

New Zealand.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Section 7 of principal Act amended. 3. Failure to comply with decree for restitution of conjugal rights to be a ground for divorce. | <ol style="list-style-type: none"> 4. Court may make decree for dissolution of marriage where parties separated for not less than three years. 5. Section 21 of principal Act (constituting grounds of divorce) amended. |
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1920, No. 70.

Title. AN ACT to amend the Divorce and Matrimonial Causes Act, 1908.
[11th November, 1920.]

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

Short Title. 1. This Act may be cited as the Divorce and Matrimonial Causes Amendment Act, 1920, and shall be read together with and deemed part of the Divorce and Matrimonial Causes Act, 1908 (hereinafter referred to as the principal Act).

Section 7 of principal Act amended. 2. Section seven of the principal Act is hereby amended by omitting the words "and that there is no legal ground why the same should not be granted, may," and substituting the words "may, in its discretion."

Failure to comply with decree for restitution of conjugal rights to be a ground for divorce. 3. If the respondent shall fail to comply with a decree of the Court for restitution of conjugal rights, such respondent shall thereupon be deemed to have been guilty of desertion without reasonable cause, and a suit for dissolution of marriage may forthwith or at any time thereafter be instituted, and a decree *nisi* for the dissolution of the marriage may, in the discretion of the Court, be pronounced on the ground of desertion, although the period fixed by the principal Act in the case of desertion may not have elapsed since the failure to comply with the decree for restitution of conjugal rights.

Court may make decree for dissolution of marriage where parties separated for not less than three years. 4. It shall be lawful for the Court, in its discretion, on the petition of either of the parties to a decree of judicial separation, or to a separation order made by a Stipendiary Magistrate or by a Resident Magistrate, or to a deed or agreement of separation, or separation by mutual

consent, when such decree, order, deed, or agreement is in full force and has so continued for not less than three years, to pronounce a decree of dissolution of marriage between the parties, and in making such decree, and in all proceedings incidental thereto, the Court shall have the same powers as it has in making a decree of dissolution in the first instance.

5. Section twenty-one of the principal Act is hereby amended—

(a.) By omitting paragraph (d) of subsection one, and substituting the following paragraph:—

“(d.) On the ground that the respondent has been convicted of, and sentenced to imprisonment for seven years or upwards for, attempting to commit the murder of, or wounding or doing actual bodily harm to, the petitioner or any child of the petitioner or respondent.”

(b.) By omitting paragraph (f) of subsection one, and substituting the following paragraph:—

“(f.) On the ground that the respondent is a person of unsound mind and is unlikely to recover, and has been confined as such in New Zealand in an institution within the meaning of the Mental Defectives Act, 1911, or in a like institution in any other country of the British dominions for a period or periods not less in the aggregate than seven years within the period of ten years immediately preceding the filing of the petition.”

(c.) By adding to subsection one the following paragraph:—

“(g.) On the ground that the respondent is a person of unsound mind and is unlikely to recover, and has been continuously a person of unsound mind for the period of seven years immediately preceding the filing of the petition, and during the final three years of the said period of seven years has been confined as such in New Zealand in an institution within the meaning of the Mental Defectives Act, 1911, or in a like institution in any other country of the British dominions.”

Section 21 of
principal Act
(constituting
grounds of
divorce) amended.