

Mr. Barnard.

DESTITUTE PERSONS AMENDMENT.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Section 8 of the Amendment Act, 1926, amended.</p>	<p>ANALYSIS.</p> <p>3. Limiting jurisdiction of Supreme Court, and providing for right of appeal.</p>
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A BILL INTITULED

AN ACT to amend the Destitute Persons Act, 1910.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Destitute Persons Amendment Act, 1930, and shall be read together with and deemed part of the Destitute Persons Act, 1910 (*hereinafter referred to as the principal Act*).
Struck out.

Short Title.

2. Section eight of the Destitute Persons Amendment Act, 1926, is hereby amended as follows:—

Section 8 of the Amendment Act, 1926, amended.

(a) By omitting the words "so long as such order continues in force":

(b) By inserting, after the word "enforced", the words "varied, suspended, cancelled, restored, or otherwise dealt with".

3. Upon registration in the office of a Magistrate's Court of copy of an order of the Supreme Court in pursuance of section eight of the Destitute Persons Amendment Act, 1926, no further proceedings to enforce, vary, suspend, cancel, restore, or otherwise deal with such order shall be taken in the Supreme Court:

Limiting jurisdiction of Supreme Court, and providing for right of appeal.

Provided, however, that if proceedings shall have been taken on such order in a Magistrate's Court and such order shall have been enforced, varied, suspended, cancelled, restored, or otherwise dealt with by a Magistrate the complainant or defendant, or any other person prejudicially affected, may appeal to the Supreme Court against such enforcement, variation, suspension, cancellation, restoration, or other dealing in accordance with the provisions of Parts IX or X of the Justices of the Peace Act, 1927, in the same manner as if the appeal was from an order to pay a sum exceeding five pounds, and all the provisions of that Act shall apply to any such appeal accordingly, with all necessary modifications.

Conferring jurisdiction on Magistrate's Court to vary orders of Supreme Court registered under section 8 of Amendment Act, 1926, in certain cases.

New.

2A. (1) Subject to the provisions of this section, where a copy of an order of the Supreme Court has, whether before or after the passing of this Act, been registered in the office of a Magistrate's Court pursuant to section eight of the Destitute Persons Amendment Act, 1926, the following provisions shall apply :—

(a) Any Magistrate may at any time make an order cancelling, varying, or suspending such order, or substituting a new order therefor, in the same manner as if it were, and at all times since the making thereof had been, a maintenance order made by a Magistrate acting under the authority of the principal Act, and all the provisions of that Act (including the provisions as to appeals to the Supreme Court) shall, with all necessary modifications, apply accordingly to any order made under this section and to any application for any such order :

(b) The Supreme Court shall not cancel, vary, or suspend such order of the Supreme Court, except on the hearing of an appeal from the decision of a Magistrate on an application for an order under this section.

(2) It shall not be lawful for a Magistrate to increase the amount payable under any such order of the Supreme Court, or under any order made under this section, to an amount exceeding *three* pounds a week, but nothing in this subsection shall be deemed to limit the jurisdiction of the Supreme Court on any appeal.

(3) A sealed copy of every order made under this section shall be sent by the Clerk of the Court in which it is made to the Registrar of the office of the Supreme Court in which the order of the Supreme Court was made, and shall be filed without fee by such Registrar.

(4) This section shall not apply to any such order of the Supreme Court in any of the following cases :—

(a) Where the amount payable under the order exceeds three pounds a week ; or

(b) Where the Supreme Court has ordered security to be given for the performance of the order ; or

(c) Where proceedings for the cancellation, variation, or suspension of the order are pending or in progress in the Supreme Court on the passing of this Act, or on the registration of the copy of the order in the Magistrate's Court, whichever is the later.