



Legal Services Amendment Act (No 2) 2013

Public Act 2013 No 81
Date of assent 24 September 2013
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Legal Services Amendment Act (No 2) 2013.
- 2 Commencement**
This Act comes into force on 1 October 2014 unless it is earlier brought into force on a date appointed by the Governor-General by Order in Council.
- 3 Principal Act**
This Act amends the Legal Services Act 2011 (the **principal Act**).

4 Section 7 amended (Proceedings for which legal aid may be granted: civil matters)

(1) After section 7(3), insert:

“(3A) Despite subsection (1), legal aid is only available in proceedings under the Care of Children Act 2004 that are to be heard and determined in a Family Court if—

“(a) a lawyer is acting in the proceedings as permitted by any of the following sections of that Act:

“(i) section 7A(2); or

“(ii) section 7A(4)(b)(ii) or (iii); or

“(iii) section 7A(4)(c); or

“(iv) section 7A(6); or

“(b) a lawyer is acting in the proceedings as permitted by section 7A(4)(a) or (b)(i) of that Act, but the proceedings are not of a kind specified in subsection (3B); or

“(c) a lawyer is providing legal advice to a party who—

“(i) has indicated at a settlement conference an intention to consent to the making of an order settling 1 or more of the issues in dispute in the proceedings; and

“(ii) has been advised by the Judge to obtain legal advice before that order is made.

“(3B) The kinds of proceedings referred to in subsection (3A)(b) are—

“(a) proceedings commenced by an application that—

“(i) affects the applicant only; or

“(ii) is in respect of a routine matter; or

“(iii) is about a matter that does not affect the interests of any other person; or

“(b) proceedings where every person in respect of whom the order is sought has either died or cannot be found.”

(2) After section 7(5), insert:

“(6) Subsections (3A) and (3B) do not apply in respect of any proceedings commenced under the Care of Children Act 2004 before the date of commencement of section 5 of the Care of Children Amendment Act (No 2) 2013.”

Legislative history

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| 18 September 2013 | Divided from the Family Court Proceedings Reform Bill (Bill 90–2) by committee of the whole House as Bill 90–3H |
| 19 September 2013 | Third reading |
| 24 September 2013 | Royal assent |

This Act is administered by the Ministry of Justice.
