

MARRIED WOMEN AND CHILDREN—

MAINTENANCE ORDERS (NEW ZEALAND)
(FACILITIES FOR ENFORCEMENT)
REGULATIONS. ⁽¹⁾

Regulations 1936, No. 22.

Short title.

1. These Regulations may be cited as the *Maintenance Orders (New Zealand) (Facilities for Enforcement) Regulations.* ⁽¹⁾

Definitions.

2.—(1.) In these Regulations, unless the contrary intention appears—

“Court” means any District Court of the Territory;

“Ordinance” means the *Maintenance Orders (New Zealand) (Facilities for Enforcement) Ordinance 1936.*

(2.) Any reference in these Regulations to a form shall, unless the contrary intention appears, be read as a reference to a form in the Schedule to these Regulations.

Certified copy of maintenance order made in the Dominion to be forwarded to the Clerk of the Court.

3.—(1.) The certified copy of a maintenance order made by a Court in the Dominion, not being a court of superior jurisdiction, and received by the Administrator under section 3 of the Ordinance, shall, if it appears to the Administrator that the person against whom the order was made is resident in the Territory, be sent by him to the Clerk of a Court, who shall register it in the manner prescribed.

(2.) Upon registration of the order, notice in writing of the registration in accordance with Form A shall be served on the person against whom the order is made.

Provisional order made in the Territory to be marked.

4. Where a provisional order is made under section 5 of the Ordinance the formal order shall be headed with the word “Provisional” and at the foot thereof shall be written the following words:—“This order is provisional only and shall have no force or effect unless and until confirmed by a competent court in the Dominion.”

(1) Particulars of these Regulations are as follows:—

Ordinance under which made.	Date on which made by Administrator in Council.	Date on which published in <i>N.G. Gaz.</i>	Date on which took effect and came into operation.
<i>Maintenance Orders (New Zealand) (Facilities for Enforcement) Ordinance 1936</i>	31.7.1936	7.8.1936	7.8.1936 (<i>N.G. Gaz.</i> of 7.8.1936)

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5. The statement of the grounds on which the making of the order might have been opposed, required to be forwarded under section 5 of the Ordinance, shall be in accordance with Form B, and shall be signed by the justices constituting the Court.

Statement of grounds on which order might have been opposed.

6.—(1.) Where a provisional order, made by a Court and transmitted to a court in the Dominion, has been remitted to the Court for the purpose of taking further evidence, the Clerk of the Court shall cause the matter to be brought before the Court as soon as practicable.

Provisional order remitted for further evidence.

(2.) Before proceeding to take further evidence, the Court shall cause notice in accordance with Form C to be served on the complainant.

7.—(1.) The certified copy of a provisional order made by a court in the Dominion, not being a court of superior jurisdiction, and received by the Administrator under section 6 of the Ordinance, may be sent by the Administrator to the Clerk of a Court, with the accompanying documents and a requisition for the issue of a summons.

Certified copy of provisional order made in the Dominion to be forwarded to the Clerk of the Court.

(2.) The requisition and summons shall be in accordance with Forms D and E respectively.

8. The Clerk to whom any order is sent in accordance with the provisions of these Regulations shall register it on the date on which he receives it by entering it in the book in which orders under the *Maintenance Orders (Facilities for Enforcement) Ordinance 1928-1935*⁽²⁾ are registered.

Clerk to enter orders in records.

9.—(1.) When an order provisionally made in the Dominion has been confirmed with or without modification under section 6 of the Ordinance, or the Court has decided not to confirm it, or where, after confirmation, it has been rescinded or varied, the Clerk of the Court shall send notice of the Court's decision to the Administrator for transmission to the court by which the provisional order was made.

Notice of Court's decision to be sent to Administrator.

(2.) The notice required to be sent in pursuance of the last preceding sub-regulation shall be in accordance with Form F and shall be accompanied by a copy of the provisional order.

10. When the Court, whether on proceedings for confirmation or for rescission or variation, is satisfied that it is necessary to remit the case to the court which made the provisional order, for the purpose of taking further evidence, the Clerk of the Court shall remit the case by sending to the Administrator for transmission to the court which made the provisional order a notice in accordance with Form G, which shall set out the matters in respect of which further evidence is necessary, and shall attach a copy of the provisional order to the notice.

Manner of remission of case for further evidence.

(2) Now the *Maintenance Orders (Facilities for Enforcement) Ordinance 1928-1938.*

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Payments under orders to be made to the Clerk of the Court.

11. When an order has been registered under section 3 of the Ordinance, or a provisional order has been confirmed with or without modification under section 6 of the Ordinance, the Court shall direct that all payments due thereunder shall be made to the Clerk of the Court.

Collection &c. of moneys due under orders.

12.—(1.) The Clerk of the Court to whom payments are directed to be made under the last preceding regulation shall collect or cause to be collected the moneys due under the order, and shall take all necessary proceedings in his own name for enforcing payment as provided in section 8 of the Ordinance, and shall remit the moneys so collected to the Treasurer of the Territory for transmission to the Clerk of the Court from which the order or provisional order (as the case may be) originally issued.

(2.) A statement giving the names of the parties in the case, and particulars of the period covered by the payment, shall be forwarded to the Treasurer and by him transmitted with each remittance.

(3.) The cost of remittance by the Treasurer shall be deducted by him from the amount to be remitted.

Service and proof of service.

13. Subject to the provisions of the Ordinance, the provisions of section 52 of the *District Courts Ordinance 1924-1934*⁽³⁾ shall apply to the service, and proof thereof, of summonses and notices under the Ordinance.

THE SCHEDULE.

Reg. 3.

Form A.

TERRITORY OF NEW GUINEA.

Maintenance Orders (New Zealand) (Facilities for Enforcement) Ordinance 1936.

NOTICE OF REGISTRATION OF ORDER.

In the District Court, at _____, Territory of New Guinea, in the District of _____,

To _____ of _____
Complainant.
Defendant.

Take notice that I have this day registered in the District Court at _____, a certified copy of the order made at _____, on _____, by ^(a) _____, in the above case, and transmitted to me for registration, whereby you were ordered to pay ^(b) _____

Such order is of the same force, and all proceedings may be taken thereon in the same manner, as if it had been a maintenance order originally made in the Territory. All payments thereunder must be made to me.

Dated this _____ day of _____, 19 _____
Clerk of District Court
at _____

(a) Insert name of court.
(b) Set out effect of order.

(3) Now the *District Courts Ordinance 1924-1938.*

Maintenance Orders (N.Z.) (Facilities for Enforcement) Regulations.

Reg. 5.

Form B.

TERRITORY OF NEW GUINEA.

Maintenance Orders (New Zealand) (Facilities for Enforcement)
Ordinance 1936.

STATEMENT OF GROUNDS ON WHICH MAKING OF ORDER
MIGHT HAVE BEEN OPPOSED.

In the District Court, at _____, in the District of
_____, Territory of New Guinea.
Complainant.
Defendant.

The grounds on which the making of the order herein might have been opposed, if the above-named defendant had been duly served with a summons and had appeared at the hearing, are—^(a)

Dated this _____ day of _____, 19 _____.
Justices constituting the Court.
^(a) Set out grounds.

Reg. 6.

Form C.

TERRITORY OF NEW GUINEA.

Maintenance Orders (New Zealand) (Facilities for Enforcement)
Ordinance 1936.

NOTICE OF REMISSION OF PROVISIONAL ORDER.

In the District Court, at _____, in the District of
_____, Territory of New Guinea.
Complainant.
Defendant.

To _____ of _____
Take notice that the provisional order for maintenance made against the above-named defendant on the _____ day of _____, 19 _____, on your complaint, has been remitted by ^(a) _____, for the purpose of further evidence in the matter being taken.

You are therefore required to appear before the District Court at _____ in the said Territory, on the _____ day of _____, 19 _____, at _____ o'clock in the forenoon, and there adduce to the Court further evidence touching the following matters:—

Dated this _____ day of _____, 19 _____.
Clerk of District Court
at _____

^(a) Insert name of court.

Reg. 7.

Form D.

TERRITORY OF NEW GUINEA.

Maintenance Orders (New Zealand) (Facilities for Enforcement)
Ordinance 1936.

REQUISITION FOR SUMMONS.

To the Clerk of the District Court at _____
Whereas, upon the application of _____, a provisional order under the ^(a) _____ was made against _____ in the ^(b) _____ holden at _____ for the payment of _____ towards the maintenance of _____

And whereas a certified copy of the said order, together with the depositions

^(a) State title of Act.
^(b) Insert name of court.

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of witnesses and a statement of the grounds on which the order might have been opposed, has been transmitted to me in the manner prescribed:

Now therefore I, the Administrator, in accordance with the provisions of the *Maintenance Orders (New Zealand) (Facilities for Enforcement) Ordinance 1936*, do hereby forward you the said documents and request you to issue a summons against the said calling upon him to appear before the District Court to be holden at to show cause why the said order should not be confirmed.

Dated this _____ day of _____, 19 ____
Administrator.

Reg. 7.

Form E.

TERRITORY OF NEW GUINEA.

Maintenance Orders (New Zealand) (Facilities for Enforcement) Ordinance 1936.

SUMMONS TO THE DEFENDANT TO SHOW CAUSE WHY A PROVISIONAL ORDER SHOULD NOT BE CONFIRMED.

In the District Court, at _____, in the District of _____, Territory of New Guinea.
Complainant.
Defendant.

To _____ of _____

Whereas, upon the application of _____, a provisional order under the ^(a) was made against you in the ^(b) holden at _____ for the payment of _____ towards the maintenance of _____

And whereas a certified copy of the said order, together with the depositions of the witnesses and a statement of the grounds on which the order might have been opposed, has been transmitted, in the manner prescribed, to the Administrator, who has caused the said documents to be sent to the Clerk of the District Court at _____

_____ with a requisition that a summons be issued thereon:

This is therefore to command you to appear, on the _____ day of _____, 19 _____, at _____ o'clock in the forenoon, before the said District Court to show cause why the said order made against you should not be confirmed under the *Maintenance Orders (New Zealand) (Facilities for Enforcement) Ordinance 1936.*

Dated this _____ day of _____, 19 ____
Clerk of District Court
at _____

(a) State title of Act.
(b) Insert name of court.

Reg. 9.

Form F.

TERRITORY OF NEW GUINEA.

Maintenance Orders (New Zealand) (Facilities for Enforcement) Ordinance 1936.

In the District Court, at _____, in the District of _____, Territory of New Guinea.
Complainant.
Defendant.

The provisional order (a copy of which is annexed) made in the above-

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mentioned case came before this Court on the _____ day
of _____, 19____, for ^(a) _____, and after due
inquiry the Court arrived at the following decision:—

Dated this _____ day of _____, 19____.
Clerk of District Court
at _____

To the Clerk of the _____ Court at _____

(a) Confirmation, rescission, or variation.

Reg. 10.

Form G.

TERRITORY OF NEW GUINEA.

*Maintenance Orders (New Zealand) (Facilities for Enforcement)
Ordinance 1936.*

NOTICE OF REMISSION OF CASE.

In the District Court, at _____, in the District of
_____, Territory of New Guinea.
Complainant.
Defendant.

Whereas, on the hearing of an application for the ^(a) _____
of the provisional order herein (a copy of which
is annexed), the Court was satisfied that it was necessary to remit the case to
the court which made the order, for the purpose of taking further evidence on
the matters indicated hereunder:

I do, therefore, hereby remit the case to you accordingly, and request that
the court which made the order, or some other competent court, will take further
evidence on the following matters:—
and will further deal with the case according to law.

Dated this _____ day of _____, 19____.
Clerk of District Court
at _____

To the Clerk of the _____ Court at _____

(a) Confirmation, rescission, or variation.

