



## DOMESTIC VIOLENCE AMENDMENT RULES 1997

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MICHAEL HARDIE BOYS, Governor-General

### ORDER IN COUNCIL

At Wellington this 27th day of January 1997

Present:

THE RIGHT HON J B BOLGER PRESIDING IN COUNCIL

PURSUANT to section 126 of the Domestic Violence Act 1995, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following rules.

### RULES

**1. Title and commencement**—(1) These rules may be cited as the Domestic Violence Amendment Rules 1997, and are part of the Domestic Violence Rules 1996\* (the “principal rules”).

(2) These rules come into force on 1 March 1997.

**2. Certificate of lawyer to be included in applications without notice**—Rule 26 (1) of the principal rules is amended by revoking paragraph (b), and substituting the following paragraph:

“(b) That the lawyer has made reasonable enquiries of the applicant to establish whether the relevant circumstances have been disclosed, and to the best of the lawyer’s knowledge every affidavit that accompanies the application discloses all such circumstances; and”.

**3. Form D.V. 2 in First Schedule amended**—The First Schedule of the principal rules is consequentially amended by omitting, from Form

D.V. 2, paragraph (b) of the item headed “**CERTIFICATE OF LAWYER**”, and substituting the following paragraph:

“(b) That I have made reasonable enquiries of the applicant to establish whether the relevant circumstances have been disclosed, and to the best of my knowledge every affidavit filed in support of this application discloses all such circumstances; and”.

MARIE SHROFF,  
Clerk of the Executive Council.

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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 March 1997, amend rule 26 of the Domestic Violence Rules 1996.

Under that rule, a lawyer making an application without notice on behalf of a party for a protection order or a property order under the Domestic Violence Act 1995 must include a certificate stating, among other things, that the lawyer is satisfied that every affidavit accompanying the application discloses all relevant circumstances. The amendment recasts this part of the certificate so that it must now say that the lawyer has made reasonable enquiries of the applicant to establish whether the relevant circumstances have been disclosed, and to the best of the lawyer’s knowledge every affidavit accompanying the application discloses all such circumstances.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 30 January 1997.  
These rules are administered in the Ministry of Justice.