

[AS REPORTED FROM THE JUSTICE AND LAW REFORM
COMMITTEE]

House of Representatives, 11 July 1989.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 10 October 1989.

**[Clauses 84 and 85 of this Bill were formerly clauses 84
and 85 of the Law Reform (Miscellaneous Provisions)
Bill: 122-2]**

Hon. W. P. Jeffries

FAMILY PROCEEDINGS AMENDMENT (NO. 2)

ANALYSIS

Title	85. Power to issue deduction notices for arrears where maintenance order or agreement discharged or cancelled
1. Short Title	
84. Enforcement of agreement in respect of child over sixteen	

A BILL INTITULED

An Act to make amend the Family Proceedings Act 1983

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

5 **1. Short Title**—This Act may be cited as the Family Proceedings Amendment Act (No. 2) 1989, and shall be read together with and deemed part of the Family Proceedings Act 1980 (hereinafter referred to as the principal Act).

10 **84. Enforcement of agreement in respect of child over sixteen**—(1) Section 87 (1) of the principal Act is hereby amended by inserting, before the words “Notwithstanding that”, the words “Subject to subsection (1A) of this section,”.

15 (2) Section 87 of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection:
“(1A) Subsection (1) of this section shall not apply to a registered maintenance agreement that expressly provides for

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the payment of sums of money for the maintenance of a child—

- “(a) Until the child attains a specified age not exceeding 18 years, if, at the date of the agreement, the child had attained or would shortly attain the age of 16 years; 5
or
“(b) While the child is under the age of 20 years and is in full-time education or training.”

85. Power to issue deduction notices for arrears where maintenance order or agreement discharged or cancelled— 10
The principal Act is hereby amended by inserting, after section 111, the following section:

“111A. (1) Notwithstanding that a maintenance order has been discharged or a registered maintenance agreement has been cancelled, or any such order or agreement has otherwise 15
ceased to have effect, a deduction notice may be issued under section 110 of this Act to recover arrears owing under the maintenance order or agreement.

“(2) Where an order of the Court providing for the payment of arrears by instalments is in force, the amount specified in the 20
deduction notice as the amount to be deducted under the notice shall not be greater than the maximum amount required to be paid per week under that order of the Court.

“(3) Where **subsection (2)** of this section does not apply, the amount specified in the deduction notice as the amount to be 25
deducted under that notice shall be an amount that is greater, by not more than 10 percent, than the periodical sum required to be paid per week under the maintenance order or agreement immediately before its discharge or cancellation, or 30
immediately before it otherwise ceased to have effect.”