



ANALYSIS

Title	
1. Short Title	
PART I	
THE GOVERNMENT OF NIUE	
2. Commencement of this Part	
3. Interpretation	
<i>The Executive Government of Niue</i>	
4. Executive government vested in the Crown	
5. Resident Commissioner of Niue	
6. Deputy Resident Commissioner of Niue	
7. Sickness or absence of Resident Commissioner	
8. Seal of Niue	
9. Executive Committee	
10. Delegation of Resident Commissioner's functions and powers to Executive Committee	
11. Procedure of the Executive Committee	
12. Functions of the Executive Committee	
13. Clerk of the Executive Committee	
<i>The Public Revenues of Niue</i>	
14. Public funds	
15. Public revenue	
16. Loans to Niue Assembly Account	
17. Treasurer of Niue	
18. Revenue and expenditure	
19. Traders' deposit accounts	
20. Audit	
<i>Public Health</i>	
21. Chief Medical Officer of Niue	
22. Qualification of Medical Officers	
23. Duties of Chief Medical Officer of Niue	
24. Hospitals and other institutions of public health	
25. Compulsory transfer of lepers	
	<i>Prisons and Police</i>
	26. Establishment of prisons
	27. Detention of persons in custody
	28. Labour instead of imprisonment
	29. Appointment of officers of police and prisons
	<i>Education</i>
	30. Establishment and control of schools
	<i>The Legislative Government of Niue</i>
	31. Niue Island Assembly
	32. Election of members
	33. Members to take Oath of Allegiance
	34. Procedure
	35. Privileges of Island Assembly and of its members
	36. Clerk of the Island Assembly
	<i>Ordinances</i>
	37. Island Assembly may make Ordinances
	38. Ordinances repugnant to New Zealand Acts and regulations
	39. Partial validity of Ordinances
	40. Introduction of Bills, etc., into Island Assembly
	41. Resident Commissioner may assent to, refuse assent to, or amend Bills
	42. Commencement of Ordinances
	43. Transmission to Minister of Ordinances assented to
	44. Disallowance of Ordinances
	45. Transmission to Minister of reserved Bills
	46. Assent to reserved Bills
	47. Language of Ordinances
	<i>Regulations</i>
	48. Governor-General in Council may make regulations

Village Committees

49. Judicial powers of Village Committees
 50. Penalties imposed by Village Committees

Miscellaneous Provisions

51. Resident Commissioner may act as Judge of High Court
 52. Justices of the Peace
 53. Repeals

PART II

AMENDMENTS CONSEQUENTIAL ON
PROVISIONS OF COOK ISLANDS
CONSTITUTION ACT 1964

54. Commencement of this Part
 55. Employees of Cook Islands Public Service who are members of Legislative Assembly

56. Superannuation rights of employees of Cook Islands Public Service appointed as Ministers
 57. Miscellaneous amendments
 58. Consequential repeals

PART III

MISCELLANEOUS AMENDMENTS

59. Commencement and duration of sections 60 and 61
 60. Legislative Assembly of the Cook Islands
 61. Nationality and residential qualifications of electors and candidates
 62. Interpretation
 63. Legislative Assembly may revoke Island Council bylaws Schedules

1964, No. 70

An Act to amend the Cook Islands Act 1915

[17 November 1964]

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

1. Short Title—This Act may be cited as the Cook Islands Amendment Act 1964, and shall be read together with and deemed part of the Cook Islands Act 1915 (hereinafter referred to as the principal Act).

PART I

THE GOVERNMENT OF NIUE

2. Commencement of this Part—This Part of this Act shall come into force on the date of the commencement of the Cook Islands Constitution Act 1964.

3. Interpretation—In this Part of this Act, unless the context otherwise requires—

“Cook Islands Public Service” has the meaning assigned thereto by section 76 of the Cook Islands Amendment Act 1957:

“Defence” means the defence of Niue and the defence of New Zealand:

“External affairs” includes relations with other countries, and with international organisations, and the representation of other countries in Niue:

“Island Assembly” means the Niue Island Assembly established under this Part of this Act:

“Ordinance” means an Ordinance made by the Island Assembly under the authority of this Part of this Act:

“Resident Commissioner” means the Resident Commissioner of Niue appointed under this Part of this Act.

Cf. 1957, No. 103, s. 55

The Executive Government of Niue

4. Executive government vested in the Crown—The executive government of Niue is hereby declared to be vested in Her Majesty the Queen in right of the Government of New Zealand.

Cf. 1957, No. 103, s. 56

5. Resident Commissioner of Niue—(1) There shall be appointed under the provisions of Part III of the Cook Islands Amendment Act 1957 a Resident Commissioner of Niue.

(2) The Resident Commissioner shall, in the exercise of his powers and the discharge of his functions, be subject to the control of the Minister, exercised through instructions or otherwise.

(3) The Resident Commissioner shall be charged with the executive government of Niue.

(4) The Resident Commissioner shall have all such powers as may be reasonably necessary for the efficient performance of his functions and such other powers as may from time to time be conferred on him by the principal Act and its amendments (including this Act) or any regulations thereunder or by any Ordinance or by any other enactment or law in force in Niue.

(5) The Resident Commissioner shall be stationed in Niue.

Cf. 1957, No. 103, s. 57

6. Deputy Resident Commissioner of Niue—(1) There may be appointed under the provisions of Part III of the Cook Islands Amendment Act 1957 a Deputy Resident Commissioner of Niue.

(2) While the office of Resident Commissioner is vacant, the Deputy shall, without further authority or appointment,

assume and exercise all the powers and perform all the functions of the Resident Commissioner, and all the provisions of the principal Act and its amendments (including this Act) and of any regulations thereunder and of any Ordinance and of any other enactment or law in force in Niue with respect to the Resident Commissioner shall extend and apply to the Deputy accordingly.

(3) Without limiting the generality of the provisions of subsection (2) of this section, the office of Resident Commissioner shall be deemed to be vacant for the purposes of that subsection, if at any time a Resident Commissioner is certified by a Medical Officer, who is an employee of the Cook Islands Public Service, to be incapacitated by illness from executing a warrant of authority in accordance with the provisions of section 7 of this Act.

(4) The authority of the Deputy to act as aforesaid shall continue until a new Resident Commissioner has been appointed and has assumed the duties of his office in Niue, or until a certificate in writing to the effect that any incapacity as aforesaid has ceased is made by a Medical Officer, who is an employee of the Cook Islands Public Service, and delivered to the Deputy Resident Commissioner.

Cf. 1957, No. 103, s. 58 (a)

7. Sickness or absence of Resident Commissioner—(1) If at any time the Resident Commissioner is incapable by reason of sickness or otherwise of performing the office of Resident Commissioner, or is or proposes to be absent from Niue, he may, by instrument in writing, authorise the Deputy Resident Commissioner to act on his behalf during the period of that incapacity or absence.

(2) Any such instrument may limit, in such manner as the Resident Commissioner thinks fit, the authority of the Deputy with respect to the matters to which that authority extends.

(3) Subject to any limitations so expressed in the instrument, the Deputy so authorised may exercise all the powers and perform all the functions of the Resident Commissioner, and all the provisions of the principal Act and its amendments (including this Act) and of any regulations thereunder and of any Ordinance and of any other enactment or law in force in Niue with respect to the Resident Commissioner shall extend and apply to the Deputy accordingly.

(4) Any such instrument may be at any time revoked by the Resident Commissioner.

(5) No such instrument, and no act done in pursuance thereof by the Deputy, shall be questioned or invalidated on the ground that the occasion for the instrument or for the exercise of the powers or the performance of the functions of the Deputy had not arisen or had ceased, and no act done by the Resident Commissioner shall be questioned or invalidated on the ground that any such instrument was still in force.

Cf. 1957, No. 103, s. 58 (b)

8. Seal of Niue—(1) There shall be a Public Seal of Niue, (in the principal Act and its amendments, including this Act, referred to as the Seal of Niue), to be in such form or forms as the Minister from time to time approves.

(2) The Seal shall be in the custody respectively of the Minister and of the Resident Commissioner.

(3) The Seal may be used by any person in whose custody it so is, for the authentication of any public document in relation to the government of Niue or for the execution of any document required by law to be executed under the Seal of Niue.

(4) Judicial notice shall be taken of the Seal in all Courts in the Cook Islands (including Niue) and in New Zealand.

Cf. 1957, No. 103, s. 58 (c)

9. Executive Committee—(1) There shall be an Executive Committee of Niue, which shall consist of—

(a) The Resident Commissioner; and

(b) Not more than four other members, being elected members of the Island Assembly, to be elected by the Assembly.

(2) Elected members of the Executive Committee shall hold office during the pleasure of the Island Assembly:

Provided that any elected member of the Executive Committee shall vacate his office as a member upon ceasing to hold office as a member of the Island Assembly.

(3) Elected members of the Executive Committee may receive from the Niue Assembly Account such remuneration and allowances as may be prescribed by Ordinance.

Cf. 1957, No. 103, s. 58A; 1963, No. 132, s. 23

10. Delegation of Resident Commissioner's functions and powers to Executive Committee—(1) The Resident Commissioner may, with the prior approval of the Minister, and shall if the Minister so directs, delegate in writing from

time to time to the Executive Committee any of the functions or powers conferred on the Resident Commissioner by any enactment for the time being in force in Niue.

(2) Any such delegation may, with the prior approval of the Minister, and shall if the Minister so directs, be made subject to such limitations or conditions as are specified in the delegation.

(3) The Resident Commissioner may, with the prior approval of the Minister, and shall if the Minister so directs, revoke any delegation under this section, but that revocation shall not affect in any way anything done under the delegated authority.

(4) The fact that the Resident Commissioner delegates any function or power to the Executive Committee or revokes any such delegation shall be conclusive evidence of his authority to do so.

Cf. 1957, No. 103, s. 58B; 1963, No. 132, s. 23

11. Procedure of the Executive Committee—(1) The Executive Committee may be summoned at any time by the Resident Commissioner, and shall be so summoned on the written request of two or more of its members.

(2) The Resident Commissioner or the Deputy Resident Commissioner of Niue shall so far as practicable attend at all meetings of the Executive Committee.

(3) The Resident Commissioner shall preside at every meeting of the Executive Committee that he attends.

(4) In the absence of the Resident Commissioner from any meeting of the Executive Committee, the Deputy Resident Commissioner of Niue may attend and preside at the meeting in his place.

(5) In the absence of both the Resident Commissioner and the Deputy Resident Commissioner from any meeting, the Executive Committee shall elect one of its members present to preside.

(6) A member of the Executive Committee shall not vote on or take part in the discussion of any matter before the Committee in which he has, directly or indirectly, any pecuniary interest apart from any interest in common with the public.

(7) The presiding member shall not be entitled to a deliberative vote at any meeting, but in the event of an equality of votes he shall be entitled to exercise a casting vote.

(8) Any matter considered by the Executive Committee shall be decided by the majority vote of the members present and voting.

(9) No business except that of adjournment shall be transacted at any meeting of the Executive Committee if fewer than three members are present.

(10) Subject to the provisions of this section, the Executive Committee shall determine its own procedure.

Cf. 1957, No. 103, s. 58c; 1963, No. 132, s. 23

12. Functions of the Executive Committee—The functions of the Executive Committee shall be—

- (a) To perform and exercise such functions and powers as are conferred on it by any enactment:
- (b) To perform and exercise any functions and powers that are for the time being delegated to it by the Resident Commissioner:
- (c) To report and make recommendations on any matter referred to the Executive Committee from time to time by the Resident Commissioner or the Island Assembly in that behalf.

Cf. 1957, No. 103, s. 58D; 1963, No. 132, s. 23

13. Clerk of the Executive Committee—(1) There shall be appointed under the provisions of Part III of the Cook Islands Amendment Act 1957 a Clerk of the Executive Committee of Niue, who shall be responsible for arranging the business for, and keeping the minutes of, meetings of the Executive Committee and for performing with respect to the Executive Committee such secretarial and other functions as may be required.

(2) A copy of the minutes relating to each meeting shall be transmitted by the Resident Commissioner to the Minister as soon as practicable after the meeting is held.

Cf. 1957, No. 103, s. 58E; 1963, No. 132, s. 23

The Public Revenues of Niue

14. Public funds—There shall be a Niue Assembly Account and such other public funds or accounts as may be provided by any enactment.

15. Public revenue—All taxes and other revenues and money raised or received by the Government of Niue shall be paid into the Niue Assembly Account unless required or permitted by any enactment to be paid into any other public fund or account.

Cf. 1957, No. 103, s. 59

16. Loans to Niue Assembly Account—(1) The Minister of Finance may from time to time, under the authority of and in accordance with an authorising Order in Council, pay by way of loan into the Niue Assembly Account money required for public purposes in Niue.

(2) The money required by the Minister of Finance to enable him to make any such payment by way of loan shall be paid out of money appropriated by Parliament for the purpose.

(3) Every such authorising Order in Council shall specify the purpose and amount of the loan, the rate of interest payable, and the terms of repayment, and may provide for the establishment and maintenance by the Treasurer of Niue of a sinking fund sufficient to pay off the loan within the period within which the loan is to be repaid.

(4) All money payable out of the Niue Assembly Account in pursuance of this section shall be a first charge on that Account after the payment of such salaries and allowances of the Cook Islands Public Service as are payable from that Account.

Cf. 1957, No. 103, s. 60

17. Treasurer of Niue—There shall be appointed under the provisions of Part III of the Cook Islands Amendment Act 1957 a Treasurer of Niue, who shall have such functions, powers, and duties in relation to the collection, receipt, custody, banking, issue, expenditure, and management of the money in the Niue Assembly Account or in any other public fund or account as may from time to time be prescribed by regulations made under this Part of this Act or, where there are no such regulations or so far as the regulations do not extend, by Ordinance.

Cf. 1957, No. 103, s. 61

18. Revenue and expenditure—(1) Except as provided in subsection (3) of this section, or by any specific appropriation contained in any Ordinance, all expenditure in any financial

year from the Niue Assembly Account or from any other public fund or account shall be charged to votes specified in an Appropriation Ordinance and in accordance with the statement of proposed expenditure for that financial year as approved by the Island Assembly.

(2) Every Appropriation Ordinance shall lapse at the end of the financial year to which it relates.

(3) Subject to such limits and restrictions as may from time to time be prescribed by Ordinance, the Resident Commissioner, or, where any Ordinance so provides, the Executive Committee, may approve the expenditure of such sums as he or it considers necessary—

(a) In anticipation of provision to be made in the Appropriation Ordinance for any financial year:

Provided that the total amount issued and paid under this paragraph (a) in any financial year shall not exceed the amount of any unexpended balance of the vote in the Appropriation Ordinance for the preceding financial year together with an amount equal to one-fourth of that vote; or

(b) Where during the period between the passing of the Appropriation Ordinance for any financial year and the end of that year it is desirable that money should be expended in excess of or without the appropriation of the Island Assembly:

Provided that the total amount of all sums issued and paid under this paragraph (b) in any financial year shall not exceed one and a half per cent of the total amount of all sums appropriated by the Appropriation Ordinance for that year.

(4) A statement of the unauthorised expenditure for any financial year shall be included in the accounts for that year laid before the Island Assembly.

(5) Subject to the foregoing provisions of this section, the collection, receipt, custody, banking, issue, expenditure, care, and management of money credited or to be credited to the Niue Assembly Account or to any other public fund or account shall be in accordance with such Ordinances as may be made in that behalf.

Cf. 1957, No. 103, s. 62; 1962, No. 132, s. 24

19. Traders' deposit accounts—(1) Notwithstanding anything in this Part of this Act, the Resident Commissioner may accept money on deposit from any trader established in Niue.

(2) Where the Resident Commissioner holds any money on deposit for a trader under this section, the Resident Commissioner may disburse the money by paying the whole or any part thereof to the trader or by applying the whole or any part thereof, with the authority of the trader, in discharge of any liability of the trader to the Crown, and the Resident Commissioner shall not disburse any money so held in any other manner.

(3) All money which the Resident Commissioner accepts on deposit for any trader as aforesaid, and all disbursements of that money, shall be recorded in a special deposit account in the Niue Assembly Account, and shall not form part of the ordinary revenue or expenditure of the Niue Assembly Account.

Cf. 1957, No. 103, s. 63 (b)

20. Audit—(1) The Audit Office of New Zealand shall be the auditor of the Niue Assembly Account and of all other public funds or accounts, and of the accounts of all Departments and offices of executive government, and of such other public or statutory authorities or bodies as may be prescribed by any enactment.

(2) The Audit Office may from time to time, and shall at least once in every two years, forward to the Resident Commissioner for presentation to the Island Assembly a report containing such information as is required to be submitted by any enactment, together with such other information relating to the Niue Assembly Account or other funds or accounts which under any enactment are required to be audited by the Audit Office as that office considers desirable.

Cf. 1957, No. 103, s. 63 (c)

Public Health

21. Chief Medical Officer of Niue—(1) There shall be appointed under the provisions of Part III of the Cook Islands Amendment Act 1957 a Chief Medical Officer of Niue.

(2) The Chief Medical Officer of Niue shall be charged, subject to the control of the Resident Commissioner, with the administration in Niue of all laws relating to public health, quarantine, insanity, hospitals, and medical aid.

Cf. 1957, No. 103, s. 64 (a)

22. Qualification of Medical Officers—(1) No person shall be qualified for appointment as a Medical Officer or to practise medicine or surgery in Niue, unless—

- (a) He is duly registered in New Zealand as a medical practitioner under the Medical Practitioners Act 1950; or
- (b) He is registered in accordance with the Acts regulating the registration of medical practitioners in any other country that is a member of the Commonwealth or in the Republic of Ireland; or
- (c) He is the holder of a certificate issued under the hand of the Secretary to the Medical Council of New Zealand to the effect that, in the opinion of that Council, he has attained a standard of practice in medicine and surgery equivalent to the standard required for registration in New Zealand as a medical practitioner under the Medical Practitioners Act 1950.

(2) Notwithstanding anything in subsection (1) of this section,—

- (a) A graduate of the Central Medical School at Suva, Fiji, may practise medicine and surgery in Niue as an employee of the Cook Islands Public Service subject to the general control of the Chief Medical Officer of Niue, or in such other circumstances and subject to such conditions as may be prescribed by Ordinance, and not otherwise:
- (b) Where the office of Chief Medical Officer of Niue is vacant and there is no Medical Officer qualified under paragraph (a) or paragraph (b) or paragraph (c) of subsection (1) of this section practising medicine and surgery in Niue, a graduate of the Central Medical School at Suva, Fiji, may practise medicine and surgery in Niue as an employee of the Cook Islands Public Service subject to the general control of the Resident Commissioner, or in such other circumstances and subject to such conditions as may be prescribed by Ordinance, and not otherwise.

(3) Every one commits an offence and shall be liable to a fine not exceeding ten pounds for every day on which the offence has continued who, not being qualified or entitled to practise medicine or surgery as provided in subsection (1) or subsection (2) of this section, practises medicine or surgery or any branch of medicine or surgery, under the style or

title of a physician, surgeon, doctor, licentiate in medicine or surgery, bachelor of medicine, or medical practitioner, or under any name, title, addition, or description implying that he holds any diploma or degree in medicine or surgery or in any branch of medicine or surgery, or is otherwise specially qualified to practise medicine or surgery or any branch of medicine or surgery.

Cf. 1957, No. 103, s. 64 (b)

23. Duties of Chief Medical Officer of Niue—(1) It shall be the duty of the Chief Medical Officer of Niue to provide for all persons in Niue such medical aid and attendance as may be reasonably required and is reasonably practicable.

(2) Medical and surgical aid and attendance provided by the Chief Medical Officer shall, in the case of Natives, be gratuitous; and shall, in the case of all other persons, be subject to the payment of such fees (if any) as may be prescribed by the Resident Commissioner; and all fees so prescribed shall form part of the public revenues of Niue.

(3) No liability shall be incurred by the Crown in respect of any neglect to provide any such medical or surgical aid or attendance, or in respect of any negligence or wrongful act or omission of a Medical Officer or of a graduate of the Central Medical School at Suva, Fiji, who is duly authorised to practise medicine and surgery in Niue.

Cf. 1957, No. 103, s. 64 (c)

24. Hospitals and other institutions of public health—The Resident Commissioner may establish and maintain in Niue such hospitals and other institutions as he may deem necessary for the public health, and all institutions so established shall be under the control of the Chief Medical Officer of Niue.

Cf. 1957, No. 103, s. 64 (d)

25. Compulsory transfer of lepers—(1) Every person who at any time is found in Niue to be suffering from leprosy may, by warrant under the hand of the Resident Commissioner and the Seal of Niue, be transferred to Fiji for treatment in the leper hospital maintained by the Government of Fiji in the Island of Makogai, as may be directed in the warrant.

(2) In pursuance of any such warrant every person named therein in that behalf may be placed on board any ship belonging to Her Majesty in right of New Zealand or any

ship registered in New Zealand or, with the consent of the master, any other ship, to be taken to the place directed in the warrant.

(3) Every person transferred to Fiji pursuant to this section shall be delivered, together with the warrant of the Resident Commissioner, to the Superintendent or other person having charge of the aforesaid leper hospital.

(4) No person transferred pursuant to this section shall be entitled to be returned to Niue, except on the certificate of a medical officer, who is either an employee of the Cook Islands Public Service or an officer of the aforesaid leper hospital.

(5) All expenses incurred in connection with the transfer of a person who is suffering from leprosy or with the return of any person as aforesaid shall be a charge on the public revenues of Niue and shall be debited to the Niue Assembly Account.

Cf. 1957, No. 103, s. 64 (e)

Prisons and Police

26. Establishment of prisons—The Resident Commissioner may, by warrant under his hand and the Seal of Niue, appoint as prisons such buildings or places in Niue as he thinks suitable for that purpose.

Cf. 1957, No. 103, s. 65 (a)

27. Detention of persons in custody—(1) Any person in lawful custody in Niue may be detained in any such prison, and may from time to time be removed by order of the Resident Commissioner or of a Judge of the High Court to any other prison in Niue.

(2) Any person in lawful custody in Niue may, if it is inconvenient or impracticable immediately to take him to any prison for confinement therein, be temporarily detained in any other suitable place of security.

Cf. 1957, No. 103, s. 65 (b)

28. Labour instead of imprisonment—(1) Any person sentenced to imprisonment or committed to prison in Niue may, by order of a Judge of the High Court made either at the time of sentence or committal or at any time thereafter, be discharged from custody on condition that he labours on the roads or other public works of Niue for the term or the residue of the term for which he has been so sentenced or committed.

(2) Every prisoner so discharged shall perform the labour so appointed for him under the control and subject to the direction of some officer nominated for that purpose by the Resident Commissioner.

(3) If any prisoner so discharged makes default in the due performance of the labour so appointed for him, or is guilty of any insubordination or other misconduct, whether in respect of that labour or otherwise, he may be arrested without warrant by any officer of police or of prisons; and a Judge of the High Court may in his discretion (without the necessity of any judicial inquiry) revoke the discharge of that prisoner and commit him to prison for a period equal to that for which he would have been imprisoned subsequent to the order of discharge had no such order been made, with such deduction (if any) as the Judge thinks fit, having regard to any labour duly performed by the prisoner in accordance with the conditions of his discharge.

Cf. 1957, No. 103, s. 65 (c)

29. Appointment of officers of police and prisons—There may be appointed under the provisions of Part III of the Cook Islands Amendment Act 1957 such officers of police and officers of prisons as the State Services Commission considers necessary.

Cf. 1957, No. 103, s. 65 (d)

Education

30. Establishment and control of schools—(1) The Minister may establish or approve of the establishment of such schools in Niue as he deems necessary for the education of the inhabitants thereof.

(2) No school shall be established in Niue after the date of the commencement of this Part of this Act except by the Minister or with his approval.

(3) There may be appointed under the provisions of Part III of the Cook Islands Amendment Act 1957 such teachers and other employees as the State Services Commission considers necessary for the schools established by the Minister under this section.

(4) Without limiting the generality of the power to make regulations conferred by section 48 of this Act, regulations may from time to time be made under that section—

(a) Providing for the compulsory attendance at school of all children who are between the ages specified in the regulations:

- (b) Regulating the establishment of private schools:
- (c) Providing for the registration of private schools (whether established before or after the commencement of the regulations):
- (d) Providing for the inspection of private schools:
- (e) Requiring persons having the control and management of private schools to keep such registers of attendances and other records as may be prescribed:
- (f) Providing for the cancellation of the registration of private schools on the grounds of inefficiency:
- (g) Providing for such other matters in relation to private schools as the Governor-General thinks necessary.

Cf. 1957, No. 103, s. 66

The Legislative Government of Niue

31. Niue Island Assembly—(1) There shall be in and for the Island of Niue a legislative Assembly to be called the Niue Island Assembly.

(2) The Island Assembly shall consist of—

(a) The Resident Commissioner; and

(b) Fourteen elected members, one of whom shall be elected by secret ballot under a system of universal suffrage by the electors of each of the villages of Alofi North, Alofi South, Avatele, Hakupu, Hikutavake, Lakepa, Liku, Makefu, Mutalau, Namukulu, Tamakautoga, Toi, Tuapa, and Vaiea, respectively.

(3) Subject to the provisions of this section and of section 32 of this Act, the qualifications and disqualification of electors and of candidates, the mode of electing members of the Island Assembly, and the terms and conditions of their membership shall be as prescribed by Ordinance.

(4) The elected members of the Island Assembly shall receive from the Niue Assembly Account such remuneration as may be prescribed by Ordinance.

(5) The powers of the Island Assembly shall not be affected by any vacancy in the membership thereof.

Cf. 1957, No. 103, s. 67; 1963, No. 132, s. 22 (1)

32. Election of members—(1) The first election of the elected members of the Island Assembly shall be held not later than the fifteenth day of April, nineteen hundred and sixty-six, on a date to be fixed by the Resident Commissioner and publicly notified by him in such manner as he thinks fit.

(2) The Resident Commissioner may at any time, by public notice given in such manner as he thinks fit, prorogue or dissolve the Island Assembly.

(3) The Resident Commissioner shall dissolve the Island Assembly at the expiration of three years from the date of the last preceding general election, if it has not been sooner dissolved.

(4) There shall be a general election of the elected members of the Island Assembly at such time within three months after every dissolution of the Assembly as the Resident Commissioner appoints, by public notice given in such manner as he thinks fit.

(5) The appointed members of the Island Assembly in office immediately before the commencement of this Part of this Act shall, unless they sooner vacate office pursuant to regulations made under section 48 of this Act continue in office, as if they had been elected thereto pursuant to section 31 of this Act, until the date on which the members elected at the first general election of the Island Assembly come into office.

(6) Where any appointed member of the Island Assembly vacates his office pursuant to any such regulations as aforesaid or dies before the date on which the members elected as aforesaid come into office, the Governor-General may appoint a qualified person to be a member of the Island Assembly, to hold office, unless he sooner vacates office pursuant to any such regulations as aforesaid or dies, until the date on which the members elected as aforesaid come into office.

Cf. 1957, No. 103, s. 67A; 1963, No. 132, s. 22 (1)–(3)

33. Members to take Oath of Allegiance—(1) No member of the Island Assembly shall be permitted to sit or vote therein until he has taken and subscribed the following oath before the Resident Commissioner, or before some person authorised by the Resident Commissioner to administer that oath, namely:

I, _____, swear by Almighty God that I will be faithful and bear true allegiance to Her [or His] Majesty [*Specify the name of the reigning Sovereign, as thus: Queen Elizabeth the Second*], Her [or His] heirs and successors, according to law. So help me God.

(2) Every such member shall be entitled as of right to make his affirmation, instead of taking an oath.

(3) Every such affirmation shall be as follows: "I, _____, sincerely promise and affirm", and shall then proceed with the words of the oath prescribed by subsection (1) of this section, omitting any words of imprecation or calling to witness.

Cf. 1957, No. 103, s. 68 (a)

34. Procedure—(1) The Island Assembly shall meet at such places and at such times (not being less than once annually) as the Resident Commissioner from time to time appoints in that behalf.

(2) The Resident Commissioner shall be entitled to preside over every meeting of the Island Assembly; but, if he is not present at any meeting, the members of the Assembly present shall elect one of their number to preside over that meeting.

(3) Every question before the Island Assembly shall be decided by a majority of the votes of the members present.

(4) Every member present when any question is put to the Island Assembly shall vote thereon.

(5) The Resident Commissioner or member presiding over any meeting of the Island Assembly shall not have a deliberative vote, but, in case of an equality of votes, he shall have a casting vote.

(6) No business shall be transacted at any meeting of the Island Assembly if the number of members present is less than seven.

(7) Subject to the provisions of the principal Act and its amendments (including this Act), the Island Assembly may from time to time make Standing Orders for the regulation and orderly conduct of its proceedings and the despatch of business.

Cf. 1957, No. 103, s. 68 (b)

35. Privileges of Island Assembly and of its members—

(1) The validity of any proceedings in the Island Assembly or in any committee thereof shall not be questioned in any Court.

(2) No officer or member of the Island Assembly in whom powers are vested for the regulation of procedure or the conduct of business or the maintenance of order shall in relation to the exercise by him of any of those powers be subject to the jurisdiction of any Court.

(3) No member of the Island Assembly and no person entitled to speak therein shall be liable to any proceedings

in any Court in respect of anything said or any vote given by him in the Assembly or in any committee thereof.

(4) No person shall be liable to any proceedings in any Court in respect of the publication by or under the authority of the Island Assembly of any report, paper, vote, or proceeding.

(5) Subject to the provisions of this section, the privileges of the Island Assembly and of the committees thereof, and the privileges of members of the Assembly and of the persons entitled to speak therein, may be determined by Ordinance:

Provided that no such privilege of the Assembly or of any committee thereof may extend to the imposition of a fine or to committal to prison for contempt or otherwise, unless provision is made by Ordinance for the trial and punishment of the person concerned by the High Court.

Cf. 1957, No. 103, s. 68 (c)

36. Clerk of the Island Assembly—(1) There shall be appointed under the provisions of Part III of the Cook Islands Amendment Act 1957 a Clerk of the Niue Island Assembly, who shall keep the records of the Assembly and perform with respect to the Assembly such secretarial and other functions as may be required.

(2) The Clerk shall keep minutes of the proceedings of the Island Assembly, and a copy of the minutes shall be transmitted by the Resident Commissioner to the Minister as soon as practicable after the close of each session.

Cf. 1957, No. 103, s. 68 (d)

Ordinances

37. Island Assembly may make Ordinances—(1) Subject to the provisions of the principal Act and its amendments (including this Act), the Island Assembly may make laws (to be known as Ordinances) for the peace, order, and good government of Niue.

(2) Without limiting the generality of the power conferred by subsection (1) of this section to make laws for the peace, order, and good government of Niue, that power shall, save as otherwise provided in the principal Act and its amendments (including this Act), include—

(a) The imposition of tolls, rates, dues, fees, fines, taxes, and other charges, other than duties of Customs on goods imported into Niue:

(b) The imposition of conditions, restrictions, and prohibitions upon the export or import of goods from or into Niue.

(3) Notwithstanding anything in the foregoing provisions of this section, the power conferred by subsection (1) of this section to make laws for the peace, order, and good government of Niue shall not include the making of laws—

(a) Relating to defence (except in relation to the taking of land for defence purposes and to the recruitment and maintenance of a volunteer force for local defence) :

(b) Relating to external affairs:

(c) Affecting the title of the Crown to any land.

(4) No Ordinance shall be deemed to be invalid solely on the ground that it confers on the Resident Commissioner authority to make rules or regulations or that it delegates to or confers on the Resident Commissioner or to or on any other person or body any discretionary authority.

(5) All Ordinances made by the Island Council of Niue under section 70 of the principal Act or by the Niue Island Assembly under section 69 of the Cook Islands Amendment Act 1957, and continuing in force at the commencement of this Part of this Act, shall enure for the purposes of the principal Act and its amendments (including this Act) as if they had been made by the Island Assembly under this section, and accordingly shall, where necessary, be deemed to have been so made.

Cf. 1957, No. 103, s. 69

38. Ordinances repugnant to New Zealand Acts and regulations—(1) It shall not be lawful or competent by any Ordinance to make any provision repugnant to any provision of a reserved enactment.

(2) For the purposes of this section the following shall be deemed to be reserved enactments:

(a) The enactments specified in the First Schedule to this Act to the extent therein specified:

Provided that no regulations made under the principal Act and its amendments (including this Act) shall be deemed to be reserved enactments for the purposes of this section, unless the regulations expressly so provide or unless they are declared pursuant to paragraph (b) of this subsection to be reserved enactments for the purposes of this section:

(b) Any other enactment declared by any Act or by any regulations (whether made under this Part of this Act or otherwise) to be a reserved enactment for the purposes of this section.

(3) Any Ordinance which is in any respect repugnant to the provisions of any reserved enactment (whether made before or after the Ordinance) shall be read subject to that enactment, and shall, to the extent of that repugnancy and not otherwise, be and remain absolutely void and inoperative.

(4) Except to the extent to which it is inconsistent with the provisions of a reserved enactment, no Ordinance and no provision of any Ordinance shall be deemed to be repugnant for the purposes of this section solely on the ground that it deals with a matter already dealt with by a reserved enactment or is repugnant to the law of England as established in the Cook Islands by section 615 of the principal Act.

Cf. 1957, No. 103, s. 70

39. Partial validity of Ordinances—If any Ordinance is in part repugnant to any reserved enactment or is otherwise in part *ultra vires*, the Ordinance shall nevertheless be valid as to the residue thereof, if and so far as the residue is in substance and effect severable from the part which is so repugnant or *ultra vires*.

Cf. 1957, No. 103, s. 71 (a)

40. Introduction of Bills, etc., into Island Assembly—Subject to the provisions of this Part of this Act and of the Standing Orders of the Island Assembly, any member of the Assembly may introduce any Bill or propose any motion for debate in or present any petition to the Assembly, and the same shall be considered and disposed of in accordance with the Standing Orders:

Provided that, except with the recommendation or consent of the Resident Commissioner, the Assembly shall not proceed upon any Bill (including an amendment to any Bill) which, in the opinion of the Resident Commissioner or member presiding, would dispose of or charge any of the public revenues of Niue, or revoke or alter any disposition thereof or charge thereon, or impose or alter or abolish any toll, rate, due, fee, fine, or tax.

Cf. 1957, No. 103, s. 71 (b)

41. Resident Commissioner may assent to, refuse assent to, or amend Bills—(1) No Ordinance shall become law until it has been passed by the Island Assembly in the form of a Bill and has been assented to by the Resident Commissioner.

(2) Whenever any Bill which has been passed by the Island Assembly is presented to the Resident Commissioner for his assent, he shall, within twenty-one days thereafter, declare according to his discretion, but subject to the provisions of this Part of this Act and to such instructions as may from time to time be given in that behalf by the Minister, that he assents to the Bill, or that he refuses his assent to the Bill, or that he reserves the Bill for the Governor-General's pleasure:

Provided that the Resident Commissioner, before making any such declaration in respect of any Bill so presented to him, may within the said period of twenty-one days make such amendments in the Bill as he thinks fit, and by message return the Bill with the amendments to the Island Assembly for consideration by the Assembly, and in that case the Resident Commissioner shall make the declaration specified in this subsection within twenty-one days after the date of the passing of a resolution of the Assembly in relation to those amendments.

(3) The assent of the Resident Commissioner to an Ordinance shall be testified by signing a copy of the Ordinance and sealing the same with the Seal of Niue.

(4) The Resident Commissioner shall at the same time enter upon the copy so signed and sealed the date of his assent thereto.

Cf. 1957, No. 103, s. 71 (c)

42. Commencement of Ordinances—Every Ordinance assented to by the Resident Commissioner shall come into operation either on the day on which it is assented to, or on any date (whether earlier or later than the date on which it is assented to) specified in that behalf in the Ordinance, and different dates may be so specified in respect of different provisions of the Ordinance:

Provided that no provision of any Ordinance imposing any liability or disability shall come into operation before the date on which the Ordinance is assented to.

Cf. 1957, No. 103, s. 71 (d)

43. Transmission to Minister of Ordinances assented to—When the Resident Commissioner assents to an Ordinance, he shall forthwith transmit a copy thereof to the Minister.

Cf. 1957, No. 103, s. 71 (e)

44. Disallowance of Ordinances—(1) At any time within one year after the assent of the Resident Commissioner has been so given to an Ordinance, the Governor-General may, by notice published in such manner as the Resident Commissioner directs, disallow that Ordinance either wholly or in part.

(2) On any such disallowance the Ordinance shall, to the extent to which it is so disallowed, become wholly void as if it had been then repealed.

(3) Any such disallowance shall take effect as aforesaid either on the day of the publication of the notice of disallowance or at such other date (whether before or after the date of that publication) as is specified in that behalf in the notice.

Cf. 1957, No. 103, s. 71 (f)

45. Transmission to Minister of reserved Bills—When a Bill is reserved by the Resident Commissioner for the Governor-General's pleasure, he shall forthwith transmit a copy thereof to the Minister to be laid before the Governor-General.

Cf. 1957, No. 103, s. 71 (g)

46. Assent to reserved Bills—(1) A Bill reserved for the Governor-General's pleasure shall become an Ordinance as soon as the Governor-General has, by notice published in such manner as the Resident Commissioner directs, given his assent thereto.

(2) An Ordinance so assented to by the Governor-General shall come into operation on the date of that notice or on any date (whether earlier or later than the date on which it is so assented to) specified in that behalf in the Ordinance:

Provided that no provision of any such Ordinance imposing any liability or disability shall come into operation before the date on which the Ordinance is so assented to.

Cf. 1957, No. 103, s. 71 (h)

47. Language of Ordinances—Every Ordinance may be passed either in the English language alone, or both in the English language and in the language of Niue; but if, in the

latter case, there is any conflict between the English and the Niuean version of the Ordinance, the English version shall prevail.

Cf. 1957, No. 103, s. 72

Regulations

48. Governor-General in Council may make regulations—

(1) In addition to all special powers of making regulations conferred upon the Governor-General in Council by this or any other Act, the Governor-General in Council may make all such regulations as he thinks necessary for the peace, order, and good government of Niue.

(2) No regulation made under the provisions of this section shall be of any force or effect so far as it is repugnant to the principal Act and its amendments (including this Act) or any other Act in force in Niue, but no such regulation shall be deemed to be repugnant for the purposes of this subsection because it is repugnant to the law of England as established in the Cook Islands by section 615 of the principal Act, or because it deals with a matter already dealt with by any such Act; and every such regulation shall take effect according to its tenor, save so far as inconsistent with any such Act.

(3) Notwithstanding anything in subsection (2) of this section or in the Customs Act 1913, regulations made under the provisions of this section may impose such conditions, restrictions, and prohibitions upon the export or import of goods from or into Niue as the Governor-General thinks necessary.

(4) Without limiting the generality of the power conferred by subsection (1) of this section to make regulations for the peace, order, and good government of Niue, that power shall include the imposition of tolls, rates, dues, fees, taxes, duties, and other charges.

(5) The maximum penalty which may be prescribed for the breach of any regulation made by the Governor-General in Council under this section shall not exceed—

- (a) In the case of an individual, imprisonment for a term not exceeding one year or a fine not exceeding one hundred pounds and, where the offence is a continuing one, a further fine not exceeding twenty pounds for every day or part of a day during which the offence has continued:
- (b) In the case of a body corporate, a fine not exceeding five hundred pounds and, where the offence is a continuing one, a further fine not exceeding twenty

pounds for every day or part of a day during which the offence has continued.

Cf. 1957, No. 103, s. 73

Village Committees

49. Judicial powers of Village Committees—(1) Notwithstanding anything in the principal Act and its amendments (including this Act), the Resident Commissioner may, by order published in such manner as he thinks fit, designate any number of persons (being not fewer than six), either individually by name or by reference to a specified Village Council established by Ordinance or some other group of which those persons are members, as a Village Committee for the purposes of this section.

(2) The Resident Commissioner shall in any such order as aforesaid specify—

(a) Any Ordinance or any bylaw of a Village Council in respect of which the Village Committee is to have competence in accordance with the provisions of this section:

(b) The area for which the Village Committee has competence.

(3) The Resident Commissioner may at any time, by order published in such manner as he thinks fit, revoke any such order as aforesaid or vary its terms.

(4) As regards the Ordinances and bylaws specified as aforesaid, it shall be the duty of the Village Committee to investigate all breaches thereof in the area for which the Committee has competence.

(5) If the Committee is satisfied that any such breach as aforesaid has been committed, it may authorise the taking of proceedings before the High Court in respect of the offence or it may, in its discretion, impose on the offender a penalty (not being imprisonment) in respect thereof of such amount as it thinks fit, not exceeding the maximum penalty prescribed by or under any such Ordinance or bylaw as aforesaid:

Provided that no penalty shall be imposed by the Committee under this subsection if the person charged elects to be dealt with in the High Court and, before imposing any penalty, the Committee shall make known to the offender his right of election.

(6) No penalty may be imposed on any person under this section for any offence in respect of which proceedings have been taken before the High Court.

(7) For the purpose of investigating any breach as aforesaid and determining the amount of the penalty, a Committee may, subject to any directions by the Resident Commissioner, adopt such forms of procedure as it thinks suitable:

Provided that a Committee shall not impose any penalty on an offender without giving him a reasonable opportunity of being heard in his own defence.

(8) Where a person fails to pay any penalty duly imposed on him by a Committee under this section, the amount of the penalty shall be recoverable in the High Court as a debt due to the Village Committee by the person so failing to pay the penalty:

Provided that that person may defend the proceedings, and in any such case the matter shall be reheard by the Court, which in its discretion may give judgment for the plaintiff for the amount of the penalty or such greater or lesser amount as it thinks fit, or may give judgment for the defendant.

(9) A Committee may, subject to any direction by the Resident Commissioner, delegate all or any of its functions and powers under this section to a subcommittee comprising not fewer than four members of the Committee, and the investigation of the breach and the determination of any penalty by that subcommittee shall for the purposes of this section be an investigation or determination of the Committee.

(10) Nothing in this section shall derogate from any powers of any officer of police.

Cf. 1957, No. 103, s. 74

50. Penalties imposed by Village Committees—(1) The amount of any penalty imposed by a Village Committee under section 49 of this Act shall be paid by the offender to the Committee or, where the Committee has been constituted by reference to a specified Village Council, to that Village Council, and shall form part of the funds of the Committee or Council, as the case may be.

(2) The amount of any penalty imposed by the High Court pursuant to the proceedings authorised in that behalf under subsection (5) of that section, and the amount of any penalty so imposed on a person who has elected under that subsection to be dealt with by the High Court, and any amount recovered by a Village Committee under subsection (8) of that section, shall be paid into the funds of the Village Committee or Village Council, as the case may be, in whose area the offence was committed.

(3) Any penalty so paid to a Village Committee or Village Council may be applied by it for the physical, economic, educational, social, and moral benefit and advancement in life of persons within its area, either generally or specially, and for such other purposes as the Resident Commissioner may from time to time in writing authorise or approve, but not otherwise.

(4) The Resident Commissioner may from time to time issue directions as to the payment into or deposit with any bank or post office of the funds of a Village Committee, as to the persons entitled to withdraw those funds, and as to the provision and keeping of books of account, the furnishing of periodic statements, and the auditing of those books and statements.

Cf. 1957, No. 103, s. 75

Miscellaneous Provisions

51. Resident Commissioner may act as Judge of High Court—The Resident Commissioner (or his Deputy lawfully acting as such) may, without further authority or appointment, act as a Judge of the High Court in Niue.

Cf. 1915, No. 40, s. 106 (2), (3); 1958, No. 47, s. 4

52. Justices of the Peace—(1) The Governor-General may appoint such Justices of the Peace for Niue as he thinks necessary, who shall hold office during his pleasure, and may be paid such remuneration as the Resident Commissioner may determine.

(2) Any two or more Justices of the Peace for Niue may exercise in Niue the jurisdiction of a Commissioner of the High Court, and section 108 of the principal Act, with the necessary modifications, shall apply as if references therein to a Commissioner were references to two or more Justices of the Peace for Niue.

(3) Every person holding office immediately before the commencement of this Part of this Act as a Justice of the Peace for Niue shall continue in office as a Justice of the Peace for Niue as if he had been appointed to that office pursuant to this section.

Cf. 1915, No. 40, s. 108A; 1957, No. 103, s. 86

53. Repeals—The following enactments are hereby repealed:

- (a) Part II of the Cook Islands Amendment Act 1957;
- (b) Sections 23 to 25 of the Cook Islands Amendment Act 1963.

PART II

AMENDMENTS CONSEQUENTIAL ON PROVISIONS OF COOK ISLANDS CONSTITUTION ACT 1964

54. Commencement of this Part—This Part of this Act shall come into force on the date of the commencement of the Cook Islands Constitution Act 1964.

55. Employees of Cook Islands Public Service who are members of Legislative Assembly—The Cook Islands Amendment Act 1957 is hereby further amended by inserting, after section 84, the following section:

“84A. (1) Where an employee of the Cook Islands Public Service is a member of the Legislative Assembly of the Cook Islands, he shall not be entitled to receive any pay or allowances as such an employee in respect of any period for which he is entitled to receive remuneration as a member of the Assembly.

“(2) Where such an employee is a contributor to the Government Superannuation Fund, then, subject, in the case of an employee to whom subsection (1) of section 85 of this Act applies, to the provisions of section 85A of this Act,—

“(a) The salary that in the opinion of the Secretary of the Premier’s Department he would have been entitled to receive as an employee during the period for which he is entitled to receive remuneration as a member of the Assembly if he had not been a member of the Assembly shall be deemed to be his salary for the purposes of the Superannuation Act 1956; and

“(b) That period shall be deemed to be a period of contributory service for the purposes of the Superannuation Act 1956.”

56. Superannuation rights of employees of Cook Islands Public Service appointed as Ministers—The Cook Islands Amendment Act 1957 is hereby further amended by inserting, after section 84A (as enacted by section 55 of this Act), the following section:

“84B. (1) Where any member of the Legislative Assembly (in this section referred to as the contributor), being a member of the Cook Islands Public Service and a contributor to the Government Superannuation Fund (in this section referred to as the Fund), is at any time after the first general election of the Assembly held after the commencement of this section and before the first day in January, nineteen hundred and sixty-six, appointed to be a Minister of the Government of the Cook Islands other than Niue, and on that appointment vacates his office as a member of the Service pursuant to the provisions of Article 13 of the Constitution,—

“(a) He may elect to postpone the acceptance by him of a refund of the contributions made by him to the Fund or the other benefits to which he may be entitled from the Fund and the making of any election which he may be entitled to make in respect of those benefits; and

“(b) The period of postponement shall expire not later than thirteen months after the contributor ceases to be a Minister or the expiration of the period of four years after the appointment of the contributor as a Minister, whichever first occurs. The period may be at any time terminated by the contributor by notice in writing addressed to the Superintendent of the Fund. The period shall be deemed to commence on the date of the contributor’s appointment as a Minister, and is in this section referred to as the period of postponement.

“(2) If the contributor is during the period of postponement appointed (whether permanently or temporarily) to the Cook Islands Public Service, the period of his contributory service after that appointment shall for the purposes of the Superannuation Act 1956 be deemed to be continuous with the period of his contributory service before his appointment as a Minister.

“(3) The contributor shall be deemed to continue to be a contributor to the Fund during the period of postponement:

“Provided that no contributions shall be payable by the contributor to the Fund, and no payments shall be made to the contributor for his own benefit out of the Fund, in respect of the period of postponement or any part thereof, and no part of that period shall be regarded as part of the period of his contributory service.

“(4) Notwithstanding the provisions of subsections (2) and (3) of this section, where the contributor has resumed employment in the Cook Islands Public Service, he may, with the consent of the Government Superannuation Board, elect to contribute to the Fund, at such rate as that Board determines, in respect of the period during which he was a Minister; and if he does so that period shall be regarded as part of his contributory service.

“(5) Where any contributor ceases to be a Minister during the period of postponement, and at the time when he ceases to be a Minister or thereafter during the period of postponement he is or becomes medically unfit for further duty within the meaning of subsection (4) of section 36 of the Superannuation Act 1956, he shall be entitled to receive from the Fund an annual retiring allowance computed as provided in section 35 of that Act.

“(6) The provisions of subsections (2), (2A), (3), and (5) of section 36 of the Superannuation Act 1956 shall apply as if any retiring allowance payable under this section were payable under the said section 36.

“(7) Where any contributor dies during the period of postponement, the provisions of sections 45, 46, and 47 of the Superannuation Act 1956 shall apply as if the contributor's death had occurred immediately before his appointment as a Minister.”

57. Miscellaneous amendments—(1) The principal Act is hereby amended in the manner indicated in the Second Schedule to this Act.

(2) The enactments specified in the Third Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(3) All references to the Resident Commissioner of the Cook Islands or to the Resident Commissioner of Rarotonga in any enactment not specified in the Second Schedule or Third Schedule to this Act, or in any regulation, Ordinance, order, bylaw, or other enactment, or in any agreement, deed, instrument, application, licence, notice, or other document whatsoever shall be read hereafter as references to the Council of State of the Cook Islands.

(4) All references to the Native Land Court of the Cook Islands or to the Native Appellate Court of the Cook Islands in any Act, regulation, Ordinance, order, bylaw, or other enactment, or in any agreement, deed, instrument, application, licence, notice or other document whatsoever shall be

read hereafter as references to the Land Court of the Cook Islands or, as the case may be, the Land Appellate Court of the Cook Islands.

(5) All references to the Cook Islands Assembly Account in any Act, regulation, Ordinance, order, bylaw, or other enactment, or in any agreement, deed, instrument, licence, notice, or other document whatsoever shall be read hereafter as references to the Cook Islands Government Account.

58. Consequential repeals—The enactments specified in the Fourth Schedule to this Act are hereby consequentially repealed.

PART III

MISCELLANEOUS AMENDMENTS

59. Commencement and duration of sections 60 and 61—

(1) Sections 60 and 61 of this Act shall come into force on the first day of January, nineteen hundred and sixty-five:

Provided that the Governor-General may, by Order in Council made before that date, postpone the date of the commencement of those sections to such later date as is specified in the order.

(2) Sections 60 and 61 of this Act shall be deemed to have been repealed on the date of the commencement of the Cook Islands Constitution Act 1964.

60. Legislative Assembly of the Cook Islands—(1) Section 32 of the Cook Islands Amendment Act 1957 is hereby amended by repealing subsections (2) and (3), and substituting the following subsections:

“(2) The Legislative Assembly shall consist of twenty-two members, to be elected by secret ballot under a system of universal suffrage by the electors of the following islands or groups of islands and in the following numbers:

“(a) The Island of Aitutaki and the Island of Manuae, three members:

“(b) The Island of Atiu, two members:

“(c) The Island of Mangaia, two members:

“(d) The Island of Manihiki, one member:

“(e) The Island of Mauke, one member:

“(f) The Island of Mitiaro, one member:

“(g) The Island of Penrhyn, one member:

“(h) The Island of Pukapuka and the Island of Nassau, one member:

“(i) The Island of Rakahanga, one member:

“(j) The Island of Rarotonga and the Island of Palmerston, nine members, to be elected as follows:

“(i) Four members to be elected by the electors of the Te-au-o-tonga Constituency, being the area comprised in the Avarua Survey District and the Island of Palmerston:

“(ii) Three members, to be elected by the electors of the Takitumu Constituency, being the area comprised in the Takitumu, Ngatangiia, and Matavera Survey Districts:

“(iii) Two members, to be elected by the electors of the Puaikura Constituency, being the area comprised in the Arorangi Survey District.

“(3) Subject to the provisions of this section and of sections 32A and 33 of this Act, the qualifications and disqualification of electors and of candidates, the mode of electing members of the Legislative Assembly, and the terms and conditions of their membership shall be as prescribed by regulations made under this Part of this Act or, where there are no such regulations or so far as the regulations do not extend, by Ordinance.”

(2) Section 32 of the Cook Islands Amendment Act 1957 is hereby further amended:

- (a) By omitting from subsection (4) the word “elected”:
- (b) By repealing subsections (6) and (7).

61. Nationality and residential qualifications of electors and candidates—The Cook Islands Amendment Act 1957 is hereby further amended by inserting, after section 32, the following section:

“32A. (1) Without limiting the provisions of any regulations or Ordinance prescribing any additional qualifications, a person shall be qualified to be an elector for the election of members of the Legislative Assembly or to be a candidate at any such election, if, and only if,—

“(a) He is a British subject; and

“(b) In the case of an elector, he has been ordinarily resident in the Cook Islands throughout the period of twelve months immediately preceding his application for enrolment; and

“(c) In the case of a candidate, he has been ordinarily resident in the Cook Islands throughout the period of three years immediately preceding his nomination as a candidate.

“(2) For the purposes of this section a person shall be deemed to be ordinarily resident in the Cook Islands if, and only if,—

“(a) He is actually residing in the Cook Islands; or

“(b) Having been actually resident in the Cook Islands with the intention of residing therein indefinitely, he is outside the Cook Islands but has, and has had ever since he left the Cook Islands, an intention to return and reside therein indefinitely:

“Provided that any person who has been outside the Cook Islands continuously for any period of more than three years, otherwise than for the purpose of undergoing a course of education or of technical training or instruction during the whole or substantially the whole of that period, shall be deemed not to have been actually resident in the Cook Islands during that period with the intention of residing therein indefinitely.”

62. Interpretation—Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “Attorney-General”, the following definition:

“‘Bylaw’ means a bylaw made by an Island Council under the authority of section 51 of the Cook Islands Amendment Act 1957; and includes an Island Ordinance enuring under the provisions of subsection (5) of that section.”

63. Legislative Assembly may revoke Island Council by-laws—Section 51 of the Cook Islands Amendment Act 1957 is hereby amended by adding the following subsection:

“(6) The Legislative Assembly may, by Ordinance, revoke any bylaw, whether made before or after the commencement of this subsection.”

SCHEDULES

Section 38 (2) (a)

FIRST SCHEDULE

RESERVED ENACTMENTS

Title of Enactment	Extent of Reservation
1915, No. 40— The Cook Islands Act 1915	The whole Act, except Parts XX and XXIII.
1921, No. 14— The Cook Islands Amendment Act 1921	The whole Act, except section 10.
1923, No. 9— The Cook Islands Amendment Act 1923	The whole Act.
1939, No. 36— The Visiting Forces Act 1939	The whole Act.
1941, No. 26— The Statutes Amendment Act 1941	Section 7.
1943, No. 4— The Island Territories Act 1943	The whole Act.
1945, No. 40— The Statutes Amendment Act 1945	Section 13.
1945, No. 41— The Atomic Energy Act 1945	The whole Act.
1946, No. 30— The Cook Islands Amendment Act 1946	The whole Act.
1948, No. 12— The Civil Aviation Act 1948	The whole Act.
1948, No. 15— The British Nationality and New Zealand Citizenship Act 1948	The whole Act.
1950, No. 13— The Republic of Ireland Act 1950	The whole Act.
1950, No. 14— The Republic of India Act 1950	The whole Act.
1950, No. 54— The Crown Proceedings Act 1950	The whole Act.
1951, No. 48— The Enemy Property Act 1951	The whole Act.
1951, No. 77— The Official Secrets Act 1951	The whole Act.
1952, No. 32— The Cook Islands Amendment Act 1952	The whole Act.
1954, No. 30— The Cook Islands Amendment Act 1954	The whole Act.
1954, No. 67— The Land and Income Tax Act 1954	The whole Act.

FIRST SCHEDULE—*continued*
RESERVED ENACTMENTS—*continued*

Title of Enactment	Extent of Reservation
1956, No. 10— The Republic of Pakistan Act 1956	The whole Act.
1956, No. 47— The Superannuation Act 1956	The whole Act.
1957, No. 21— The Diplomatic Immunities and Privileges Act 1957	The whole Act.
1957, No. 103— The Cook Islands Amendment Act 1957	Part III.
1958, No. 19— The Geneva Conventions Act 1958	The whole Act.
1958, No. 47— The Cook Islands Amendment Act 1958	The whole Act.
1960, No. 6— The Republic of Ghana Act 1960	The whole Act.
1960, No. 32— The Cook Islands Amendment Act 1960	Parts I and II.
1961, No. 3— The International Finance Agree- ments Act 1961	Section 8.
1961, No. 14— The Republic of Cyprus Act 1961	The whole Act.
1961, No. 15— The Cook Islands Amendment Act 1961	Part I.
1963, No. 1— The Republic of Tanganyika Act 1963	The whole Act.
1963, No. 58— The Republic of Nigeria Act 1963	The whole Act.
1963, No. 59— The Malaysia Act 1963	The whole Act.
1964, No. 21— The Uganda Act 1964	The whole Act.
1964, No. 27— The Decimal Currency Act 1964 ..	The whole Act.

Section 57 (1)

SECOND SCHEDULE

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
COOK ISLANDS CONSTITUTION ACT 1964

Section Amended	Amendment
Section 2	<p>By inserting, after the definition of the term "constable", the following definition: "‘The Constitution’, in relation to the Cook Islands other than Niue, means the Constitution of the Cook Islands as set out in the Schedule to the Cook Islands Constitution Act 1964:".</p> <p>By inserting, after the definition of the term "Cook Islands Public Service" (as substituted by section 95 (1) of the Cook Islands Amendment Act 1957), the following definition: "‘Council of State’ means the Council of State of the Cook Islands established by Article 4 of the Constitution:".</p> <p>By repealing the definition of the term "enactment", and substituting the following definition: "‘Enactment’ includes any Act of the Legislative Assembly of the Cook Islands or of the Parliament of New Zealand, any Ordinance, any regulations, and any rules:".</p> <p>By inserting, after the definition of the term "European land", the following definition: "‘High Commissioner’, in relation to the Cook Islands other than Niue, means the High Commissioner of the Cook Islands; and includes his Deputy lawfully acting in place of the High Commissioner:".</p> <p>By inserting, after the definition of the term "judgment", the following definition: "‘Legislative Assembly’ means the Legislative Assembly of the Cook Islands:".</p> <p>By repealing the definition of the term "Resident Commissioner", and substituting the following definition: "‘Resident Commissioner’, in relation to Niue, means the Resident Commissioner of Niue; and includes the Deputy Resident Commissioner of Niue lawfully acting in place of the Resident Commissioner:".</p>

SECOND SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Section Amended	Amendment
Section 2— <i>continued</i>	<p>By adding, as subsection (2), the following subsection:</p> <p>“(2) In this Act, unless the context otherwise requires,—</p> <p>References to a Minister, in relation to the Cook Islands other than Niue, are references to a Minister of the Government of the Cook Islands other than Niue:</p> <p>References to a Department, in relation to the Cook Islands other than Niue, are references to a Department of the Government of the Cook Islands other than Niue.”</p>
Section 108	<p>By inserting in subsection (1), after the words “may exercise”, the words “in Niue”.</p> <p>By omitting from subsection (2) the words “a Commissioner”, and substituting the words “decisions of a Commissioner in the exercise of that jurisdiction”.</p>
Section 112	By omitting the words “the Minister”, and substituting the words “the Minister in charge of the Justice Department”.
Section 118	<p>By repealing this section, and substituting the following section:</p> <p>“118. Rules of Court—The practice and procedure of the High Court, whether in its civil or criminal jurisdiction, may be prescribed by enactment.”</p>
Section 126	<p>By repealing paragraph (e), and substituting the following paragraphs:</p> <p>“(e) The High Commissioner of the Cook Islands:</p> <p>“(ee) The Resident Commissioner of Niue:”.</p>
Section 131	<p>By repealing this section, and substituting the following section:</p> <p>“131. Court fees—The scale of costs and Court fees to be paid in all civil or criminal proceedings in the High Court shall be as prescribed by enactment.”</p>
Section 152	By omitting the words “under the hand of a Resident Commissioner”, and substituting the words “of the Council of State or the Resident Commissioner, as the case may require”.

SECOND SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Section Amended	Amendment
Section 157	By inserting, after the words "judgment of the High Court", the words "sitting in Niue".
Section 158	By omitting from subsection (1) the words "No such appeal", and substituting the words "No appeal under Article 61 of the Constitution or under section 157 of this Act".
Section 161	By omitting the words "regulations to be made under this Act, and in default of such regulations, or so far as they do not extend", and substituting the words "enactment, and in default of any such enactment, or so far as any such enactment does not extend".
Section 162	By adding to subsection (1) the words "sitting in Niue".
Section 169	By inserting, after the words "any appeal", the words "under section 157 of this Act".
Section 170	By adding the words "under section 157 of this Act".
Section 171	By inserting, after the word "provisions", the words "of the Constitution or".
Section 271	By omitting from subsection (2) the words "by regulations, and subject thereto, or so far as any such regulations shall not extend", and substituting the words "by enactment, and subject to any such enactment, or so far as any such enactment does not extend".
Section 275 (as substituted by section 7 of the Cook Islands Amendment Act 1956)	By omitting from subsection (1) and also from subsection (4) the words "under the hand of a Resident Commissioner", and substituting in each case the words "of the Council of State or the Resident Commissioner, as the case may require".
Section 275A (as substituted by section 7 (1) of the Cook Islands Amendment Act 1962)	By omitting from subsection (1) (b) (ii), and also from subsection (3) and from subsection (6), the words "Resident Commissioner", and substituting in each case the words "Council of State, or the Resident Commissioner, as the case may require".
Section 278	By omitting the words "any Resident Commissioner, Resident Agent", and substituting the words "the Resident Commissioner of Niue, any Resident Agent".

SECOND SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Section Amended	Amendment
Section 295	<p>By omitting from subsection (2) the words “the Governor-General by warrant published in the <i>New Zealand Gazette</i>”, and substituting the words “in the case of a trial held in Niue, by the Governor-General by warrant in the <i>New Zealand Gazette</i>, and, in the case of any other trial, by the Council of State, by warrant published in such manner as the Council of State directs”.</p> <p>By inserting in subsection (2), after the words “and the Governor-General”, the words “or the Council of State, as the case may be”.</p> <p>By omitting from subsection (2) the words “he thinks”, and substituting the words “the Governor-General or, as the case may be, the Council of State thinks”.</p>
Section 310A (as inserted by section 9 of the Cook Islands Amendment Act 1962)	By omitting from subsection (1) the words “Resident Commissioner”, and substituting the words “Council of State, or the Resident Commissioner, as the case may require”.
Section 313	By inserting, after the word “Attorney-General”, the words “of New Zealand in the case of a prosecution in Niue, and the Minister in charge of the Justice Department in the case of any other prosecution”.
Section 314B (as inserted by section 19 of the Cook Islands Amendment Act 1961 and amended by section 10 of the Cook Islands Amendment Act 1962 and by section 9 of the Cook Islands Amendment Act 1963)	<p>By repealing this section, and substituting the following section:</p> <p>“314B. Pardon and remission of sentence—(1) When any person has been convicted of an offence by the High Court, whether before or after the commencement of this section, the appropriate authority, by warrant signed by him, may pardon the offender, or may remit any portion of a sentence of imprisonment passed upon the offender or any portion of a fine imposed upon him, or may commute a sentence of death to one of imprisonment.</p> <p>“(2) In the case of an offender sentenced in Niue to imprisonment for a term of less than one year or to pay a fine not exceeding fifty pounds, the Resident Commissioner, with the concurrence of the Niue Island Assembly, may exercise the like powers of pardon or remission.</p>

SECOND SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Section Amended	Amendment
Section 314B— <i>continued</i>	<p>“(3) In the case of an offender sentenced in Niue to imprisonment for a term of one year or more, the Resident Commissioner, with the concurrence of the Niue Island Assembly, may, if the conduct and industry of the offender have been satisfactory, remit not more than one-fourth of the sentence.</p> <p>“(4) Any such pardon or remission may be made subject to such conditions as the appropriate authority or, as the case may be, the Resident Commissioner, with such concurrence as aforesaid, thinks fit, including in the case of the remission of part of the sentence of an offender undergoing a sentence of imprisonment, if the appropriate authority or the Resident Commissioner, as the case may be, thinks fit, a condition that, until a date specified by the appropriate authority or the Resident Commissioner, as the case may be (being, in the case of an offender undergoing a sentence of life imprisonment, such date as the appropriate authority thinks fit, and in any other case a date not later than the date of the expiry of the term of the original sentence), he shall be subject to supervision by a person to be nominated from time to time by the Council of State or the Resident Commissioner, as the case may be, and shall comply with the directions of that person with respect to such matters as the appropriate authority or the Resident Commissioner, as the case may be, specifies.</p> <p>“(5) For the purposes of this section, cumulative terms of imprisonment shall be treated as one term.</p> <p>“(6) The appropriate authority may in like manner pardon any offender who has given evidence which leads to the conviction of an accomplice.</p> <p>“(7) Where any person is granted a free pardon under this section, that person shall be deemed never to have committed the offence:</p>

SECOND SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Section Amended	Amendment
Section 314B— <i>continued</i>	<p>“Provided that the granting of a free pardon shall not affect anything lawfully done or the consequences of anything unlawfully done before it is granted.</p> <p>“(8) Nothing in this section shall affect the prerogative of mercy.</p> <p>“(9) In this section the term ‘appropriate authority’ means—</p> <p>“(a) In the case of an offender convicted in Niue, the Governor-General:</p> <p>“(b) In the case of an offender convicted in the Cook Islands other than Niue, the Council of State, acting with the concurrence of the Executive Council of the Cook Islands.”</p>
Section 324	By inserting, after the word “Acts”, the words “of the Legislative Assembly or of the Parliament of New Zealand”.
Section 350 (as substituted by section 32 (1) of the Crown Proceedings Act 1950 and amended by section 95 (1) of the Cook Islands Amendment Act 1957)	<p>By omitting from paragraph (d) of subsection (2) the words “the Resident Commissioner of the Cook Islands”, and substituting the words “the Council of State”.</p> <p>By omitting from paragraph (e) of subsection (2) and also from paragraph (h) of that subsection and from subsection (4) the words “any Resident Commissioner”, and substituting in each case the words “the Council of State or the Resident Commissioner, as the case may require”.</p> <p>By omitting from paragraph (h) of subsection (2) the words “Cook Islands Treasury”, and substituting the words “Cook Islands Government Account or the Niue Assembly Account, as the case may require”.</p>
Section 351	By omitting from subsection (1) and also from subsection (2) the words “the Cook Islands”, and substituting in each case the word “Niue”.
Section 355	By repealing this section, and substituting the following section:

SECOND SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Section Amended	Amendment
Section 355— <i>continued</i>	<p>“355. Grants of Crown land—(1) Subject to any enactment for the time being in force in that behalf, the Governor-General, in the case of land situated in Niue, and the Council of State in any other case, may grant Crown land in the Cook Islands in fee-simple, or may grant in respect of any such land any lease, licence, easement, or other limited estate, right, or interest, or may accept a surrender of any estate, right, or interest in any such land.</p> <p>“(2) In the case of Crown land reserved or set apart for any public purpose, no such grant shall be made except so far as consistent with that purpose.</p> <p>“(3) Every such grant in fee-simple shall be under the Public Seal of New Zealand or the Seal of the Cook Islands, as the case may require, and every other grant shall be made either by warrant of the Governor-General or the Council of State, as the case may require, or in such other manner as may be prescribed by any enactment.”</p>
Section 356	<p>By omitting the words “the Cook Islands”, and substituting the word “Niue”.</p> <p>By adding, as subsection (2), the following subsection:</p> <p>“(2) Any Crown land in the Cook Islands other than Niue may, by warrant of the Council of State, be set aside as a reserve for any public purpose, and shall be reserved and used for that purpose accordingly, but any such warrant may be at any time revoked.”</p>
Section 357	<p>By omitting the words “the Cook Islands”, and substituting the words “Niue, and the Council of State, may, by warrant, take any land in the Cook Islands other than Niue”.</p> <p>By inserting, after the words “in the Order” and also after the words “such Order” wherever they occur, the words “or warrant”.</p>

SECOND SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Section Amended	Amendment
Section 358	<p>By inserting in subsection (1), after the words "such Order in Council", the words "or warrant".</p> <p>By inserting in subsection (1), after the words "by Order in Council", the words "or, as the case may be, the Council of State may, by warrant".</p> <p>By inserting in subsection (1), after the words "such Order", the words "or warrant".</p> <p>By inserting in subsection (2) and also in subsection (3), after the words "Order in Council", the words "or warrant".</p>
Section 359	<p>By inserting in subsection (2), after the words "Resident Commissioner", the words "in the case of land situated in Niue, and of any Minister of the Government of the Cook Islands in the case of any other land".</p>
Section 360	<p>By omitting from subsection (1) the words "may by Order in Council", and substituting the words "in the case of land situated in Niue, may, by Order in Council, and the Council of State in any other case, may, by warrant".</p> <p>By inserting in subsection (1), after the words "the Order" wherever they occur, the words "or warrant".</p>
Section 361	<p>By omitting the words "may at any time, by Order in Council", and substituting the words "in the case of land situated in Niue, may at any time, by Order in Council, and the Council of State, in any other case, may at any time, by warrant".</p>
Section 362 (as amended by section 5 (5) of the Island Territories Act 1943)	<p>By omitting the words "The Minister of Island Territories", and substituting the words "The Council of State in the case of land situated in the Cook Islands other than Niue, and the Minister of Island Territories, in the case of land situated in Niue".</p>
Section 363	<p>By omitting the words "in the Cook Islands".</p> <p>By omitting the words "A Resident Commissioner", and substituting the words "The Council of State or the Resident Commissioner, as the case may require".</p>

SECOND SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Section Amended	Amendment
Section 375	By inserting in subsection (2), after the word "Minister", the words "in charge of the Justice Department".
Section 376	By omitting from subsection (1) and also from subsection (3) the word "Governor-General", and substituting in each case the words "Council of State".
Section 378	By repealing subsection (1), and substituting the following subsection: " (1) The practice and procedure of the Land Court and the fees payable in respect of the proceedings of that Court shall be as prescribed by enactment." By omitting from subsection (2) the words "rules do", and substituting the words "enactment does".
Section 379	By omitting the words "a Resident Commissioner or of any person authorised by him", and substituting the words "the Council of State or the Resident Commissioner, as the case may require, or any person authorised by the Council of State or the Resident Commissioner, as the case may require".
Section 390A (as inserted by section 16 of the Cook Islands Amendment Act 1950)	By inserting in subsection (8), after the word "Council", the words "where the order relates to land situated in Niue, and the consent of the Council of State, where the order relates to any other land". By inserting in subsection (9) after the word "Council", the words "where the application relates to land situated in Niue, or the Council of State, where the application relates to any other land".
Section 400	By inserting in paragraph (e), after the words "other Act", the words "(whether an Act of the Legislative Assembly or of the Parliament of New Zealand)".
Section 407	By omitting the words "under the hand of a Resident Commissioner", and substituting the words "of the Council of State or the Resident Commissioner, as the case may require".
Section 409A (as inserted by section 11 of the Cook Islands Amendment Act 1963)	By inserting in subsection (3) (b), after the words "Resident Commissioner", the words "in the case of land situated in Niue, and of the Council of State, in the case of any other land".

SECOND SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Section Amended	Amendment
Section 410	By inserting in subsection (1), after the word "Governor-General", the words "where the property is situated in Niue, and the Council of State, in the case of any other property".
Section 417	By inserting, after the word "Governor-General", the words "in the case of land situated in Niue, and the Council of State, in the case of any other land". By omitting the words "he may, by Order in Council", and substituting the words "the Governor-General may, by Order in Council, or, as the case may be, the Council of State may, by warrant".
Section 426	By inserting, after the words "such Order in Council", the words "or warrant".
Section 426	By omitting from subsection (2) the words "Ordinance or other".
Section 441	By adding the words "in the case of land situated in Niue, and by the Council of State, in the case of any other land".
Section 475	By omitting from subsection (2) the words "a Resident Commissioner", and substituting the words "the High Commissioner, the Resident Commissioner, a".
Section 487 (as substituted by section 92 of the Cook Islands Amendment Act 1957)	By omitting from subsection (1) and also from subsection (2) the words "may, by Order in Council", and substituting in each case the words "in the case of land situated in Niue, may, by Order in Council, and the Council of State, in the case of any other land, may, by warrant,". By inserting in subsection (3) and also in subsection (5), after the word "Council", the words "or warrant".
Section 488 (as substituted by section 92 of the Cook Islands Amendment Act 1957)	By inserting in subsection (1), after the words "an Order in Council", the words "or a warrant of the Council of State". By inserting in subsection (1), after the words "by Order in Council", the words "or, as the case may be, by warrant of the Council of State". By inserting in subsection (2), after the word "Council", the words "or warrant".

SECOND SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Section Amended	Amendment
Section 490	By repealing this section, and substituting the following section: “490. Management and control of Native reservations —The management and control of any Native reservation shall, in the case of a reservation in the Cook Islands other than Niue, be as prescribed by an Act of the Legislative Assembly or by Ordinance, and, in the case of a reservation in Niue, be as prescribed by Ordinance.”
Section 510	By repealing paragraph (a), and substituting the following paragraph: “(a) The Resident Commissioner of Niue, or any Resident Agent:”.
Section 511	By omitting from subsection (1) and also from subsection (2) the words “any Resident Commissioner may, by warrant under his hand”, and substituting in each case the words “the Council of State or the Resident Commissioner, as the case may require, may, by warrant”.
Section 513	By omitting from subsection (3) the word “regulations”, and substituting the word “enactment”.
Section 573 <i>b</i> (as inserted by section 14 of the Cook Islands Amendment Act 1963)	By repealing subsection (2), and substituting the following subsection: “(2) In order to satisfy itself as to the matters mentioned in paragraph (f) of subsection (1) of this section, the Court shall call for a report thereon— “(a) In the case of an application made in the Cook Islands other than Niue, by the Minister in Charge of the Justice Department, or by an officer of the Cook Islands Public Service nominated for the purpose by that Minister: “(b) In the case of an application made in Niue, by the Resident Commissioner or by an officer of the Cook Islands Public Service nominated for the purpose by the Resident Commissioner.”

SECOND SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Section Amended	Amendment
Section 579	By omitting the words "Resident Commissioner", and substituting the words "Council of State or the Resident Commissioner, as the case may require".
Section 581	By repealing this section, and substituting the following section: "581. Treatment of persons detained— The custody, care, treatment, visitation, and discipline of all persons so committed to medical custody shall be as prescribed by enactment."
Section 589	By omitting from subsection (1) the words "a Resident Commissioner or", and substituting the words "the Resident Commissioner of Niue, or before a".
Section 590	By omitting from subsection (1) the word "European". By omitting the words "Resident Commissioner", and substituting the words "Council of State or the Resident Commissioner, as the case may require".
Section 592	By omitting the words "(in the case of a charge of murder or manslaughter)", and substituting the words "(where the charge is one of murder or manslaughter brought in the High Court in Niue)".
Section 592	By omitting from subsection (1) the words "Resident Commissioner", and substituting the words "Council of State or the Resident Commissioner, as the case may require". By repealing subsection (2), and substituting the following subsection: "(2) In the case of a charge of murder or manslaughter, any person so detained in Niue may be at any time discharged by the Governor-General, and any person so detained in the Cook Islands other than Niue may be at any time discharged by the Council of State".
Section 593	By omitting from subsection (2) the words "Resident Commissioner", and substituting the words "Council of State or the Resident Commissioner".

SECOND SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Section Amended	Amendment
Section 593— <i>continued</i>	By omitting from subsection (2) the words “the Cook Islands”, and substituting the word “Niue”.
Section 606	By inserting in subsection (1) before the words “if satisfied”, the words “in the case of land situated in Niue, and the Council of State, in the case of any other land”.
Section 607	By inserting in subsection (1), before the words “may by warrant”, the words “in the case of land situated in Niue, and the Council of State, in the case of any other land”.
Section 611	By inserting in subsection (3), after the word “Minister”, the words “in the case of land situated in Niue, and the Council of State, in the case of any other land”.
Section 613	By omitting from subsection (4) the words “Resident Commissioner”, and substituting the words “Council of State or the Resident Commissioner, as the case may require”.
Section 613	By inserting, after the word “Minister”, the words “in the case of a road situated in Niue, and the Council of State, in the case of any other road”.
Section 614 (as amended by section 95 (1) of the Cook Islands Amendment Act 1957)	By repealing this section, and substituting the following section: <p data-bbox="484 1136 962 1369">“614. Warrants as to roads to be gazetted—(1) Every warrant of the Minister under this Part of this Act shall be under his hand and the Seal of Niue, and shall be published in the <i>New Zealand Gazette</i>, and shall take effect according to its tenor upon such publication or upon any later date specified in that behalf in the warrant.</p> <p data-bbox="484 1369 962 1585">“(2) Every warrant of the Council of State under this Part of this Act shall be under the Seal of the Cook Islands, and shall be published in the <i>Cook Islands Gazette</i>, and shall take effect according to its tenor upon such publication or upon any later date specified in that behalf in the warrant.”</p>

SECOND SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Section Amended	Amendment
Section 619	<p>By inserting in subsection (1), before the words "When any", the words "Subject, in relation to the Cook Islands other than Niue, to the provisions of the Constitution".</p> <p>By inserting in subsection (2), after the words "this section", the words "but subject, in relation to the Cook Islands other than Niue, to the provisions of the Constitution".</p>
Section 622	<p>By repealing subsection (4), and substituting the following subsection:</p> <p>"(4) The Acts Interpretation Act 1924 shall, so far as applicable and subject to this Act, apply to all Acts of the Legislative Assembly and to all Ordinances and bylaws, whether made before or after the commencement of this subsection, in the same manner as it applies to Acts of the Parliament of New Zealand."</p>
Section 627	<p>By inserting in subsection (2), before the words "The High Court", the words "Except where the cause of action arose in the Cook Islands other than Niue".</p>
Section 635	<p>By inserting in subsection (2), before the words "The High Court", the words "Except where the cause of action arose in the Cook Islands other than Niue".</p>
Section 653	<p>By omitting from subsection (1) the words "any Resident Commissioner", and substituting the words "the High Commissioner, the Resident Commissioner, or any".</p>
Section 657A (as inserted by section 94 of the Cook Islands Amendment Act 1957)	<p>By repealing paragraph (a) and paragraphs (c) to (g) of subsection (5).</p> <p>By omitting from paragraph (h) of subsection (5) the words "Justices of the Peace for the Cook Islands other than Niue and".</p> <p>By omitting from paragraph (a) of subsection (6) the words "the Resident Commissioner of the Cook Islands or".</p> <p>By repealing paragraphs (b) and (c) of subsection (6).</p>

SECOND SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Section Amended	Amendment
Section 657A— <i>continued</i>	<p>By repealing paragraph (d) of subsection (6), and substituting the following paragraphs:</p> <p>“(d) In the case of any Magistrate within the meaning of section 278 of this Act or of any Sheriff, before the Chief Judge or any other Judge of the High Court or any member of the Council of State or the Resident Commissioner of Niue or before any other person specified by the Council of State or the Resident Commissioner in any particular case:</p> <p>“(e) In the case of any Justice of the Peace for Niue, before the Chief Judge or any other Judge of the High Court or before the Resident Commissioner or before any other person specified by the Resident Commissioner in any particular case.”</p>
Second Schedule (as amended by section 95 (3) of the Cook Islands Amendment Act 1957)	By omitting the words “Resident Commissioner of the Cook Islands”, and substituting the words “High Commissioner of the Cook Islands, Resident Commissioner of Niue”.

THIRD SCHEDULE

Section 57 (2)

AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF COOK ISLANDS CONSTITUTION ACT 1964

Enactment Amended	Amendment
1913, No. 63—The Customs Act 1913 (1957 Reprint, Vol. 3, p. 552)	<p>By inserting, after section 302, the following section:</p> <p>“302A. Request and consent of Government of Cook Islands—No Order in Council under the provisions of this Part of this Act made after the commencement of the Cook Islands Constitution Act 1964 shall have any force or effect in the Cook Islands other than Niue, unless it is made at the request and with the consent of the Government of the Cook Islands made and given in the manner provided in Article 88 of the Constitution of the Cook Islands (as set out in the Schedule to the Cook Islands Constitution Act 1964).”</p>
1921, No. 14—The Cook Islands Amendment Act 1921 (Reprinted 1958, Vol. 2, p. 1036)	<p>By omitting from section 13 (1) the words “Order in Council”, and substituting the words “enactment in that behalf”.</p> <p>By omitting from section 13 (1) the words “that Order”, and substituting the words “that enactment”.</p> <p>By repealing section 15, and substituting the following section:</p> <p>“15. Sale of island products on behalf of planters—Provision may be made by enactment for the making of agreements between the Minister responsible for agriculture or the Resident Commissioner, as the case may require, and any planters in the Cook Islands other than Niue or in Niue, as the case may be, for the sale by that Minister or the Resident Commissioner, on behalf of such planters of copra and other products of the Cook Islands, and for the carrying out and enforcing of such agreements.”</p>
1946, No. 30—The Cook Islands Amendment Act 1946 (Reprinted 1958, Vol. 2, p. 1038)	<p>By repealing section 23 (1), and substituting the following subsection:</p> <p>“(1) The practice and procedure of the Land Appellate Court, and the terms and conditions on which appeals to that Court may be brought, prosecuted, or withdrawn, and the fees payable in respect of the proceedings of that Court shall be as prescribed by enactment.”</p>

AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF COOK
ISLANDS CONSTITUTION ACT 1964—*continued*

Enactment Amended	Amendment
1946, No. 30—The Cook Islands Amendment Act 1946— <i>continued</i>	<p>By omitting from section 23 (2) the word “rules” wherever it occurs, and substituting in each case the word “enactment”.</p> <p>By inserting in section 34 (2), after the word “Minister”, the words “in charge of the Justice Department”.</p> <p>By omitting from section 54 (2) the words “the Resident Commissioner shall”, and substituting the words “the Minister responsible for agriculture or, as the case may be, the Resident Commissioner shall”.</p> <p>By omitting from section 54 (2) the words “by the Resident Commissioner, and the Resident Commissioner may”, and substituting the words “by the Minister or the Resident Commissioner, as the case may be, and the Minister or the Resident Commissioner, as the case may be, may”.</p> <p>By omitting from section 55 (1), the words “the Resident Commissioner”, and substituting the words “the Minister responsible for agriculture (in this Part of this Act referred to as the Minister), in the case of land situated in the Cook Islands other than Niue, and the Resident Commissioner, in the case of land situated in Niue”.</p> <p>By omitting from subsection (2) of section 55, and also from subsections (3), (4), (5), (6), (7), (8), (9), and (10) of the same section the words “Resident Commissioner” wherever they occur, and substituting in each case the words “Minister or the Resident Commissioner, as the case may be”.</p> <p>By omitting from section 55 (3) the words “to the control of the Public Service Commissioner”, and substituting the words “in the case of land situated in Niue, to the control of the Commission, and, in the case of any other land, to the control of the Secretary of the Premier’s Department”.</p> <p>By omitting from section 56 the words “Resident Commissioner” wherever they occur, and substituting in each case the words “Minister or the Resident Commissioner, as the case may be”.</p>

THIRD SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Enactment Amended	Amendment
1946, No. 30—The Cook Islands Amendment Act 1946— <i>continued</i>	<p>By omitting from subsection (1) of section 57, and also from subsection (2) of the same section, the words “Resident Commissioner”, and substituting in each case the words “Minister or the Resident Commissioner”.</p> <p>By omitting from section 58 (1) the words “any regulations under this Part of this Act or under the principal Act”, and substituting the words “the provisions of any enactment”.</p> <p>By omitting from subsection (1) of section 58, and also from subsection (2) of that section, the words “Resident Commissioner”, and substituting in each case the words “Minister or the Resident Commissioner, as the case may be”.</p> <p>By omitting from subsection (1) of section 59, and also from subsections (2) and (4) of that section, the words “Resident Commissioner” wherever they occur, and substituting in each case the words “Minister or the Resident Commissioner, as the case may require”.</p>
1950, No. 92—The Cook Islands Amendment Act 1950 (Reprinted 1958, Vol. 2, p. 1041)	<p>By adding to section 60 the words “in Niue”.</p> <p>By inserting in section 3, after the word “Minister”, the words “in the case of antiquities in Niue, and the Council of State in any other case”.</p> <p>By omitting from section 3 the words “he deems”, and substituting the words “the Minister or, as the case may be, the Council of State deems”.</p> <p>By omitting from section 3 the words “Cook Islands”, and substituting the words “Niue or, as the case may be, the people of the Cook Islands other than Niue”.</p> <p>By omitting from section 4 the words “the Cook Islands” wherever they occur, and substituting in each case the word “Niue”.</p> <p>By adding to section 4, as subsection (2), the following subsection:</p> <p>“(2) It shall not be lawful to remove from the Cook Islands other than Niue any Native antiquities without first offering the same for sale to the Council of State on behalf of Her Majesty for the benefit of the people of the Cook Islands other than Niue.”</p>

THIRD SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Enactment Amended	Amendment
1950, No. 92—The Cook Islands Amendment Act 1950— <i>continued</i>	<p>By omitting from section 6 (1) the words “the Cook Islands”, and substituting the words “Niue or, without the consent of the Council of State exports from the Cook Islands other than Niue”.</p> <p>By omitting from the proviso to subsection (3) of section 6 the words “may, after inquiry, cancel the forfeiture if he thinks fit”, and substituting the words “in the case of antiquities entered for export from Niue, and the Council of State in any other case, may, after inquiry, cancel the forfeiture if the Minister or, as the case may be, the Council of State thinks fit”.</p> <p>By omitting from section 7 the words “the Cook Islands”, and substituting the word “Niue”.</p> <p>By adding to section 7 the words “or from the Cook Islands other than Niue if he has previously obtained the permission in writing of the Council of State”.</p> <p>By omitting from section 8 (1) the words “may, if he thinks fit”, and substituting the words “or, as the case may be, the Council of State, may if he or it thinks fit”.</p> <p>By omitting from section 8 (1) the words “Minister directs”, and substituting the words “Minister or, as the case may be, the Council of State directs”.</p> <p>By inserting in section 9, after the word “Minister”, the words “in the case of an article in Niue, and by the Council of State in any other case”.</p> <p>By adding to section 10, as subsection (2), the following subsection: “(2) Regulations made under this section after the commencement of the Cook Islands Constitution Act 1964 shall be in force in Niue only.”</p> <p>By omitting from section 19 (f) (as amended by section 95 (3) of the Cook Islands Amendment Act 1957) the words “the Minister or of the Resident Commissioner of the Cook Islands”, and substituting the words “the Council of State of the Cook Islands”.</p>

THIRD SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Enactment Amended	Amendment
1956, No. 47—The Superannuation Act 1956 (1957 Reprint, Vol. 15, p. 409)	<p>By repealing paragraph (a) of subsection (9) of section 50 (as substituted by section 2 of the Superannuation Amendment Act 1958), and substituting the following paragraph:</p> <p>“(a) High Commissioner of the Cook Islands:”.</p>
1957, No. 103—The Cook Islands Amendment Act 1957 (Reprinted 1958, Vol. 2, p. 1049)	<p>By inserting in the same subsection, after paragraph (d), the following paragraphs:</p> <p>“(dd) Secretary of the Premier’s Department of the Cook Islands:</p> <p>“(ddd) A member of the staff of the Council of State of the Cook Islands:”.</p> <p>By repealing section 2, and substituting the following section:</p> <p>“2. Interpretation—In this Part of this Act, unless the context otherwise requires,—</p> <p>“‘The Cook Islands’ means all the islands and territories situate within the boundary lines specified in the First Schedule to the principal Act; but does not include the Island of Niue:</p> <p>“‘Cook Islands Public Service’ has the meaning assigned thereto by section 76 of this Act:</p> <p>“‘Council of State’ means the Council of State of the Cook Islands:</p> <p>“References to a Minister are references to a Minister of the Government of the Cook Islands.”</p> <p>By omitting from subsection (1) of section 20, and also from subsections (2) and (3) of that section, the words “Resident Commissioner” whenever they occur, and substituting in each case the words “Secretary of the Premier’s Department”.</p> <p>By omitting from section 22 (2) the words “Resident Commissioner”, and substituting the words “Minister in charge of the Department of Health”.</p> <p>By omitting from section 24 (2) the words “Resident Commissioner”, and substituting the words “Minister in charge of the Department of Health”.</p>

THIRD SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Enactment Amended	Amendment
1957, No. 103—The Cook Islands Amendment Act 1957— <i>continued</i>	<p>By omitting from the same subsection the words “and be paid into the Cook Islands Assembly Account or into the Cook Islands Supplementary Account, as the Minister directs”.</p> <p>By omitting from section 25 the words “Resident Commissioner”, and substituting the words “Minister in charge of the Department of Health”.</p> <p>By omitting from subsection (1) of section 26, and also from subsection (3) of that section, the words “under the hand of the Resident Commissioner”, and substituting in each case the words “of the Council of State”.</p> <p>By omitting from section 26 (5) the words “and shall be debited to the Cook Islands Assembly Account or to the Cook Islands Supplementary Account, as the Minister directs”.</p> <p>By omitting from section 27 the words “Resident Commissioner may, by warrant under his hand and”, and substituting the words “Council of State may, by warrant under”.</p> <p>By omitting from section 28 (1) the words “Resident Commissioner”, and substituting the words “Council of State”.</p> <p>By omitting from section 29 (2) the words “Resident Commissioner”, and substituting the words “Council of State”.</p> <p>By omitting from section 30 the word “Commission”, and substituting the words “Secretary of the Premier’s Department”.</p> <p>By omitting from subsection (1) of section 31, and also from subsections (2) and (3) of that section, the word “Minister”, and substituting in each case the words “Minister in charge of the Department of Education”.</p> <p>By omitting from section 31 (3) the word “Commission”, and substituting the words “Secretary of the Premier’s Department”.</p> <p>By repealing section 31 (4).</p> <p>By repealing subsections (1) to (4) of section 51, and substituting the following subsections:</p>

THIRD SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Enactment Amended	Amendment
1957, No. 103—The Cook Islands Amendment Act 1957— <i>continued</i>	<p>“(1) The constitution, membership, functions, and powers of an Island Council established in any island of the Cook Islands pursuant to any enactment (whether established before the commencement of this subsection by Ordinance or established after the commencement of this subsection by Act of Legislative Assembly) shall be as prescribed from time to time by enactment.</p> <p>“(2) Any bylaw of an Island Council made pursuant to powers so conferred which is in any respect repugnant to the provisions of any enactment (not being a bylaw) in force in the Cook Islands (whether made before or after the bylaw) shall be read subject to that enactment, and shall, to the extent of that repugnancy and not otherwise, be and remain absolutely void and inoperative:</p> <p>“Provided that, except to the extent to which it is repugnant to any such enactment, no bylaw and no provision of any bylaw shall be deemed to be repugnant for the purposes of this subsection solely on the ground that it deals with a matter already dealt with by any such enactment or is repugnant to the law of England as established in the Cook Islands by section 615 of the principal Act.</p> <p>“(3) No bylaw made by an Island Council shall become law until it has been assented to by the Council of State, which in relation to any such bylaw presented to it for its assent, shall have the same powers as are conferred on the Council of State by Article 44 of the Constitution in relation to Bills passed by the Legislative Assembly, and the provisions of that Article and of Article 45 of the Constitution, as far as they are applicable and with the necessary modifications, shall apply as if references in those Articles to a Bill or to an Act were references to a bylaw, and as if references in Article 44 to the Legislative Assembly were references to an Island Council.”</p>

THIRD SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Enactment Amended	Amendment
1957, No. 103—The Cook Islands Amendment Act 1957— <i>continued</i>	<p>By repealing section 52 (1), and substituting the following subsections:</p> <p>“(1) Any bylaw made by an Island Council may be presented to the Council of State for its assent by transmitting to the Council of State by telegram a true copy thereof.</p> <p>“(1A) The Council of State may, by telegram to the Resident Agent, exercise in relation to any bylaw made by an Island Council any of the powers conferred on the Council of State by Article 44 of the Constitution, as applied by section 51 of this Act.”</p> <p>By omitting from section 52 (2) the words “paragraph (b) of subsection one”, and substituting the words “subsection (1A)”.</p> <p>By omitting from section 52 (2) the words “section forty-two of this Act”, and substituting the words “Article 44 of the Constitution”.</p> <p>By omitting from section 52 (2) the words “that section”, and substituting the words “that Article”.</p> <p>By omitting from subsection (1) of section 53, and also from subsections (2), (3), (7), and (9) of that section, the words “Resident Commissioner”, and substituting in each case the words “Council of State”.</p> <p>By inserting in section 53 (2) (a), before the words “Any Ordinance”, the words “Any Act of the Legislative Assembly”.</p> <p>By inserting in section 53 (4), before the word “Ordinances”, the word “Acts”.</p> <p>By inserting in section 53 (5), before the word “Ordinance”, the word “Act”.</p> <p>By omitting from subsection (3) of section 54, and also from subsection (4) of that section, the words “Resident Commissioner”, and substituting in each case the words “Council of State”.</p> <p>By inserting in section 76, before the definition of the term “Cook Islands Public Service”, the following definition:</p>

THIRD SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Enactment Amended	Amendment
1957, No. 103—The Cook Islands Amendment Act 1957— <i>continued</i>	<p>“Administering authority’ means—</p> <p>“(a) In relation to an employee in the service of the Government of the Cook Islands other than Niue, the Secretary of the Premier’s Department:</p> <p>“(b) In relation to an employee in the service of the Government of Niue, the State Services Commission constituted under the State Services Act 1962:”.</p> <p>By repealing paragraph (c) of the definition of the term “Cook Islands Public Service” in section 76, and substituting the following paragraphs:</p> <p>“(c) High Commissioner of the Cook Islands:</p> <p>“(cc) An Ariki member of the Council of State of the Cook Islands:”.</p> <p>By inserting in the same definition, after paragraph (e), the following paragraph:</p> <p>“(ee) A Justice of the Peace for Niue:”.</p> <p>By omitting from paragraph (f) of the same definition the words “An elected member”, and substituting the words “A member”.</p> <p>By inserting in the same definition, after paragraph (f), the following paragraph:</p> <p>“(ff) The Speaker of the Legislative Assembly of the Cook Islands:”.</p> <p>By inserting in the same definition, after paragraph (h), the following paragraphs:</p> <p>“(hh) A member of the staff of the Council of State of the Cook Islands, unless he is an employee of the Cook Islands Public Service in some other capacity:</p> <p>“(hhh) A member of the Cook Islands Public Service Board of Appeal:”.</p> <p>By repealing paragraph (i) of the same definition.</p>

THIRD SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Enactment Amended	Amendment
1957, No. 103—The Cook Islands Amendment Act 1957— <i>continued</i>	<p>By omitting from subsection (1) of section 77, and also from subsections (2) and (3) of the same section, the word “Commission”, and substituting in each case the words “administering authority”.</p> <p>By inserting in section 77 (2), after the words “this Act”, the words “or, as the case may require, of any Act of the Legislative Assembly of the Cook Islands”.</p> <p>By repealing section 78 (1), and substituting the following subsection: “(1) The Governor-General in Council, in the case of an employee in the service of the Government of Niue, and the Council of State of the Cook Islands in any other case, acting in each case on the recommendation of the administering authority, may declare that any specified position or class of position in the Cook Islands Public Service shall cease to be a position in that Service, and thereupon any person then holding that position or any position in that class shall cease to be an employee of the Cook Islands Public Service, and shall thereafter hold his appointment during the pleasure of the Minister, in the case of an employee in the service of the Government of Niue, and during the pleasure of the Premier of the Cook Islands in any other case, and upon such terms and conditions as the Minister or the Premier, as the case may be, directs from time to time.”</p> <p>By inserting in section 78 (2) after the word “Minister” wherever it occurs, the words “or the Premier, as the case may be”.</p> <p>By inserting in section 78 (3) after the word “Minister”, the words “in the case of an employee in the service of the Government of Niue, and the Council of State of the Cook Islands, on the recommendation of the Premier, in the case of any other employee”.</p>

THIRD SCHEDULE—*continued*

AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Enactment Amended	Amendment
<p>1957, No. 103—The Cook Islands Amendment Act 1957—<i>continued</i></p>	<p>By omitting from the same subsection the word “Commission” wherever it occurs, and substituting in each case the words “administering authority”.</p> <p>By omitting from subsection (1) of section 80, and also from subsections (2) and (5) of that section, the word “Commission”, and substituting in each case the words “administering authority”.</p> <p>By omitting from subsection (1) of section 81, and also from subsections (2) and (3) of that section, the words “the Commission”, and substituting in each case the words “the administering authority”.</p> <p>By adding to section 81 (2) the words “or, as the case may be, of any Act of the Legislative Assembly of the Cook Islands relating to employees in the service of the Government of the Cook Islands other than Niue”.</p> <p>By repealing section 82 (1), and substituting the following subsection: “(1) The State Services Commission (in this section referred to as the Commission) may, with the approval of the Governor-General, make regulations as to the pay, allowances, discipline, control, and management of the Cook Islands Public Service in relation to the service of the Government of Niue. Any such regulations may be made either generally or with respect to any particular case or class of cases.”</p> <p>By repealing section 83 (1), and substituting the following subsection: “(1) Subject, in the case of employees in the service of the Government of Niue, to the provisions of any regulations made under section 82 of this Act, and, in the case of other employees, to the provisions of any enactment in that behalf for the time being in force, employees of the Cook Islands Public Service shall receive such pay and allowances as the administering authority thinks fit.”</p> <p>By omitting from section 83 (2) the words “the Cook Islands Assembly Account, and, so far as those appropriations do not extend, then out of the Cook Islands Supplementary Account”.</p>

THIRD SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Enactment Amended	Amendment
1957, No. 103—The Cook Islands Amendment Act 1957— <i>continued</i>	<p>By omitting from section 83 (3) the words “and, so far as those appropriations do not extend, then out of the Niue General Account”.</p> <p>By omitting from section 83A (1) (as inserted by section 17 of the Cook Islands Amendment Act 1962), and also from subsection (2) of the same section, the word “Commission” wherever it occurs, and substituting in each case the words “administering authority”.</p> <p>By omitting from subsection (1) of section 85 (as substituted by section 18 of the Cook Islands Amendment Act 1962 and amended by section 3 of the State Services Act 1962), and also from subsections (4) and (6) of the same section, the words “State Services Commission”, and substituting in each case the words “administering authority”.</p> <p>By omitting from section 85A (3) (which section was substituted by section 19 of the Cook Islands Amendment Act 1962 and amended by section 3 of the State Services Act 1962) the words “State Services Commission”, and substituting the words “administering authority”.</p> <p>By repealing paragraph (a) of subsection (5) of section 85A (as so substituted), and substituting the following paragraph: “(a) The High Commissioner of the Cook Islands:”.</p> <p>By inserting in the same subsection, after paragraph (c), the following paragraphs: “(cc) The Secretary of the Premier’s Department: “(ccc) A member of the staff of the Council of State of the Cook Islands:”.</p>
1960, No. 32—The Cook Islands Amendment Act 1960	<p>By omitting from the definition of the term “Treasurer” in section 2 the words “the Treasurer of the Cook Islands appointed under section 17 of the Cook Islands Amendment Act 1957”, and substituting the words “the officer of the Cook Islands Public Service holding the office of Treasurer”.</p>

THIRD SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Enactment Amended	Amendment
1960, No. 32—The Cook Islands Amendment Act 1960— <i>continued</i>	<p>By omitting from section 3 (2) (b) (which section was substituted by section 26 of the Cook Islands Amendment Act 1963) the words “pursuant to subsection (6) of section 15 of the Cook Islands Amendment Act 1957 (as added by section 20 of the Cook Islands Amendment Act 1963)”, and substituting the words “from the Cook Islands Government Account”.</p> <p>By omitting from section 3 (4) (which section was substituted as aforesaid) the words “pursuant to subsection (6) of section 15 of the principal Act (as added as aforesaid)”, and substituting the words “from the Cook Islands Government Account”.</p> <p>By omitting from section 5 the words “Minister with the concurrence of the Minister of Finance”, and substituting the words “Minister in charge of finance”.</p> <p>By omitting from section 6 (1) (c) the word “Minister”, and substituting the words “Premier of the Cook Islands”.</p> <p>By omitting from section 6 (2) the word “Minister”, and substituting the words “Minister in charge of the Department of Social Development”.</p> <p>By adding to section 20 the words “and as if for the words ‘the Minister in charge of finance’ in section 5 there were substituted the words ‘the Minister of Island Territories with the concurrence of the Minister of Finance’”.</p>
1961, No. 15—The Cook Islands Amendment Act 1961	<p>By inserting in section 3, after the definition of the term “The Cook Islands”, the following definition:</p> <p>“‘Council of State’ means the Council of State of the Cook Islands.”.</p> <p>By inserting in the definition of the term “intoxicating liquor” in section 3, before the words “any Ordinance”, the words “any Act of the Legislative Assembly of the Cook Islands or”.</p> <p>By repealing the definition of the term “Resident Commissioner” in section 3, and substituting the following definition:</p>

THIRD SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Enactment Amended	Amendment
1961, No. 15—The Cook Islands Amendment Act 1961— <i>continued</i>	<p>“Resident Commissioner” means the Resident Commissioner of Niue; and includes the Deputy Resident Commissioner of Niue lawfully acting in place of the Resident Commissioner.”</p> <p>By inserting in section 4 (1), after the words “Legislative Assembly of the Cook Islands”, the words “may by Act”.</p> <p>By omitting from section 4 (1) (b) the words “Resident Commissioner”, and substituting the words “Council of State or the Resident Commissioner, as the case may require”.</p> <p>By adding to section 4 (2) the words “in the case of an authority constituted in Niue, and by the Premier of the Cook Islands, in the case of an authority constituted in the Cook Islands other than Niue”.</p> <p>By omitting from section 7 (1) the words “Resident Commissioner”, and substituting the words “Council of State or the Resident Commissioner, as the case may require”.</p> <p>By omitting from section 7 (1) the words “he thinks”, and substituting the words “the Council of State or, as the case may be, the Resident Commissioner thinks”.</p> <p>By inserting in section 7 (2), before the word “Ordinance”, the words “Act or”.</p> <p>By omitting from section 9 (1) the words “Resident Commissioner” wherever they occur, and substituting in each case the words “Council of State or the Resident Commissioner, as the case may require”.</p> <p>By omitting from section 9 (1) the words “authorised by him”, and substituting the words “authorised by the Council of State or the Resident Commissioner, as the case may be”.</p> <p>By inserting in section 9 (1), before the word “Ordinance”, the words “Act or”.</p> <p>By inserting in section 10 (1) (b), before the word “Ordinance”, the words “Act or”.</p>

THIRD SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL OF PROVISIONS OF COOK ISLANDS CONSTITUTION ACT 1964—*continued*

Enactment Amended	Amendment
1961, No. 15—The Cook Islands Amendment Act 1961— <i>continued</i>	<p>By inserting in subsection (1) of section 12, and also in subsection (2) of that section, before the word "Ordinance", the words "Act or".</p> <p>By omitting from section 12 (2) the words "Resident Commissioner", and substituting the words "Council of State or the Resident Commissioner, as the case may require".</p>
1964, No. 68—The Civil Aviation Act 1964	<p>By inserting in section 13 (1), before the word "Ordinance", the words "Act or".</p> <p>By inserting in section 28 (3), after the words "Minister of Island Territories", the words "in the case of any person resident in Niue or in the Tokelau Islands, and with the Minister of the Government of the Cook Islands who is responsible for civil aviation in the case of any person resident in the Cook Islands other than Niue".</p> <p>By adding to section 28 the following subsection:</p> <p>"(4) For the purposes of the application of this Act to the Cook Islands other than Niue, every reference in this Act to any Minister shall be construed as a reference to the Minister of the Government of the Cook Islands who is responsible for civil aviation."</p>

Section 58

FOURTH SCHEDULE

ENACTMENTS REPEALED

- 1915, No. 40—The Cook Islands Act 1915: Sections 101 to 106, section 108A, sections 367 to 370, and section 398. (Reprinted 1958, Vol. 2, p. 862.)
- 1941, No. 26—The Statutes Amendment Act 1941: Section 7. (Reprinted 1958, Vol. 2, pp. 939, 1037.)
- 1946, No. 30—The Cook Islands Amendment Act 1946: Sections 19 and 20. (Reprinted 1958, Vol. 2, pp. 955, 1038.)
- 1948, No. 14—The Cook Islands Amendment Act 1948. (Reprinted 1958, Vol. 2, p. 1040.)
- 1957, No. 103—The Cook Islands Amendment Act 1957: Sections 3 to 15, sections 17 to 19, section 21, sections 32 to 50, section 86, section 95 (3), the First Schedule, and so much of the Second Schedule as relates to sections 350 and 614 of the Cook Islands Act 1915. (Reprinted 1958, Vol. 2, p. 1049.)
- 1958, No. 47—The Cook Islands Amendment Act 1958: Sections 2 to 5 and section 12. (Reprinted 1958, Vol. 2, p. 1103.)
- 1960, No. 6—The Republic of Ghana Act 1960: Section 3 (2).
- 1960, No. 32—The Cook Islands Amendment Act 1960: Sections 28 and 30.
- 1961, No. 3—The International Finance Agreements Act 1961: Section 8 (4).
- 1961, No. 14—The Republic of Cyprus Act 1961: Section 5 (2).
- 1961, No. 15—The Cook Islands Amendment Act 1961: Sections 17 and 19.
- 1962, No. 40—The Cook Islands Amendment Act 1962: Sections 10, 15, and 16.
- 1963, No. 1—The Republic of Tanganyika Act 1963: Section 3 (2).
- 1963, No. 58—The Republic of Nigeria Act 1963: Section 3 (2).
- 1963, No. 59—The Malaysia Act 1963: Section 3 (2).
- 1963, No. 132—The Cook Islands Amendment Act 1963: Section 9 and sections 18 to 22.
- 1964, No. 21—The Uganda Act 1964: Section 3 (2).

This Act is administered in the Department of Island Territories.
