

**Reprint
as at 18 May 2009**



**Protection of Personal and
Property Rights Amendment Act
2008**

Public Act 2008 No 84
Date of assent 16 September 2008
Commencement see section 2

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal Act amended	2
4 Appointment of barrister or solicitor by Court	2
5 Court may call for report on person	2
6 New section 79 substituted	3
79 Attendance at hearings	3
7 New section 80 substituted	4

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.

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Protection of Personal and Property Rights Amendment Act 2008.

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: Protection of Personal and Property Rights Amendment Act 2008 brought into force, on 18 May 2009, by the Protection of Personal and Property Rights Amendment Act 2008 Commencement Order 2009 (SR 2009/87).

3 Principal Act amended

This Act amends the Protection of Personal and Property Rights Act 1988.

4 Appointment of barrister or solicitor by Court

- (1) The heading to section 65 is amended by adding “**or Registrar**”.
- (2) Section 65(1) is amended by—
 - (a) omitting “shall” and substituting “or the Registrar of a Court must”; and
 - (b) inserting “or the Registrar” after “Court” in the second place where it appears.
- (3) Section 65(3) is amended by inserting “, or direct the Registrar of the Court to appoint,” after “appoint”.

5 Court may call for report on person

- (1) Section 76 is amended by repealing subsection (1) and substituting the following subsection:

- “(1) On an application for the exercise of the Court’s jurisdiction under this Act, a Court may, if it is satisfied that it is necessary for the proper disposition of the application,—
- “(a) request any person whom it considers qualified to do so to prepare a medical, psychiatric, psychological, or other report on the person in respect of whom the application is made; or
 - “(b) direct the Registrar of the Court to request any person whom the Registrar considers qualified to do so to prepare a medical, psychiatric, psychological, or other report on the person in respect of whom the application is made.”
- (2) Section 76(2) is amended by inserting “or make a direction” after “report”.

6 New section 79 substituted

Section 79 is repealed and the following section substituted:

“79 Attendance at hearings

- “(1) The following persons may attend a hearing of an application under this Act:
- “(a) officers of the Court;
 - “(b) parties to the proceedings;
 - “(c) lawyers representing parties to the proceedings;
 - “(d) the person in respect of whom the application is made;
 - “(e) the lawyer representing the person in respect of whom the application is made;
 - “(f) a barrister or solicitor appointed under section 65(3) to assist the Court;
 - “(g) witnesses;
 - “(h) accredited news media reporters;
 - “(i) persons whom the Judge permits to be present as support persons for any person described in paragraphs (b) and (d);
 - “(j) any other person whom the Judge permits to be present.
- “(2) The Family Court Judge must agree to a request under subsection (1)(i) unless the Judge considers there is a good reason why the named support persons should not be permitted to be present.
- “(3) No support persons may help a party conduct his or her case.

- “(4) If, during a hearing, the Family Court Judge requests a person of any of the following kinds to leave the courtroom, the person must do so:
- “(a) a witness:
 - “(b) an accredited news media reporter:
 - “(c) a support person whom the Judge permitted to be present under subsection (1)(i).
- “(5) Nothing in this section limits any other power of the Court—
- “(a) to hear proceedings in private; or
 - “(b) to permit a McKenzie friend to be present; or
 - “(c) to exclude any person from the Court.”

7 New section 80 substituted

Section 80 is repealed and the following section substituted:

“80 Publication of reports of proceedings

Sections 11B to 11D of the Family Courts Act 1980 apply to the publication of a report of any proceedings under this Act—

- “(a) in a Family Court:
 - “(b) in any other court, in which case references in those sections to the Family Court or Court must be read as references to that other court.”
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Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Protection of Personal and Property Rights 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)***

Protection of Personal and Property Rights Amendment Act 2008
Commencement Order 2009 (SR 2009/87)
