



Family Courts Amendment Rules 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 20th day of May 2013

Present:

His Excellency the Governor-General in Council

Pursuant to section 16A of the Family Courts Act 1980, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following rules.

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Rules

1 Title

These rules are the Family Courts Amendment Rules 2013.

2 Commencement

These rules come into force on 1 July 2013.

3 Principal rules

These rules amend the Family Courts Rules 2002 (the **principal rules**).

4 Rule 272 amended (Procedure on arrest of respondent other than in respect of offence)

In rule 272(5), replace “Section 38” with “Section 39”.

5 Rule 369 amended (Procedure on arrest of respondent other than in respect of an offence)

In rule 369(8), replace “Section 38” with “Section 39”.

6 Rule 402 amended (Power to summon witness)

In rule 402(3), replace “scale prescribed by regulations made under the Summary Proceedings Act 1957” with “scale prescribed by the Witnesses and Interpreters Fees Regulations 1974”.

7 Rule 404 amended (Conduct of examination)

- (1) In rule 404(5)(a), replace “section 46 of the Summary Proceedings Act 1957” with “section 168 of the Criminal Procedure Act 2011”.
- (2) In rule 404(5)(b), replace “sections 28 to 31” with “sections 27 to 30”.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 1 July 2013, amend the Family Courts Rules 2002 (the **principal rules**) to make consequential changes as a result of the regime introduced by the Criminal Procedure Act 2011.

Rules 4, 5, and 7(2) will ensure that cross-references to sections of the Bail Act 2000 are correctly updated.

Rule 6 amends rule 402(3) of the principal rules, which provides for certain witnesses to be paid expenses. The amendment replaces a reference to regulations made under the Summary Proceedings Act 1957 (which is an indirect reference to the Witnesses and Interpreters Fees Regulations 1974) with a direct reference to those regulations.

Rule 7(1) replaces a reference to section 46 of the Summary Proceedings Act 1957 (which sets out the procedure for dealing with a defendant on adjournment) with a reference to section 168 of the Criminal Procedure Act 2011 (which is the equivalent section dealing with that subject).

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 23 May 2013.

These rules are administered by the Ministry of Justice.
