section 4(1)(d) and the respondent has, at any time
cases falling under before the order is made absolute, applied to the court, the court -
section 4(1)(d)

(a) may rescind the order where the respondent alleges and the court is satisfied that the petitioner misled the respondent, whether intentionally or otherwise, about any matter which the respondent took into account in deciding to consent to the grant of the divorce; or

(b) shall, subject to subsection (2), not make the order absolute unless, after considering all the circumstances, including the age, health, conduct, earning capacity, financial resources and financial obligation of the parties, and the financial position of the respondent as, having regard to the divorce, it is likely to be after the death of the petitioner should the petitioner die first, the court is satisfied that -

(i) the petitioner should not be required to make any financial provision for the respondent; or

(ii) the financial provision made by the petitioner for the respondent is reasonable and fair or the best that can be made in the circumstances.

(2) Notwithstanding subsection (1) (b), the court may, if it thinks fit, make a conditional order of divorce absolute if-

(a) it appears that there are circumstances making it desirable that the order should be made absolute without delay; and

(b) the court has obtained a satisfactory undertaking from the petitioner that the petitioner will make such financial provision for the respondent as the court may approve.

Relief for respondent in divorce proceedings 10. If in proceedings for divorce the respondent alleges and proves that the marriage has irretrievably broken down as a result of any matter specified in section 4(1) the court may, subject to this Act, give relief to the respondent as if the respondent had been the petitioner under section 4(1)

No appeal 11. No appeal shall lie from an absolute order of divorce.
 against absolute
 order of divorce

Part III - NULLITY AND SEPARATION

Grounds for 12.(1) Subject to this section, court may, on an application, grant an
 nullity of order of nullity if -
 marriage

(a) a party to the marriage had not, at the time of the marriage, attained the age of marriage and obtained the required consent or authority or both consent and authority, as the case may be, for the marriage in terms of
 Cap 34 the Civil Status Act and any other written law;

(b) a party to the marriage had not, at the time of the marriage, obtained the required consent in terms of the
 Cap 34 Civil Status Act and any other written law;

(c) the parties to the marriage are within the prohibited
 Cap 34 degrees of relationship
 in terms of the Civil Status Act and had not at the time of the marriage obtained the required authority under that Act;

(d) a party to the marriage was, at the time of the marriage, already married to another person and the marriage had not been dissolved;

(e) the parties to the marriage were not respectively male and female;

(f) a party to the marriage was, at the time of the marriage, a

Cap 127 mental patient in terms of the Mental Treatment Act or suffering from a mental disorder or of unsound mind;

(g) a party to the marriage did not give a valid consent to the marriage by reason of mistake, fraud, duress, unsoundness of mind or any other legal incapacity;

(h) the marriage was not celebrated in accordance with the Civil Status Act;

(i) the marriage has not been consummated owing to the wilful refusal of the respondent to consummate it;

(j) the marriage has not been consummated owing to the incapacity of a party to consummate it;

(k) the respondent was at the time of the marriage suffering from venereal disease in a communicable form or a carrier of the acquired immunity deficiency (AIDS) virus;

(l) the respondent was, at the time of the marriage, pregnant by some person other than the petitioner.

(2) The Court shall not grant an order of nullity -

(a) in the case referred to in subsection (1)(a) -

(i) unless proceedings for the order were instituted within 12 months after the petitioner has attained the age of marriage; or

(ii) if the wife had become pregnant since the marriage;

(b) in the case referred to in subsection (1)(b), unless proceedings for the order of nullity were instituted by a party to the marriage or a person whose consent to the marriage was required within 12 months of the marriage;

(c) in the case referred to in subsection (1) (f), (k) or (l) -

(i) unless proceedings for the order were instituted within 12 months of the date of the marriage;

(ii) unless the court is satisfied that the petitioner was at the time of the marriage ignorant of the facts alleged;

(iii) unless the court is satisfied that the petitioner had not consented to intercourse with the respondent since the discovery by the petitioner of the alleged facts; and

(iv) if the respondent satisfies the court that it would be unjust to grant the order of nullity;

(d) in the case referred to in subsection (1) (g), (i) or (j) -

(i) unless proceedings for the order were instituted within 12 months of the date of the marriage;

(ii) unless the court is satisfied that the petitioner was at the time of the marriage ignorant of the facts alleged; and

(iii) if the respondent satisfies the court that it would be unjust to grant the order of nullity.

(3) When granting an order of nullity the court shall in the first instance grant a conditional order of nullity which, subject to this Act, the court may, on application, make absolute.

(4) Section 6 (3), (4), (5) and (6) and section 7 apply to a conditional order of nullity as they apply to a conditional order of divorce.

(5) Section 11 applies to an absolute order of nullity as it applies to an absolute order of divorce.

Legal effect of 13.(1) Notwithstanding any other written law and the grant of an
certain marriages absolute order of nullity under section 12 -
notwithstanding

order of nullity (a) a child born of a marriage in respect of which the court has granted an order of nullity under section 12(1) (a) to (d), (f) to (h) or (j) to (k) shall be the legitimate child of the parties to the marriage;

(b) a child born of a marriage in respect of which the court has granted an order of nullity under section 12(1) shall be the legitimate child of the marriage, unless the court has granted the order and the marriage is avoided at the same time pursuant to section 12(1)(l);

(c) where, at the time of the marriage, one of the parties contracted the marriage in good faith, the order of nullity shall, with regard to that party, have effect from the date of the grant of the absolute order of nullity.

(2) For the purposes of subsection (1)(c), the parties to the marriage shall, unless the contrary is proved, be presumed to have contracted the marriage in good faith.

Order of separation 14.(1)A party to a marriage may petition the court for an order of separation on the ground that the marriage has broken down because of any of the facts specified in section 4(1) (a) to (d).

(2) Sections 5(1) (a) and (b) and (2) and 8 shall, subject to such modification as is necessary, apply to a petition under subsection (1) as they apply to a petition for a divorce under section 4.

(3) An order of separation may include an order -

(a) prohibiting any of the parties to the marriage from molesting the other party to the marriage or any relevant child or any child of a party to the marriage;

(b) prohibiting or restricting a party to the marriage from doing any other thing.

Effect of order of separation 15.(1)Where the court grants an order of separation under section 14, the petitioner may refuse to cohabit with the respondent.

(2) Where one of the parties to a marriage dies intestate and at the time -

(a) there is in force an order of separation in their respect; and

(b) the parties were not cohabiting with each other,

the surviving party shall not be treated as a spouse of the deceased for the purpose of succession to the estate of the deceased.

Part IV - PRESUMPTION OF DEATH

Presumption of death and dissolution of marriage 16.(1) Subject to subsection (3), a party to a marriage who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may petition the court to have it presumed that the other party is dead and to have the marriage dissolved and the court may, if it is satisfied that reasonable ground exists, grant an order of presumption of death and dissolution of marriage.

(2) In a proceeding for an order under subsection (1), the facts that for a period of 7 years or more the other party to the marriage has been continually absent from the petitioner, and the petitioner, after making such inquiries as are necessary in the circumstances, has no reason to believe that the other party has been living within that period, shall be evidence that the other party is dead until the contrary is proved.

(3) An order granted under subsection (1) shall, in the first instance be a conditional order which, subject to this Act, the court may on application, make absolute.

(4) Sections 6(3), (4), (5) and (6), 7 and 11 apply to an order made under this section as they apply to a conditional order of divorce or an absolute order of divorce, as the case may be

Intervention of 17.(1) In a proceeding for a petition for an order of divorce, nullity

Attorney General or presumption of death and dissolution of marriage -

in proceedings for

divorce, nullity (a) the court may, if it thinks fit, direct all necessary papers to

and presumption be sent to the Attorney-General who shall argue or

of death instruct counsel to argue before the court any question relating to the matter which the court considers it necessary or expedient to be fully argued;

(b) any person may, at any time during the progress of the proceeding or, before the order is made absolute, give information to the Attorney-General who shall take steps as he considers necessary or expedient in the circumstances.

(2) Where under subsection (1), the Attorney-General intervenes or shows cause against the making of a conditional order of divorce, nullity or presumption of death and dissolution of marriage, the court may make such order as to the payment of costs by or to the Attorney General or to or by any other party to the proceeding as the court thinks fit.

Part V - CHILDREN

Order for care, 18.(1) Subject to section 24, the court may make such order as the

custody etc in court thinks fit for the access, care, custody, maintenance and

respect of a education of a relevant child -

relevant child

(a) in any proceeding for divorce or nullity of a marriage or an order of separation, before, at the time of or after the order of divorce or nullity has been made absolute or the granting of the order of separation;

(b) where a proceeding for divorce or nullity of a marriage or an order of separation is dismissed after the beginning of the trial forthwith or within a reasonable period after the dismissal.

(2) The court may instead of or in addition to making an order under subsection (1) refer a relevant child or any matter relating to the welfare of a relevant child to the Director responsible for children

Cap 28 affairs under the Children Act for appropriate action under that Act.

(3) The court may, at any time, vary, discharge or suspend an order, or any part of an order, made under this section or, where the court has suspended an order or any part of an order, revive the order or that part of the order so suspended.

(4) The court may at any time, in the course of any proceeding under this section request the Director responsible for children

Cap 28 affairs under the Children Act to produce any report or provide assistance in respect of any matter which the court thinks fit and the Director shall comply with any such request.

Part VI - FINANCIAL PROVISIONS

Maintenance 19. On a petition for divorce or nullity of a marriage or an order
pending suit of separation, the court may make such order requiring a party to the
marriage -

(a) to make to the other party or to any person, for the maintenance of the other party;

(b) to make to any person for the benefit of a relevant child,

such periodical payment for such term, being a term not earlier than the date of the presentation of the petition, as the court thinks reasonable in the circumstances.

Financial relief 20.(1) Subject to section 24, on the granting of a conditional order of divorce or nullity or an order of separation, or at any time thereafter, the court may, after making such inquiries as the court thinks fit and having regard to all the circumstances of the case, including the ability and financial means of the parties to the marriage -

(a) order a party to a marriage to pay to the other party or to any person for the benefit of the other party such periodical payments for such period, not exceeding the joint lives of the parties, as may be specified in the order;

(b) pay to the other party or to any person for the benefit of the other party such lump sum in such manner as may be specified in the order;

(c) secure to the satisfaction of the court a payment referred to in paragraph (a) or paragraph (b);

(d) order a party to a marriage to pay to any person for the benefit of a relevant child such periodical payments for such period as may be specified in the order;

(e) order a party to a marriage to pay to any person for the benefit of a relevant child such lump sum as may be specified in the order;

(f) order a party to a marriage to secure to the satisfaction of the court a payment referred to in paragraph (d) or paragraph (e);

(g) make such order, as the court thinks fit, in respect of any property of a party to a marriage or any interest or right of a party in any property for the benefit of the other party or a relevant child.

(2) The court may defer making an order of divorce or nullity absolute or granting an order of separation until any document required to give effect to an order under subsection (1) have been executed, stamped or registered as the court deems fit.

(3) An order made under subsection (1)(a) to (e) shall, if made before an order of divorce or nullity is made absolute, not have effect until the order has been made absolute.

Commencement of proceedings for maintenance pending suit or financial relief

21. Subject to the rules of the court, proceedings for maintenance pending suit under section 19 or financial relief under section 20 may begin at any time after the presentation of the petition for an order of divorce, nullity or separation.

Anti-Avoidance measures

22.(1) Where a proceeding for a claim for financial relief is brought by a party against another party, the court may, on the application of the party -

(a) if the court is satisfied that the other party is, with the intention of defeating the claim, about to make any disposition or to transfer out of Seychelles or otherwise deal with any property, make such order as it thinks fit for restraining the other party from so doing or otherwise for protecting the claim for financial relief;

(b) if it is satisfied that the other party has, with the intention of defeating the claim, made a reviewable disposition and that if the disposition were set aside financial relief or different financial relief would be granted to the applicant, make an order setting aside the disposition and give such consequential direction as the court thinks fit for giving effect to the order;

(c) if it is satisfied, in a case where an applicant has obtained an order for financial relief against the other party, that the other party has, with the intention of defeating the claim, made a

reviewable disposition, make such order setting aside the disposition and give such consequential direction as the court thinks fit for giving effect to the order.

(2) An application for the purposes of subsection (1)(b) shall be made in the proceeding for a claim for financial relief.

(3) Where an application is made under this section with respect to a disposition or transfer of or other dealing with property and the court is satisfied -

(a) in a case falling within paragraph (1)(a) or paragraph (1) (b), that, the disposition, transfer or other dealing would have the consequence, or

(b) in a case falling within paragraph (1)(c), that the disposition has had the consequence,

of defeating the applicant's claim for financial relief, the disposition, transfer or other dealing shall be presumed, unless the contrary is proved, to have been made by the other party with the intention of defeating the claim.

(4) In this section -

"disposition" includes any transfer, assurance or gift of property of any description, whether made by an instrument or otherwise but does not include any provision contained in a will or codicil;

"disposition defeating a claim for financial relief" means a disposition -

(a) preventing financial relief from being granted,

(b) reducing the amount of financial relief which might be granted;

(c) frustrating or impeding the enforcement of any order for financial relief which might be or have been made;

"financial relief" means a relief under section 19, 20 or 23;

"reviewable disposition" means any disposition other than a disposition made for valuable consideration to a person who at the time acted in good faith and without notice of any intention on the part of the other party to defeat the applicant's claim for financial relief.

Variation order 23.(1)Where the court has made an order to which this section

by court applies, the court may vary, discharge or suspend the order or suspend any provision of the order or revive any order or any provision of an order so suspended.

(2) This section applies to -

(a) an order under section 19;

(b) an order under section 20;

(c) an order under this section.

(3) The court shall not exercise its powers under subsection (1) in relation to an order under section 20(1)(g) except on an application made in a proceeding for the dissolution of the marriage in respect of which an order of separation had been made.

(4) Without prejudice to the power of the court under section 20, where there is an agreement between the parties who are or were married relating to settlement of property of the parties, payment of maintenance or any lump sum, the court may, on application by one of the parties, inquire into the matter and make such variation of the agreement as the court thinks fit in the circumstances.

Part VII - MISCELLANEOUS

Scope and duration of order made in respect of a relevant child

24.(1) When making an order in respect of a relevant child under this Act the court shall have as its paramount consideration the welfare of the child.

(2) Without prejudice to subsection (1), when considering whether any and what order should be made under this Act for the access, care, custody, maintenance, education or otherwise of a relevant child the court shall have regard -

(a) to the extent to which a party, who is not the natural parent of the child, had, on or after the acceptance of the child as one of the family, assumed responsibility for the child's welfare;

(b) to the liability of any person, other than the parties to the marriage, to maintain the child.

(3) An order made by the court under this Act in respect of a relevant child shall not apply to a relevant child who is 18 years or over, or shall cease to apply when a relevant child becomes 18 years unless the court is satisfied that -

(a) the child is receiving instruction at an educational establishment or undergoing training;

(b) the child is unable to maintain himself by reason of illness, infirmity or other special circumstances,

and that it is expedient that the order applies or continues to apply to the child and in which case the order shall apply or continue to apply to the child to the extent in the manner and for the period specified by the court.

Protection of a party, child or property etc. 25.(1) Without prejudice to any other power of the court, the court may, on an application by a party to a marriage, grant such order as it thinks fit -

(a) for the protection of a party to the marriage or a relevant child;

(b) restraining a party to the marriage -

(i) from entering or remaining in any premises or any part of any premises, including the matrimonial home, where the other party resides or works;

(ii) from entering the premises of any educational or training institution at which a relevant child is attending;

(c) in relation to the property of a party to the marriage or the matrimonial home;

(d) relating to the occupancy of the matrimonial home.

(2) In exercising its powers under subsection (1), the court may -

(a) make an order relieving a party to the marriage from any obligation to perform marital services or render conjugal rights;

(b) in the case of an order under subsection (1)(a), (b) or (d), make an order as the court deems fit for the welfare of a relevant child in relation to access, care, custody, maintenance or education of the child;

(c) in the case of an order under subsection (1)(a), (b)(i) or (d), make an order for the maintenance of the party.

No damages. 26. Notwithstanding any other written law, the adultery of a party to a marriage shall not give rise to a claim for damages.

Rules of court. 27. The Chief Justice may make rules of court for the purposes of this Act.

Transitional 28. Any proceedings under the Matrimonial Causes Act repealed

Cap 72 by this Act which are pending on the commencement of this Act

[1971] Ed may be continued and shall be dealt with under the repealed Matrimonial Causes Act.
