



ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Interim maintenance orders</p>	<p>3. Order for enforcement of arrears under maintenance order</p>
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1976, No. 87

An Act to amend the Domestic Proceedings Act 1968

[10 December 1976]

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 Domestic Proceedings Amendment Act 1976, and shall be read together with and deemed part of the Domestic Proceedings Act 1968 (hereinafter referred to as the principal Act).

2. Interim maintenance orders—The principal Act is hereby amended by repealing section 77, and substituting the following section:

“77. (1) Where an application for a maintenance order, or for the discharge, variation, extension, or suspension of a maintenance order, has been filed, any Magistrate may, if he thinks fit, having regard to all the circumstances of the case, make an order under this section.

“(2) Where an application for a separation order has been filed, any Magistrate may, if he thinks fit, on application by the defendant, having regard to all the circumstances of the case, make an order under this section.

“(3) An order under this section shall direct the defendant or, as the case may be, the applicant to pay such weekly sum as the Magistrate thinks reasonable towards the future main-

tenance of his or her wife or husband and any of his or her children until the final determination of the case or until the order sooner ceases to be in force.

“(4) No order made under this section shall continue in force for more than 3 months from the date on which it is made.

“(5) Any order made under this section may be enforced, varied, suspended, or discharged in the same manner as if it were a final order of the Court.

“(6) Nothing in this section shall limit or affect any interim maintenance order in force at the commencement of this section.”

3. Order for enforcement of arrears under maintenance order—(1) Section 106 of the principal Act is hereby amended by omitting the words “money payable up to the date of the making of the first-mentioned order”, and substituting the words “arrears due under that maintenance order up to the date of the first-mentioned order”.

(2) Section 95 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) Except where payment is sought of the whole or part of any arrears due under the maintenance order, an attachment order may be made *ex parte* without notice to the defendant or his employer.”

This Act is administered in the Department of Justice.
