

Family Proceedings Amendment Act (No. 2) 1985

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An Act to amend the Family Proceedings Act 1980

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1 Short Title

This Act may be cited as the Family Proceedings Amendment Act (No. 2) 1985, and shall be read together with and deemed part of the Family Proceedings Act 1980 (hereinafter referred to as the principal Act).

2 Grounds for dissolution of marriage

The principal Act is hereby amended by repealing section 39, and substituting the following section:

“39

“(1) An application for an order dissolving a marriage may be made only on the ground that the marriage has broken down irreconcilably.

- “(2) The ground for the order is established in law if, and only if, the Court is satisfied that the parties to the marriage are living apart, and have been living apart for the period of 2 years immediately preceding the filing of the application for an order dissolving the marriage; and no proof of any other matter shall be required to establish the ground.
- “(3) A separation order or a separation agreement (whether made by deed or other writing or orally) in full force for the period of 2 years immediately preceding the filing of an application for an order dissolving a marriage may be adduced as evidence of living apart for the required period.
- “(4) Where the ground for the making of the order is established under subsection (2) of this section, the Court shall, subject to section 45 of this Act, make an order dissolving the marriage.”

3 Maintenance orders in respect of children

Section 76 of the principal Act is hereby amended by repealing subsection (8), and substituting the following subsection:

- “(8) Whether or not the Court makes a maintenance order under this section for the future maintenance of a child who has attained the age of 16 years or 18 years, the Court may order the respondent to pay, in respect of the past maintenance of the child during the period commencing on the date on which the child attained that age and ending on the date of the making of the order or such earlier date as is appropriate in the circumstances, such sum at such time or times and in such manner as the Court thinks fit.”

4 Variation overseas of maintenance agreements registered in New Zealand

The principal Act is hereby amended by inserting, after section 139, the following section:

“139a

- “(1) This section shall apply to any order that—
- “(a) Has been made provisionally only by a Court in a Commonwealth or designated country; and
 - “(b) Has no effect unless and until confirmed in New Zealand; and
 - “(c) Cancels, varies, or suspends a maintenance agreement that is made and registered in New Zealand (whether registered before or after the making of the provisional order) and is registered in that Commonwealth or designated country.
- “(2) Subsections (2) to (8) of section 139 of this Act shall apply to any order to which this section applies.”

This Act is administered in the Department of Justice.