

**Reprint
as at 31 March 2014**



**Protection of Personal and
Property Rights Amendment Act
2013**

Public Act 2013 No 83
Date of assent 24 September 2013
Commencement see section 2

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Justice.

The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Protection of Personal and Property Rights Amendment Act 2013.

2 Commencement

This Act comes into force on 1 October 2014 unless it is earlier brought into force on a date appointed by the Governor-General by Order in Council.

Section 2: this Act brought into force, on 31 March 2014, by the Protection of Personal and Property Rights Amendment Act 2013 Commencement Order 2014 (LI 2014/97).

3 Principal Act

This Act amends the Protection of Personal and Property Rights Act 1988 (the **principal Act**).

4 Section 65 amended (Appointment of barrister or solicitor by court or Registrar)

- (1) Replace the heading to section 65 with “**Appointment of lawyer to represent person in respect of whom application made**”.
- (2) In section 65, replace “barrister or solicitor” with “lawyer” in each place.
- (3) Repeal section 65(3).
- (4) In section 65(5), replace “barristers or solicitors” with “lawyers”.
- (5) Replace section 65(6) with:
“(6) An invoice rendered by a lawyer appointed under this section for fees and expenses must be given to the Registrar of the court in which the proceedings were heard, and the Registrar may decide to adjust the amount of the invoice.”
- (6) In section 65(7), replace “bill” with “invoice”.

5 New sections 65A and 65B inserted

After section 65, insert:

“65A Appointment of lawyer to assist court

In any proceedings under this Act, a court may—

- “(a) appoint a lawyer to assist the court; or
- “(b) direct the Registrar of the court to appoint a lawyer to assist the court.

“65B Payment of lawyer appointed under section 65A

- “(1) The fees and expenses of any lawyer appointed under section 65A must—
 - “(a) be determined in accordance with regulations made under section 16D of the Family Courts Act 1980 or, if no such regulations are made, by the Registrar of the court; and
 - “(b) be paid in accordance with that determination out of public money appropriated by Parliament for the purpose.
- “(2) An invoice rendered by a lawyer appointed under section 65A for fees and expenses must be given to the Registrar of the court in which the proceedings were heard, and the Registrar may decide to adjust the amount of the invoice.
- “(3) A lawyer who is dissatisfied with the decision of the Registrar as to the amount of the invoice may, within 14 days after the date of the decision, apply to a Family Court Judge to review the decision, and the Judge may on the application make any order varying or confirming the decision that the Judge considers fair and reasonable.
- “(4) Where the fees and expenses of a lawyer appointed under section 65A have been paid under subsection (1)(b), the court may, if it thinks it appropriate, order a party to the proceedings to refund to the Crown an amount that the court specifies in respect of those fees and expenses, and the amount ordered to be refunded is a debt due to the Crown by that party and, in default of payment of that amount, payment 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.”

6 Section 76 amended (Court may call for report on person)

- (1) In section 76, replace “barrister or solicitor” with “lawyer” in each place.

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- (2) In section 76(3)(b), replace “section 65(3)” with “section 65A”.
- (3) In section 76(6), replace “section 65(3)” with “section 65A”.
- 7 Section 78 amended (Power of court to call witnesses)**
In section 78(3), delete “, or by any barrister or solicitor assisting the court.”.
- 8 Section 79 amended (Attendance at hearings)**
Replace section 79(1)(f) with:
“(f) a lawyer appointed under section 65A to assist the court.”.
- 9 Section 88 amended (Procedure on review)**
In section 88, replace “65” with “65A”.
- 10 Section 112 amended (Regulations)**
In section 112(a), replace “barristers and solicitors” with “lawyers”.
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Reprints notes

1 *General*

This is a reprint of the Protection of Personal and Property Rights Amendment Act 2013 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Protection of Personal and Property Rights Amendment Act 2013
Commencement Order 2014 (LI 2014/97)
