



ANALYSIS

Title
1. Short Title

2. Filing in Magistrate's Court of
Supreme Court orders for guardianship or custody

1961, No. 83

An Act to amend the Guardianship of Infants Act 1926

[1 December 1961]

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 Guardianship of Infants Amendment Act 1961, and shall be read together with and deemed part of the Guardianship of Infants Act 1926* (hereinafter referred to as the principal Act).

2. Filing in Magistrate's Court of Supreme Court orders for guardianship or custody—Section 6A of the principal Act (as inserted by subsection (1) of section 20 of the Statutes Amendment Act 1949) is hereby amended by adding the following subsections:

“(4) Any Magistrate may issue a warrant under subsection (2) of this section notwithstanding that the order in respect of which it is issued was made in the Supreme Court in any case where the order has been filed in a Magistrate's Court in accordance with the provisions of subsections (5) and (6) of this section.

“(5) Any party to any proceedings in the Supreme Court in which an order for the guardianship or custody of an infant has been made, whether that order was made before

or after the commencement of this subsection, may make application to the Registrar of the Supreme Court at the place where the order was made to have a copy of the order filed in a Magistrate's Court, and shall forward with the application a copy of the order and of any order varying or otherwise affecting it and the fees prescribed under the Code of Civil Procedure for sealing copies of orders. The Registrar shall thereupon transmit to the Registrar of the Magistrate's Court specified in the application a copy under the seal of the Supreme Court of the order and of every order varying or otherwise affecting it, and shall also note on the original order a memorial to the effect that the copy has been so transmitted.

“(6) The Registrar of the Magistrate's Court shall file the copy of any order transmitted to him under subsection (5) of this section. Thereafter a copy under the seal of the Court of every order of the Supreme Court varying or otherwise affecting any such order shall be forwarded by the Registrar of that Court to the Registrar of the Magistrate's Court in which the earlier order is filed.

“(7) Nothing in subsections (4) to (6) of this section shall take away or affect any jurisdiction of the Supreme Court.”

This Act is administered in the Department of Justice.
