

**Reprint
as at 18 May 2009**



**Family Protection Amendment Act
2008**

Public Act 2008 No 80
Date of assent 16 September 2008
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Family Protection Amendment Act 2008.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Justice.

2 Commencement

- (1) This Act comes into force on a date to be appointed by the Governor-General by Order in Council.
- (2) One or more Orders in Council may be made appointing different dates for the commencement of different provisions and for different purposes.

Section 2: Family Protection Amendment Act 2008 brought into force, on 18 May 2009, by the Family Protection Amendment Act 2008 Commencement Order 2009 (SR 2009/82).

3 Principal Act amended

This Act amends the Family Protection Act 1955.

4 Claims against estate of deceased person for maintenance

Section 4 is amended by repealing subsection (3) and substituting the following subsections:

- “(3) An application must be served on the following persons:
- “(a) the spouse or civil union partner of the deceased:
 - “(b) a de facto partner who was living in a de facto relationship with the deceased at the date of his or her death:
 - “(c) a child of a marriage, civil union, or de facto relationship of the deceased, or a child of a marriage, civil union, or de facto relationship of any such child:
 - “(d) a person entitled to apply who the Registrar of the Court considers, in his or her discretion, ought to be served because there are special circumstances rendering that desirable:
 - “(e) a person entitled to apply who the Court considers, in its discretion, ought to be served because there are special circumstances rendering that desirable.
- “(3A) Where an application has been filed, orders for representation must be made in respect of the following persons:
- “(a) the persons referred to in subsection (3)(a) to (c); and
 - “(b) any other person entitled to apply who the Court considers, in its discretion, ought to be represented because there are special circumstances rendering that desirable.

- “(3B) Except as provided in subsections (3) and (3A), it is not necessary to—
- “(a) serve an application on any person; or
 - “(b) make provision for the representation of any person on an application.”
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Notes**1 General**

This is a reprint of the Family Protection Amendment Act 2008. The reprint incorporates all the amendments to the Act as at 18 May 2009, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/legislation/reprints.shtml> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 ***List of amendments incorporated in this reprint
(most recent first)***

Family Protection Amendment Act 2008 Commencement Order 2009 (SR 2009/82)
