

Serial Number 1947/14



**THE MATRIMONIAL CAUSES (WAR MARRIAGES) EMERGENCY
REGULATIONS 1946, AMENDMENT NO. 1**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 5th day of
February, 1947

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Matrimonial Causes (War Marriages) Emergency Regulations 1946, Amendment No. 1, and shall be read together with and deemed part of the Matrimonial Causes (War Marriages) Emergency Regulations 1946* (hereinafter referred to as the principal regulations).

2. Regulation 2 of the principal regulations is hereby amended by inserting in the definition of the term "appointed day" in subclause (1), after the words "such day", the words "(being a day not earlier than the date of its appointment)".

3. Regulation 4 of the principal regulations is hereby amended by omitting from paragraph (b) of subclause (3) the words "such a Dominion as aforesaid", and substituting the words "any Dominion within the meaning of the Statute of Westminster, 1931,†".

4. The principal regulations are hereby amended by inserting, after Regulation 3, the following regulation :—

"3A. (1) In the case of marriages to which this regulation applies the Supreme Court of New Zealand shall have jurisdiction in and in relation to proceedings for nullity of marriage as if both parties were at all material times domiciled in New Zealand :

"Provided that this subclause shall not apply to any such proceedings unless they were commenced not later than five years after the appointed day.

* Statutory Regulations 1946, Serial number 1946/46, page 96.

† 22 and 23 Geo. V, c. 4 (Imp.).

“(2) The marriages to which this regulation applies are marriages celebrated outside New Zealand on or after the 3rd day of September, 1939, but before the appointed day, where the marriage is alleged to be void *ab initio*, and where the husband was, at the time of the marriage, domiciled in New Zealand and serving in any capacity in connection with the war, and the wife was, immediately before the marriage, domiciled outside New Zealand.

“(3) This regulation shall not extend or alter the jurisdiction of the Supreme Court in or in relation to any proceedings for nullity of marriage where, at the commencement of those proceedings, the parties are domiciled in New Zealand.”

5. (1) Regulation 6 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:—

“(1) For the purposes of any proceedings for divorce in relation to any marriage to which this regulation applies, paragraphs (b), (i), and (j) of section 10 of the Divorce and Matrimonial Causes Act, 1928, shall be read as if they had been amended by omitting the words “three years”, and substituting in each case the words “six months”:

“Provided that this subclause shall not apply to any such proceedings unless they were commenced not later than five years after the appointed day.”

(2) The heading to Regulation 6 of the principal regulations is hereby consequentially amended by inserting, after the word “Desertion”, the words “or Separation”.

W. O. HARVEY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 20th day of February, 1947.
These regulations are administered in the Department of Justice.