



ANALYSIS

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 1994, No. 35

An Act to amend the Guardianship Act 1968
[1 July 1994]

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

1. Short Title—This Act may be cited as the Guardianship Amendment Act 1994, and shall be read together with and deemed part of the Guardianship Act 1968 (hereinafter referred to as the principal Act).

2. Reports from other persons—Section 29A of the principal Act (as inserted by section 17 of the Guardianship Amendment Act 1980) is hereby amended by repealing subsection (6), and substituting the following subsections:

“(6) Fees for reports prepared pursuant to a request under subsection (1) of this section, and reasonable expenses incurred,—

“(a) May be determined in accordance with regulations made under this Act; and

“(b) Shall be paid by such party or parties to the proceedings as the Court shall order or, if the Court so decides, shall be paid out of the Departmental Bank Account from money appropriated by Parliament for the purpose.

“(6A) Any amount of any fees and expenses ordered to be paid by any party under subsection (6) (b) of this section shall, if paid by the Crown, be a debt due to the Crown by that party, and, in default of payment of the amount, payment thereof may be enforced, by order of a District Court or the High Court

as the case may require, in the same manner as a judgment of that Court.”

3. Power of Court to appoint solicitor or counsel—

(1) Section 30 of the principal Act (as substituted by section 18 of the Guardianship Amendment Act 1980) is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) Fees for professional services provided by barristers or solicitors appointed under this section, and reasonable expenses incurred,—

“(a) May be determined in accordance with regulations made under this Act; and

“(b) Shall be paid out of the Departmental Bank Account from money appropriated by Parliament for the purpose.”

(2) Section 30 (7) of the principal Act is hereby amended by omitting the words “shall be recoverable accordingly in any Court of competent jurisdiction”, and substituting the words “, in default of payment of the amount, payment thereof may be enforced, by order of a District Court or the High Court as the case may require, in the same manner as a judgment of that Court”.

4. Rules of Court and regulations—Section 32 of the principal Act is hereby amended by inserting, as subsection (3), the following subsection:

“(3) The Governor-General may from time to time, by Order in Council, make regulations—

“(a) Making provision for the determination of the amount of fees and expenses, including minimum and maximum amounts, payable in respect of the preparation of reports requested pursuant to section 29A of this Act, which fees and expenses may differ according to the type of report and time spent, and according to whether or not professional services are to be provided in a specified number of proceedings during a specified period:

“(b) Making provision for the determination of the amount of fees and expenses, including minimum and maximum amounts, payable in respect of professional services provided by barristers and solicitors appointed under section 30 of this Act, which fees and expenses may differ according to the complexity of the proceedings and the time spent,

and according to whether or not professional services are to be provided in a specified number of proceedings during a specified period:

- “(c) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.”

This Act is administered in the Department of Justice.
