

FAMILY PROCEEDINGS ACT

CHAPTER 46:09

Act
2 of 2004
Amended by
31 of 2005

Current Authorised Pages

<i>Pages</i>	<i>Authorised</i>
<i>(inclusive)</i>	<i>by L.R.O.</i>
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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Schedule

At the date of the publication of the First Supplement to the 2006 Revised Edition of the Laws, the Children's Authority Act (No. 64 of 2000) and the Children's Community Residences, Foster Homes and Nurseries Act (No. 65 of 2000) referred to in the Schedule were not proclaimed.

CHAPTER 46:09

FAMILY PROCEEDINGS ACT

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULE.

CHAPTER 46:09

FAMILY PROCEEDINGS ACT

2 of 2004.

An Act relating to Family Proceedings.

Commencement.

[30TH JANUARY 2004]

Short title.

1. This Act may be cited as the Family Proceedings Act.

Application of Act.

2. This Act applies to family proceedings whether in a superior or inferior Court of record.

Interpretation.

3. In this Act, “family proceedings” means any cause or matter or legal proceedings—*(a)* in connection with or arising out of matrimonial or other domestic relationships, including property interests; or*(b)* concerning the welfare, maintenance, guardianship, paternity, custody of or access to children,

Schedule.

and in particular, proceedings under the statutes listed in the Schedule, but does not include any criminal proceedings.

Services of persons other than probation officers may be utilised.

4. (1) Where in any family proceedings the Court requires the services of a probation officer, the Court may nonetheless utilise the services of any person whose qualifications are at least equivalent to those of a probation officer and who either—*(a)* is a public officer; or*(b)* is employed on contract by Government.

(2) A person, not being a public officer, whose services are utilised by the Court under subsection (1) shall exercise the same functions and enjoy the same protection as a probation officer.

Court may refer matter to mediation, etc. [31 of 2005].

5. (1) Where in the opinion of the Court the interest of the parties to any family proceedings may be better served if the matter or any aspect thereof is referred to mediation or to the unit

responsible for social services in the Court or to some other professional, the Court may make the appropriate referral at no expense to the parties.

(2) Parties to any family proceedings may, with the approval of the Court, agree to retain the services of a private mediator, counsellor or other professional.

(3) Any expenses incurred under subsection (2) shall be borne by the parties or either of them as the parties may agree.

(4) The Court may adjourn family proceedings in order to accommodate a referral under subsection (1) or the parties' desire to retain services under subsection (2).

6. The unit mentioned in section 5(1) may refer parties to any of the services provided for in that section, before the commencement of proceedings.

Referral may take place before commencement of proceedings.

7. Mediation in any family proceedings is confidential and shall be subject to the provisions of Part III of the Mediation Act.

Mediation confidential. Ch. 5:32.

8. (1) A report shall be made to the Court as to whether or not the mediation resulted in agreement.

Agreement to be reported to the Court.

(2) Where there is agreement, the terms thereof may be communicated to the Court if the parties so agree.

9. The Attorney General may by Order subject to negative resolution, amend the Schedule.

Amendment of Schedule.

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Family Proceedings

(Section 3).

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Administration of Estates Act, Ch. 9:01

Marriage Act, Ch. 45:01

Muslim Marriage and Divorce Act, Ch. 45:02

Hindu Marriage Act, Ch. 45:03

Married Persons Act, Ch. 45:50

Matrimonial Proceedings and Property Act, Ch. 45:51

Maintenance Orders (Facilities for Enforcement) Act, Ch. 45:53

Infants Act, Ch. 46:02

Adoption of Children Act, Ch. 46:03

Age of Majority Act, Ch. 46:06

Status of Children Act, Ch. 46:07

Family Law (Guardianship of Minors, Domicile and Maintenance)
Act, Ch. 46:08

Succession Act, Ch. 9:02 (Part VIII)

Attachment of Earnings (Maintenance) Act, Ch. 45:52

Cohabital Relationships Act, Ch. 45:55

Orisa Marriage Act, Ch. 45:04

Children's Authority Act, (Act No. 64 of 2000)

Children's Community Residences, Foster Homes and Nurseries Act,
(Act No. 65 of 2000).

*See Note on page 2.