



ANALYSIS

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1967, No. 23

An Act to amend the Cook Islands Act 1915

[26 October 1967]

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 1967, and shall be read together with and deemed part of the Cook Islands Act 1915 (hereinafter referred to as the principal Act).

2. Place for filing proceedings—(1) The principal Act is hereby amended by inserting, after section 154, the following section:

“154A. Any proceedings in the Supreme Court of New Zealand in the jurisdiction conferred on it by section 153 or section 154 of this Act shall be filed in the office of the Supreme Court at Auckland.”

(2) Section 155 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) The information for any such offence shall be filed either in the Magistrate’s Court at Auckland or the office of the Magistrate’s Court appointed for the exercise of criminal jurisdiction which is nearest by the most practicable route to the place where the informant believes that the defendant may be found.”

3. Release of prisoners transferred to New Zealand—

(1) Section 275A of the principal Act (as inserted by section 7 (1) of the Cook Islands Amendment Act 1962) is hereby amended by repealing paragraphs (a) and (b) of subsection (1), and substituting the following paragraphs:

“(a) The Minister of Justice—

“(i) May at any time, by warrant signed by him, grant to the offender, not being an offender serving a sentence of life imprisonment, remission of any part of his sentence, not exceeding one-fourth of the term thereof, on the ground of his good conduct and industry; and, with the concurrence of the Minister of Island Territories, may revoke any such remission, in whole or in part, before the offender is released, if the Minister of Justice is satisfied that the conduct or industry of the offender since the granting of the remission has been unsatisfactory or that the grant was made in error; and

“(ii) May, where he considers that the conduct of the offender has been exemplary during his sentence, or that the offender has during his sentence performed some outstanding act of service, grant to the offender, not being an offender serving a sentence of life imprisonment, in addition to any remission which may be granted to him under subparagraph (i) of this paragraph, a special remission of part of his sentence, not exceeding one-twelfth of the term; and, with the concurrence of the Minister of Island Territories, may revoke any such remission at any time before the offender is released:

“(aa) The Minister of Justice, with the concurrence of the Minister of Island Territories, may, in the case of any offender who is a Native, direct by warrant signed by him that on the release of the offender he be allowed to remain in New Zealand:

“(b) Where an offender is granted a remission of any part of his sentence under paragraph (a) of this subsection, then,—

“(i) If pursuant to this section he is to be released in New Zealand, the Minister of Justice, with the concurrence of the Minister of Island Territories, may, by warrant, at any time before he is released, impose such special conditions of probation as he thinks fit in addition to those that apply by virtue of the provisions of section 38 of the Criminal Justice Act 1954:

“(ii) If pursuant to this section he is to be returned to the Cook Islands, the Minister of Justice, with the like concurrence, may, by warrant, at any time before he is released for the purpose of returning him to the Cook Islands, direct that, until a date specified in the warrant (being a date not later than the date of expiry of the term of the original sentence), the offender shall be subject to supervision by a person to be nominated from time to time by the High Commissioner, and shall comply with the directions of that person with respect to such matters as are specified in the warrant:”.

(2) Section 8 of the Cook Islands Amendment Act 1963 is hereby consequentially amended by repealing paragraph (b) of subsection (2).

4. “Public purposes” defined—Section 364 of the principal Act is hereby amended by inserting, after the words “appropriated by Parliament”, the words “or by the Legislative Assembly”.

5. Execution of documents in Cook Islands for use in New Zealand—The principal Act is hereby further amended by inserting, after section 653, the following section:

“653A. Where in any enactment (whether in force in the Cook Islands or not) it is provided that any document executed outside New Zealand shall be admissible in New Zealand before any Court or any person acting judicially or be accepted for registration or deposit in New Zealand if the execution thereof is witnessed by a notary public, Commonwealth representative, Consular officer, or overseas representative of the Government of New Zealand, or any person holding any other specified office, it shall be a sufficient com-

pliance with that provision, in the case of a document executed in the Cook Islands, if the execution is witnessed by the High Commissioner or by a Judge, or Commissioner, or a Registrar of the High Court.”

6. Repeals—The following enactments are hereby repealed:

- (a) Section 14 of the Cook Islands Amendment Act 1921:
- (b) Section 31 of the Cook Islands Amendment Act 1957:
- (c) So much of the Second Schedule to the Cook Islands Amendment Act 1965 as relates to section 31 of the Cook Islands Amendment 1957.

7. Application of Act to Cook Islands—Whereas in accordance with Article 46 of the Constitution of the Cook Islands (as set out in the Second Schedule to the Cook Islands Constitution Amendment Act 1965) the Government of the Cook Islands has requested and consented to the enactment of a provision extending the provisions of this Act to the Cook Islands as part of the law of the Cook Islands: Be it therefore enacted as follows:

This Act shall extend to the Cook Islands as part of the law of the Cook Islands.

This Act is administered in the Department of Island Territories.
