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THE SAMOA MAINTENANCE AND AFFILIATION AMENDMENT ORDER, 1929.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 5th day of December, 1929.

Present: His Excellency the Governor-General in Council.

His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of that Dominion, and in pursuance of the authority to make regulations for the peace, order, and good government of Samoa conferred upon him by the Samoa Act, 1921, and of all other powers and authorities enabling him in that behalf, doth hereby make the following regulation, in amendment of the Samoa Maintenance and Affiliation Order, 1920.

REGULATIONS.

Part I.—Preliminary.

1. (a) These regulations may be cited as "The Samoa Maintenance and Affiliation Amendment Order, 1929."
- (b) These regulations shall be read together with and deemed to form part of the Samoa Maintenance and Affiliation Order, 1920 (hereinafter referred to as "the principal Order").
- (c) These regulations shall come into force on the 13th day of December, 1929.

Part II.—Miscellaneous Amendments.

2. Clause 3 of the principal Order is hereby amended by revoking the definition of "child" and substituting the following:—
 "Child" means a child under the age of sixteen years.
3. Subclause (4) of clause 7 of the principal Order is hereby amended by deleting the words "twelve years of age" and substituting the words "sixteen years of age."
4. Clause 26 of the principal Order is hereby amended by revoking subclause (2) and subclause (3) thereof and substituting the following subclauses:—
 "(2) Under any maintenance order the intervals between successive payments shall not exceed one month.
 "(3) No maintenance order made against the father of any child in favour of that child shall be for payments at a rate exceeding the rate of twenty-one shillings a week.
 "(4) No maintenance order made against the father of any child in favour of that child shall operate to impose any liability for payments first due after that child attains the age of sixteen years, but this provision shall not effect the continuing liability of any person under the order in respect of payments becoming due before that time."

Part III.—Reciprocal Enforcement of Orders.

GENERAL PROVISIONS.

5. In this Part of this Order, unless inconsistent with the context,—
 "Overseas Court" means any Court in His Majesty's Dominions (including New Zealand) or in any British protectorate, mandated territory, or place where His Majesty exercises judicial powers;
 "Judge" includes every person exercising judicial powers in any overseas Court;
 "Overseas maintenance order" means an order which is—
 (a) Made by any overseas Court; and
 (b) Made for the periodical payment of sums of money towards the maintenance of the wife of the person against whom the order is made or of any dependant of such person whom that person is liable to maintain according to the law in force in the place where the maintenance order is made; and
 (c) Made either before or after the coming into force of this Order; and includes an overseas provisional order;
 "Overseas provisional order" means an overseas maintenance order appearing from the terms thereof to be provisional, and to have no effect, or not to have complete effect, unless and until confirmed by some other Court;
 "Samoan provisional order" means an order made pursuant to clause 25 hereof.
6. This Part of this Order shall not apply to affiliation orders nor to any order for payment by the person against whom the order is made of sums of money towards the maintenance of a dependant whom that person is liable to maintain only by reason of the existence of any affiliation order or order in the nature of an affiliation order.
7. All the provisions of the principal Order shall apply to an order made under this part of this Order as fully as to maintenance orders made under the principal Order.
8. On the registration of an overseas maintenance order (other than an overseas provisional order) or on the confirmation of an overseas provisional order the High Court shall, on the registration or confirmation, and unless satisfied that it is undesirable to do so, direct pursuant to clause 23 of the principal Order that all payments due under such Order shall thereafter be made through the Registrar of the High Court or such other person as the Court may specify for the purpose.
9. It shall be presumed, until the contrary is proved, and without the necessity of proving any seal or signature, that the seal of any Court purporting to be affixed to any document is the seal thereof and was lawfully affixed thereto, and that the signature appearing on any document and purporting to be that of a Judge or officer of any Court is the signature of such Judge or officer, and that such Judge or officer had the judicial or official capacity which he purports to have, and that such document was lawfully and properly signed by the person purporting to sign it.
10. It shall be presumed, until the contrary is proved, that the Court purporting to make any overseas maintenance order had full power and jurisdiction to make such order in the terms in which it purports to be made, including jurisdiction over any person against whom it is made or whom it purports to bind so far as such jurisdiction appears to be exercised, whether provisionally or otherwise, by the terms of the order.
11. Every deposition verified as prescribed in this Order, and every verifying certificate, shall be received in evidence according to its tenor.

ENFORCEMENT OF OVERSEAS MAINTENANCE ORDERS.

12. Any officer of the Government or other person may apply to the High Court for registration of an overseas maintenance order.
13. The person making such application shall file in the High Court the overseas maintenance order verified under the seal of the overseas Court or under the signature of a Judge, or a copy of such order certified as a true copy under the seal of the overseas Court or under the signature of a Judge or officer of that Court.
14. The High Court may order that such overseas maintenance order be registered accordingly, and shall thereupon endorse such order or certified copy with a statement under the seal of the High Court to the effect that the order, or the order whereof it is a copy, is registered in the High Court pursuant to the Samoa Maintenance and Affiliation Amendment Order, 1929.
15. An overseas maintenance order (other than an overseas provisional order) when registered as aforesaid shall, from the date of registration, be of the same force and effect and all proceedings may be taken thereon,