



ANALYSIS

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1995, No. 90

An Act to amend the Family Proceedings Act 1980

[15 December 1995]

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

1. Short Title and commencement—(1) This Act may be cited as the Family Proceedings Amendment Act 1995, and shall be read together with and deemed part of the Family Proceedings Act 1980 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

2. Counselling where proceedings commenced—Section 10 (3) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) The respondent has used violence (within the meaning of section 3 (2) of the Domestic Violence Act 1995) against the applicant or a child of the marriage; or”.

3. Circumstances where joint counselling not to be required—The principal Act is hereby amended by inserting in Part II, after section 19, the following section:

“19A. (1) Notwithstanding anything in this Part of this Act, a party to a marriage shall not be required, under any provision of this Part of this Act, to attend counselling at which the other

party to the marriage is also present, in any case where the other party to the marriage has used violence (within the meaning of section 3 (2) of the Domestic Violence Act 1995) against the first-mentioned party, or against a child of the marriage.

“(2) Nothing in this section prevents the provision of counselling in the circumstances referred to in subsection (1) of this section with the agreement of the first-mentioned party.”

This Act is administered in the Ministry of Justice and the Department for Courts.
