



ANALYSIS

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1965, No. 56

An Act to amend the Cook Islands Act 1915

[19 October 1965]

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 (No. 2) 1965, and shall be read together with and deemed part of the Cook Islands Act 1915 (hereinafter referred to as the principal Act).

2. Pardon and remission of sentence—Section 314B of the principal Act (as substituted by section 3 (1) of the Cook Islands Amendment Act 1965) is hereby amended—

(a) By omitting from subsection (2) the words “Niue Island Assembly”, and substituting the words “Executive Committee of Niue”:

(b) By omitting from subsection (3) the words “Niue Island Assembly”, and substituting the words “Executive Committee of Niue”.

3. Delegation of Resident Commissioner's functions and powers to members of Executive Committee—Section 10 of the Cook Islands Amendment Act 1964 is hereby amended—

- (a) By inserting in subsection (1), after the words “Executive Committee”, the words “or to any member of that Committee”:
- (b) By inserting in subsection (4), after the words “Executive Committee”, the words “or to any member of that Committee”.

4. Ordinances repugnant to New Zealand Acts and regulations—Section 38 of the Cook Islands Amendment Act 1964 is hereby amended by adding the following subsection:

“(5) Any enactment specified in the First Schedule to this Act or any other enactment deemed to be a reserved enactment for the purposes of this section may be declared by the Governor-General, by Order in Council, not to be a reserved enactment for the purposes of this section or not to be a reserved enactment to the extent specified in the Order in Council.”

5. Publication of Ordinances, etc., in Niue Island Gazette—

(1) The Cook Islands Amendment Act 1964 is hereby further amended by inserting, after section 47, the following new section:

“47A. (1) Subject to the provisions of any Ordinance in that behalf, all Ordinances, regulations, Orders in Council, Proclamations, Warrants, appointments, and other instruments and Acts relative to the Government of Niue made or passed after the commencement of this section shall, unless the Resident Commissioner otherwise directs, be published in the English language in Niue in an official *Gazette*, to be known as the *Niue Island Gazette*, and issued at such times and intervals as the Resident Commissioner directs.

“(2) Subject to the provisions of any Ordinance in that behalf, all Ordinances and all regulations in force in Niue made after the commencement of this section shall, unless the Resident Commissioner otherwise directs, also be published in the Niuean language in the *Niue Island Gazette* or some other official publication.”

(2) The Cook Islands Amendment Act 1964 is hereby further amended—

- (a) By omitting from subsection (1) of section 32 the words “and publicly notified by him in such manner as he thinks fit”, and substituting the words “by notice in the *Niue Island Gazette*”:

- (b) By omitting from subsection (2) of section 32 and also from subsection (4) the words “public notice given in such manner as he thinks fit”, and substituting in each case the words “notice published in the *Niue Island Gazette*”:
- (c) By omitting from subsection (1) of section 44 the words “such manner as the Resident Commissioner directs”, and substituting the words “the *Niue Island Gazette*”:
- (d) By inserting in subsection (3) of section 44, after the words “notice of disallowance”, the words “in the *Niue Island Gazette*”:
- (e) By omitting from subsection (1) of section 46 the words “such manner as the Resident Commissioner directs”, and substituting the words “the *Niue Island Gazette*”:
- (f) By omitting from subsection (1) of section 49 and also from subsection (3) the words “such manner as he thinks fit”, and substituting in each case the words “the *Niue Island Gazette*”.

6. Village Councils—The Cook Islands Amendment Act 1964 is hereby further amended as from its commencement by inserting, after section 48, the following heading and new section:

“Village Councils

“48A. (1) Subject to the provisions of this Part of this Act, the Island Assembly may provide by Ordinance for and in relation to the establishment in any village in Niue of a Village Council with such constitution, membership, functions, and powers as may from time to time be prescribed by Ordinance.

“(2) Without limiting the generality of the powers conferred on the Island Assembly by subsection (1) of this section, the powers of a Village Council as aforesaid may include power to make bylaws for all or any such matters as may be specified by Ordinance.

“(3) Any bylaw which is in any respect repugnant to the provisions of any Ordinance or to any Act or regulations or law in force in Niue (whether made before or after the bylaw) shall be read subject to the Ordinance or Act or regulations, and shall to the extent of that repugnancy and not otherwise, be and remain absolutely void and inoperative:

“Provided that, except to the extent to which it is inconsistent with the provisions of any Ordinance or of any Act or regulations in force in Niue, 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 Ordinance or by any such Act or regulations or is repugnant to the law of England as established in the Cook Islands (including Niue) by section 615 of the principal Act.

“(4) No bylaw made by a Village Council under this section shall become law until it has been assented to by the Resident Commissioner, who, in relation to any such bylaw presented to him for his assent, shall have the same powers as are conferred on him by section 41 of this Act in relation to Bills passed by the Island Assembly, and the provisions of that section and of sections 42 to 46 of this Act, as far as they are applicable and with the necessary modifications, shall apply as if references in those sections to a Bill or to an Ordinance were references to a bylaw, and as if references in those sections to the Island Assembly were references to a Village Council.”

This Act is administered in the Department of Island Territories.
