



## ANALYSIS

Title

1. Short Title

2. Enforcement of agreement in respect of child over sixteen

3. Power to issue deduction notices for arrears where maintenance order or agreement discharged or cancelled

1989, No. 116

**An Act to make amend the Family Proceedings Act 1980**

[20 November 1989]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Family Proceedings Amendment Act 1989, and shall be read together with and deemed part of the Family Proceedings Act 1980 (hereinafter referred to as the principal Act).

**2. Enforcement of agreement in respect of child over sixteen**—(1) Section 87 (1) of the principal Act is hereby amended by inserting, before the words “Notwithstanding that”, the words “Subject to subsection (1A) of this section,”.

(2) Section 87 of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection:

“(1A) Subsection (1) of this section shall not apply to a registered maintenance agreement that expressly provides for the payment of sums of money for the maintenance of a child—

“(a) Until the child attains a specified age not exceeding 18 years, if, at the date of the agreement, the child had attained or would shortly attain the age of 16 years; or

“(b) While the child is under the age of 20 years and is in full-time education or training.”

**3. Power to issue deduction notices for arrears where maintenance order or agreement discharged or cancelled**—The principal Act is hereby amended by inserting, after section 111, the following section:

“111A. (1) Notwithstanding that a maintenance order has been discharged or a registered maintenance agreement has been cancelled, or any such order or agreement has otherwise ceased to have effect, a deduction notice may be issued under section 110 of this Act to recover arrears owing under the maintenance order or agreement.

“(2) Where an order of the Court providing for the payment of arrears by instalments is in force, the amount specified in the deduction notice as the amount to be deducted under the notice shall not be greater than the maximum amount required to be paid per week under that order of the Court.

“(3) Where subsection (2) of this section does not apply, the amount specified in the deduction notice as the amount to be deducted under that notice shall be an amount that is greater, by not more than 10 percent, than the periodical sum required to be paid per week under the maintenance order or agreement immediately before its discharge or cancellation, or immediately before it otherwise ceased to have effect.”

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This Act is administered in the Department of Justice.

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