



ANALYSIS

Title	4. Procedure on appeal
1. Short Title	5. Transitional provision relating to appeals from Family Court to High Court
2. Appeals from decisions of Family Courts	
3. Procedure for bringing appeal	

1998, No. 30

**An Act to amend the Children, Young Persons, and Their Families Act 1989** [3 June 1998]

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

**1. Short Title**—This Act may be cited as the Children, Young Persons, and Their Families Amendment Act 1998, and is part of the Children, Young Persons, and Their Families Act 1989 (“the principal Act”).

**2. Appeals from decisions of Family Courts**—Section 341 (1) of the principal Act is amended by omitting the words “(including an interim order)”.

**3. Procedure for bringing appeal**—The principal Act is amended by repealing section 342, and substituting the following section:

“342. (1) An appeal under section 341 must be brought—

“(a) Within 28 days after the making of the order or decision appealed against; or

“(b) Within such further time as the High Court may allow on an application made to it within 1 month after the expiration of that period of 28 days.

“(2) Despite section 341 and subsection (1), if the Court makes an interlocutory order or an interim order, a party to the proceedings, or any other person prejudicially affected, or any child or young person to whom the proceedings relate, may, with the leave of the Court, appeal to the High Court

against the whole or any part of the order, and section 71A (4) and (6) of the District Courts Act 1947 apply with all necessary modifications.

“(3) An appeal under section 341 or under subsection (2) must be brought in accordance with the following provisions of the District Courts Act 1947 (which apply with all necessary modifications):

“(a) Section 71:

“(b) Section 72:

“(c) Section 73 (2), but the Court appealed from may, on the *ex parte* application of the appellant, order that security is not required to be given:

“(d) Section 73 (3) and (4):

“(e) Section 74:

“(f) Section 75.”

**4. Procedure on appeal**—The principal Act is amended by repealing section 346, and substituting the following section:

“346. The following provisions apply, with all necessary modifications, to an appeal under section 341:

“(a) Sections 156, 157, and 166 to 169:

“(b) Sections 76 and 78 of the District Courts Act 1947.”

**5. Transitional provision relating to appeals from Family Court to High Court**—(1) Despite the commencement of this Act, sections 341, 342, and 346 of the principal Act apply as if this Act had not come into force, if—

(a) The hearing of any appeal has commenced before the date on which this Act comes into force; or

(b) The High Court has set down a date for the hearing of an appeal before the date on which this Act comes into force.

(2) Despite the commencement of this Act, an appeal against an interim order lodged with the Court before the commencement of this Act does not require the leave of the Court.