



THE FAMILY PROCEEDINGS RULES 1981, AMENDMENT NO. 2

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 10th day of June 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 188 of the Family Proceedings Act 1980 and to section 32 (4) of the Guardianship Act 1968, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following rules.

RULES

1. Title and commencement—(1) These rules may be cited as the Family Proceedings Rules 1981, Amendment No. 2, and shall be read together with and deemed part of the Family Proceedings Rules 1981* (hereinafter referred to as the principal rules).

(2) These rules shall come into force on the 1st day of July 1996.

2. Forms—Rule 11 of the principal rules is hereby amended by adding the following subclause:

“(8) In the case of form F.P. 7, each sheet of paper shall be coloured any shade of yellow acceptable to the Registrar.”

3. Information sheet to accompany certain applications (including certain *ex parte* applications)—The First Schedule to the principal rules (as amended by rules 28 to 47 of the Family Proceedings Rules 1981, Amendment No. 1) is hereby amended—

*S.R. 1981/261
Amendment No. 1: S.R. 1995/111

- (a) By inserting in form F.P. 7, under the words “*Country of residence:” in both places in which they appear, the words “Ethnic origin: Languages spoken:”;
- (b) By inserting in form F.P. 7, after the words “[*In the case of a joint application*]”, the words “*and any associated respondent [In the case of an application under the Domestic Violence Act 1995]*”;
- (c) By omitting from form F.P. 7 the words “Age in years at date of application” in the second place in which they appear, and substituting the words “Date of birth, if known, or age in years at date of application”.

4. Request (and *ex parte* application) to dispense with reference to counselling—The First Schedule to the principal rules (as so amended) is hereby amended by omitting from form F.P. 18 paragraphs (a) and (b) of the *ex parte* application, and substituting the following paragraph:

“* (a) On or about [*Give dates(s)*] my marriage partner used violence (within the meaning of section 3 (2) of the Domestic Violence Act 1995) against me or a child of the marriage; or”.

MARIE SHROFF,
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 1996, affect forms F.P. 7 and F.P. 18 in the Family Proceedings Rules 1981.

A new requirement in rule 11 specifies that form F.P. 7 is to be coloured yellow. The purpose is to enable judges to identify it easily on the file.

The amendment to form F.P. 7 adds new requirements to provide information about the ethnic origin of parties, the languages spoken by parties, and, in relation to a party who does not make the application, his or her date of birth. In the case of applications made under the Domestic Violence Act 1995, applicants are required to provide information about any associated respondents.

The amendment to form F.P. 18 is consequential on the amendment made by the Family Proceedings Amendment Act 1995 to section 10 of the Family Proceedings Act 1980. The former Act amended the grounds on which an application to dispense with counselling, made by an applicant for a separation order, may be granted.

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

Date of notification in *Gazette*: 13 June 1996.

These rules are administered in the Ministry of Justice.