

## Practice Directions

### CROWN COURT

*Crown Court – Practice – Solicitor – Right of audience.*

In exercise of the power conferred on him by s 12 of the Courts Act 1971 the Lord Chancellor hereby gives the following direction:

1. Solicitors may appear in, conduct, defend and address the court in proceedings mentioned in para 2 of this direction at any sitting of the Crown Court at Caernarvon, Barnstaple, Bodmin, Doncaster or (subject to para 3 hereof) Lincoln.

2. The proceedings in which solicitors may exercise the right of audience conferred by para 1 of this direction are: (a) appeals from magistrates' courts; (b) proceedings on committal of a person for sentence or to be dealt with; (c) proceedings in respect of the offences included in class 4 in the directions given by the Lord Chief Justice with concurrence of the Lord Chancellor under ss 4 (5) and 5 (4) of the Courts Act 1971<sup>1</sup>; and (d) proceedings under the original or appellate civil jurisdiction of the Crown Court.

3. The right of audience conferred by para 1 of this direction in respect of sittings of the Crown Court at Lincoln shall extend only to proceedings falling within para 2 hereof: (a) on appeal from, or on committal by, a magistrates' court in the County of the Parts of Holland, or (b) which would, but for the passing of the Courts Act 1971, have fallen to be heard by the court of quarter sessions for that county in the exercise of its original or appellate civil jurisdiction.

4. This direction shall come into force on 1st January 1972.

HAILSHAM OF ST MARYLEBONE C

7th December 1971

### FAMILY DIVISION

*Probate – Practice – Non-contentious probate – Foreign divorces – Recognition.*

The Recognition of Divorces and Legal Separations Act 1971 comes into force on 1st January 1972.

As from that date the following practice will apply in unopposed probate applications: (a) A decree of divorce granted on or after 1st January 1972 by a court in Scotland, Northern Ireland, the Channel Islands or the Isle of Man will be recognised in the same way as a decree granted in England and Wales, irrespective of the domicile of the deceased. (b) A decree of divorce, whenever granted, by a court in an overseas country as defined in the Act will be recognised if the oath shows that at the date of commencement of the proceedings resulting in the decree: (i) the parties were domiciled in that country; (ii) either spouse was habitually resident in that country; or (iii) either spouse was a national of that country; or exceptionally if one of these facts is recorded in the decree itself (see s 5 of the Act).

In all other cases, including a case in which it is alleged that a divorce was obtained by extra-judicial proceedings, a full statement of the facts should be submitted to a registrar for decision. The registrar, after consideration of the facts, will decide whether further evidence of facts or law is necessary.

COMPTON MILLER  
Senior Registrar

10th December 1971

<sup>1</sup> See Practice Note [1971] 3 All ER 829, [1971] 1 WLR 1535