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23rd July, 1986

Matrimonial Causes Division and Samedi Division

Mr M

-v-

Mrs M

Commissioner Mr.T.A. Dorey: It is important that in such cases as these there should be regular access between the non-custodial parent and the children. It is not merely that the like of the parent is involved; regular access is of benefit to the children themselves. Accordingly, we Order that there be supervised access once a week during the school holidays, with effect from the 1st of August, under the general supervision of Mr. Thomson, the Childrens Officer, preferably, if this can be so arranged, at Westley Lodge and we are grateful to Mr. Whelan for that suggestion. Mrs M is directed by the Court to ensure that the children attend these times of access. Mrs M has care and control of the children and as part of her duties of care and control, she is to make sure that the children have access to their father, and do attend at the times arranged by Mr. Thomson, and that is an Order of the Court. As regards maintenance, the maintenance for the children must be paid at a rate of £10.00 per week by Mr M ; to be paid 'four weekly' in arrears. If maintenance is not paid in that amount, regularly every four weeks, Mrs M's remedy is to bring the matter back to Court, because non-payment will be treated as a contempt. Her remedy, and I make this quite clear, her remedy in the case of non-payment is not to withhold access. If the maintenance is not paid she must continue to obey the Court order for access, but must bring Mr M's default back to the notice of this Court. All other matters, particularly as regards the "Cession" and the question of care and control are adjourned sine die.

I notice that a member of the press is in Court. Is there a member of the press here? We are not - the Court is not - imposing any reporting restrictions, but I would ask the press to be discreet in how they publish their account of this matter, we do not wish to embarrass the children or cause unnecessary distress to them. Particularly as regards the details that have been given in evidence or given by Counsel on this occasion. The Court feels that it would be in the interests of justice to have a very very bare report on the matter at issue and the decision of the Court.

Advocate S.A. Pearmain: Sir, I wonder if I might suggest that the maintenance that you - that the Court - Ordered, of £10.00 per week, might be paid via the Viscounts Department. (Indistinct) a better bearing in mind the situation with Mrs

M , that Mr M pays it into the Viscounts Department.

Commissioner Mr. T.A. Dorey: Have you any comments Mr Whelan?

Advocate C.E. Whelan: (indistinct)

Commissioner Mr.T.A. Dorey: Yes, the maintenance shall be paid to the Viscount's Department.