

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE.]

Legislative Council, 21st September, 1920.

Hon. Mr. MacGregor.

DIVORCE AND MATRIMONIAL CAUSES AMENDMENT.

ANALYSIS.

- Title.
- 1. Short Title.
- 2. Failure to comply with decree for restitution of conjugal rights to be a ground for divorce.
- 3. Court may make decree for dissolution of marriage where parties separated for not less than three years.
- 4. Court may make order for restitution of conjugal rights where parties separated by decree or mutual consent.

A BILL INTITULED

AN ACT to amend the Divorce and Matrimonial Causes Act, 1908. Title.
 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Divorce and Matrimonial Causes Amendment Act, 1920, and shall be read together with and deemed part of the Divorce and Matrimonial Causes Act, 1908 (hereinafter referred to as the principal Act). Short Title.

New.

1A. Section seven of the principal Act is hereby amended by omitting the words "and that there is no legal ground why the same should not be granted, may," and substituting the words "may, in its discretion." Section 7 of principal Act amended.

2. If the respondent shall fail to comply with a decree of the Court for restitution of conjugal rights, such respondent shall thereupon be deemed to have been guilty of desertion without reasonable cause, and a suit for dissolution of marriage may forthwith or at any time thereafter be instituted, and a decree *nisi* for the dissolution of the marriage may be pronounced on the ground of desertion, although the period fixed by the principal Act in the case of desertion may not have elapsed since the failure to comply with the decree for restitution of conjugal rights. Failure to comply with decree for restitution of conjugal rights to be a ground for divorce.

3. It shall be lawful for the Court, *in its discretion*, on the petition of either of the parties to a decree of judicial separation, or to a separation order made by a Stipendiary Magistrate or by a Resident Magistrate, or to a deed or agreement of separation, when such decree, order, deed, or agreement is in full force and has so continued for not less than three years, to pronounce a decree of dissolution of marriage between the parties, and in making such decree, and in all proceedings incidental thereto, the Court shall have the same powers as it has in making a decree of dissolution in the first instance. Court may make decree for dissolution of marriage where parties separated for not less than three years.

Struck out.

4. A decree for restitution of conjugal rights may be made by the Court, notwithstanding that the husband and wife are or have been separated by mutual consent or by virtue of a judicial decree or order under the principal Act or any other Act, or in any other manner, and notwithstanding that the conduct of the husband or wife has been such as would entitle him or her to a decree of judicial separation. Court may make order for restitution of conjugal rights where parties separated by decree or mutual consent.