

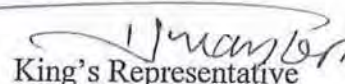
Examined and certified by:



Clerk of the Parliament

In the name and on behalf of His Majesty King Charles III, I hereby assent to this Act  
 this 18<sup>th</sup> day of December, 2023



  
 King's Representative

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#### Schedule 1

#### New Schedule 1 inserted into principal Act

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#### Other amendments

An Act to—

- (a) provide for the consolidation and electronic publication of legislation under the Legislative Service Act 1968-69; and
- (b) correct errors in, update, and make other improvements and clarifications in relation to existing legislation that may be published under that Act; and
- (c) revoke spent regulations.

The Parliament of the Cook Islands enacts as follows—

**1 Title**

This Act is the Legislative Service Amendment Act 2023.

**2 Commencement**

This Act comes into force on 1 January 2024.

**Part 1**

**Amendments to Legislative Service Act 1968-69**

**3 Principal Act amended**

This Part amends the Legislative Service Act 1968-69.

**4 Section 2 amended (Interpretation)**

(1) In section 2, definition of **Delegated Legislation**, replace “statutory instrument” with “regulations”.

(2) In section 2, insert in their appropriate alphabetical order:

“**legislation**—

“(a) means the whole or a part of an Act or regulations; and

“(b) includes the whole or a part of a consolidation of an Act or regulations

“**legislation website** means the Internet site notified by the Legislative Service in the *Gazette* as the legislation website for the laws of the Cook Islands

“**regulations** has the same meaning as in section 2(1) of the Regulations Act 1971-72

“**regulations made by Order in Executive Council** means an instrument that—

“(a) is called regulations by the Act under which it is made; and

“(b) is made by the King’s Representative by Order in Executive Council

“**stated date**, in relation to a version of legislation that is published under this Act, means the date stated on that version or on the legislation website as the date at which that version shows the law”

(3) In section 2, repeal the definition of **Statutory Instrument**.

**5 New section 2A inserted (Transitional, savings, and related provisions)**

After section 2, insert:

“**2A Transitional, savings, and related provisions**

“The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.”

**6 Section 29 replaced (Printing of Acts and Statutory Instruments)**

Replace section 29 with:

“**29 Publication of legislation**

“The Legislative Service must publish legislation in accordance with Part 3A.”

- 7 Section 30 amended (Security of original documents)**
- (1) In the heading to section 30, replace “documents” with “Acts and regulations”.
- (2) In section 30, replace “documents to which section 29 refers” with “Acts and regulations”.
- 8 New section 31A inserted (Legislative Service to keep hard copy legislation)**
- After section 31, insert:
- “31A Legislative Service to keep hard copy legislation**
- “The Legislative Service must, at its offices,—
- “(a) keep in printed form at least 1 copy of all legislation that is published under this Act; and
- “(b) make every copy available for inspection free of charge.”
- 9 Section 32 amended (Printing and publication of documents)**
- (1) In section 32(2), replace “Every Act and Statutory Instrument and every copy” with “Every copy”.
- (2) Repeal section 32(3).
- 10 Section 33 amended (Sale of Documents)**
- In section 33(1), replace “Statutory Instruments” with “regulations”.
- 11 New Part 3A inserted**
- After Part 3, insert:

**“Part 3A**  
**“Publication of legislation**

*“Publication requirements*

- “35A Legislative Service must publish legislation**
- “(1) The Legislative Service must publish, in accordance with section 35C,—
- “(a) all Acts;
- “(b) all regulations made by Order in Executive Council.
- “(2) The Legislative Service may also publish other regulations.
- “(3) Subsections (1)(b) and (2) do not apply to any regulations that the Minister of Justice has exempted from publication in accordance with section 3(1C) of the Regulations Act 1971-72.
- “(4) This Act applies in place of sections 4, 5, and 7 of the Regulations Act 1971-72 in relation to regulations published under subsection (1)(b) or (2).
- “35B Legislative Service must publish consolidations**
- “(1) The Legislative Service must publish, in accordance with section 35C, consolidations of—
- “(a) all Acts that are amended; and
- “(b) all regulations made by Order in Executive Council that are amended.

- “(2) The Legislative Service may also publish consolidations of other regulations that are amended.
- “(3) A consolidation must incorporate the amendments made to the legislation so that it shows the law as at its stated date.
- “(4) The consolidation may also show the law as it would be amended by amendments that have not yet commenced if it clearly indicates that those amendments have not yet commenced.
- “(5) A consolidation must indicate (in a footnote or otherwise), for each amendment incorporated in the consolidation, the amending legislation that makes that amendment.

**“35C How and when Legislative Service must publish legislation**

- “(1) The Legislative Service must publish, on the legislation website, the legislation that it is required to publish by sections 35A and 35B.
- “(2) The Legislative Service must publish the legislation as soon as practicable, but no later than 1 year, after whichever of the following events is relevant:

<b>“What must be published</b>	<b>Event triggering publication requirement</b>
Acts	Enactment
Regulations	Making
Consolidated Acts	Amendment
Consolidated regulations	Amendment

- “(3) If it is not practicable to publish legislation on the legislation website for a period of time, the Legislative Service must publish the legislation—
- “(a) in printed form during that period; and
- “(b) on the legislation website as soon as practicable.
- “(4) Legislation that is published on the legislation website must be available to be accessed or downloaded from the website free of charge.
- “(5) The Legislative Service may charge a fee to provide a printed copy of legislation that is published on the legislation website in order to cover the costs of preparing and printing it.
- “(6) The Legislative Service must publish legislation in printed form to the extent needed to comply with section 33.

**“35D Legislative information**

- “Legislation published under this Act must—
- “(a) bear a statement that it is published under the authority of the Parliament of the Cook Islands; and
- “(b) indicate the administering agency for the legislation.

*“Editorial changes*

**“35E Correcting errors and making other editorial changes**

- “(1) When publishing any legislation under this Act, the Clerk may, on the recommendation of the Solicitor-General, make changes of the type described in subsection (2).
- “(2) The permitted changes are as follows:
- “(a) formal enacting or introductory words may be omitted:

- “(b) unless inconsistent with the context, obsolete references to other legislation, or to any body, office, person, place, or thing, may be corrected:
- “(c) repealed or revoked provisions may be omitted (and, if relevant, remaining provisions may be renumbered accordingly):
- “(d) obvious errors of the following kinds may be corrected:
  - “(i) typographical and clerical errors:
  - “(ii) grammatical and spelling errors, and errors of punctuation:
  - “(iii) errors in numbering, cross-referencing, and alphabetical ordering:
  - “(iv) errors in or arising out of an amendment, by other legislation, to the legislation being changed:
  - “(v) any other errors of a similar nature:
- “(e) inconsistencies may be reconciled, gaps may be filled, and imperfections in the form of the legislation may be amended:
- “(f) the format of legislation may be changed so that it is consistent with current drafting practice, easier to read or use according to the means used to read it, or both:
- “(g) other changes may be made for consistency with current drafting practice, including the following (to the extent they are made for that purpose):
  - “(i) the use of capital letters may be changed:
  - “(ii) the way numbers are expressed may be changed (for example, Roman numerals may be changed to Arabic numerals):
  - “(iii) punctuation may be changed, omitted, or inserted:
  - “(iv) articles may be omitted or inserted in headings:
  - “(v) the terms used for provisions may be changed (for example, “subregulation” may be changed to “subclause”):
  - “(vi) the way provisions are referred to may be changed (for example, “paragraph (a) of subsection (1) of section 1 of this Act” may be changed to “section 1(1)(a)”).
- “(3) For any change made under this section (other than one made under subsection (2)(f)), the Clerk must—
  - “(a) notify the change in the *Gazette*; and
  - “(b) in the legislation (in a footnote or otherwise), indicate that the change has been made.
- “(4) This section—
  - “(a) may not be used to change legislation in a way that would, if enacted, change the effect of the legislation:
  - “(b) may not be used to make changes to the Constitution:
  - “(c) to avoid doubt, is subject to the Constitution.

*“Other matters*

- “35F **Presumptions that legislation published under this Act is correct**
- “(1) The following presumptions apply to legislation that is published under this Act and that bears the statement referred to in section 35D(a):

- “(a) if the legislation is as originally enacted or made, it is taken to correctly set out the text of the legislation:
- “(b) if the legislation is a consolidation, it is taken to correctly state the law as at the stated date of the legislation:
- “(c) if the legislation includes changes made under section 35E, it—
  - “(i) is taken to correctly state the law as at the stated date of the legislation; and
  - “(ii) is evidence that the changes are authorised by section 35E.
- “(2) The presumptions also apply to a printed copy of legislation that is produced directly from legislation published under this Act on the legislation website.
- “(3) The presumptions apply unless the contrary is shown.

**“35G Legislative status of publication notes and information**

“The following do not form part of any legislation that is published under this Act:

- “(a) indications of amending legislation that are required by section 35B(5):
- “(b) legislative information that is required by section 35D:
- “(c) indications of changes that are required by section 35E(3)(b):
- “(d) any other information that is—
  - “(i) included by the Legislative Service in versions of legislation published under this Act; and
  - “(ii) clearly identified as not forming part of the legislation.

**“35H Validity of legislation not affected by failure to comply with this Part**

“A failure to comply with any requirement in this Part does not affect the validity of any legislation.”

**12 New Schedule 1 inserted**

Insert the Schedule 1 set out in Schedule 1 of this Act as the first schedule to appear after the last section of the principal Act.

**13 Consequential amendments to other Acts**

Amend the Acts specified in Schedule 2 as set out in that schedule.

**Part 2**

**Other amendments and revocations**

**14 Amendment to Marine Resources Act 1989**

- (1) This section amends the Marine Resources Act 1989.
- (2) In the Schedule, replace the item relating to the Crimes Amendment Act 1981 with:
 

<p>“Crimes Act 1969</p>	<p>The definition of the term “Cook Islands Waters” in section 2, and section 328A.”</p>
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- (3) Subsection (2) is deemed to have come into force immediately before section 62 of the Marine Resources Act 1989 came into force.
- (4) This section applies despite the repeal of the Marine Resources Act 1989 by section 101 of the Marine Resources Act 2005.

**15 Amendments to other Acts**

Amend the Acts specified in Schedule 3 as set out in that schedule.

**16 Revocations**

Revoke—

- (a) the Entry, Residence and Departure Fees Regulations 1976; and
- (b) the Proceeds of Crime (Border Currency Report Form) Regulations 2004.

**Schedule 1**  
**New Schedule 1 inserted into principal Act**

"s 2A

**"Schedule 1**

**"Transitional, savings, and related provisions**

**"Part 1**

**"Provisions relating to Legislative Service Amendment Act 2023**

**"1 Meaning of existing legislation**

"In this Part, **existing legislation** means legislation (including ordinances) that—

- "(a) is enacted or made before the date on which the Legislative Service Amendment Act 2023 comes into force; and
- "(b) has not been repealed or revoked.

**"2 Publication of existing legislation**

"(1) The Legislative Service may publish existing legislation under Part 3A.

"(2) Part 3A applies to existing legislation that is published under that Part with all necessary modifications, including the following:

- "(a) if the legislation has been amended, the published version—
  - "(i) must be a consolidation that incorporates the amendments made to the legislation so that it shows the law as at its stated date; but
  - "(ii) may cite or otherwise indicate transitional, application, or similar provisions in amending legislation instead of incorporating the provisions in the consolidation:
- "(b) the Clerk may make changes of the type described in clause 3 when publishing the existing legislation under Part 3A for the first time:
- "(c) if changes are made under paragraph (b),—
  - "(i) section 35E(3) does not apply to the changes:
  - "(ii) sections 35E(4) and 35F(1)(c) do apply to the changes.

"(3) The fact that changes could be, but are not, made to legislation under subclause (2)(b) does not affect the interpretation of that legislation.

**"3 Permitted editorial changes when publishing existing legislation**

"(1) The changes permitted by clause 2(2)(b) are as follows:

- "(a) a change of a type described in section 35E(2):
- "(b) archaic language may be updated (for example, "shall" or "shall be" may be changed to "must" or "is", as appropriate):
- "(c) unless inconsistent with the context, language that indicates or could be taken to indicate a particular gender may be changed to gender-neutral language so that it is consistent with current drafting practice (for example, "he" may be changed to "he or



she” or “they” and “chairman” may be changed to “chairperson”):

“(d) commencement provisions recording the commencement dates set out in clause 4 may be inserted into the relevant legislation.

“(2) Subclause (1)(b) to (d) does not limit section 35E(2).

“4 **Commencement dates for existing legislation**

“The existing legislation specified in the first column of the following table is deemed to have come into force on the corresponding date specified in the second column:

<b>“Legislation</b>	<b>Deemed commencement date</b>
Air Services Licencing Amendment Act 1985	26 July 1985
Airport Authority Act 1985	26 July 1985
Aitutaki (Licencing of Boats By-laws) Order 1986	3 October 1986
Arms Amendment Ordinance 1955 No 2	1 January 1955
Births and Deaths Registration Regulations 1975	1 October 1975
Broadcasting Act 1989	22 December 1989
Cancellation, Suspension and Bar of Registration Act 1990	6 December 1990
Carpentry and Joinery Industry Apprenticeship Order 1980	3 December 1980
Coinage Regulations 1967, Amendment No 5 1973	18 December 1973
Cook Islands Land Owners Incorporation Regulations 1972	26 October 1972
Coroners Regulations 1979	21 February 1980
Currency Reserves Act 1987	28 July 1987
Customs Port of Entry (Atiu) Order 1985	16 October 1985
Customs Port of Entry (Pukapuka) Order 1989	8 May 1989
Customs Port of Entry Order 1972	24 July 1972
Customs Port of Entry Order 1982	26 February 1982
Diplomatic Privileges (Common Fund for Commodities) Order 1983	30 September 1983
Diplomatic Privileges (Customs Cooperation Council) Order 1963	15 May 1963
Gaming (Tattersalls) Amendment Act 1991-92	15 April 1992

Law Commission Act 2007	12 November 2007
Leases Restrictions Regulations 1977	18 May 1977
Leases Restrictions Regulations 1977, Amendment No 1	18 June 1977
Marine Resources Act 2005	29 July 2005
Marriage Regulations 1975	1 October 1975
Ministry of Marine Resources Act 1984	27 December 1984
Motor Industry Apprenticeship Order 1980	3 December 1980
Notaries Public Act 1992	24 November 1992
Ombudsman Act 1984	26 September 1984
Pesticides Act 1987	14 December 1987
Prisons Regulations 1968, Amendment No 1 1981	11 November 1981
Rarotonga Airport (Land Use Restrictions) Order 1972	25 October 1972
Rarotonga Airport (Obstruction Removal) Order 1969	23 September 1969
Rarotonga Motus (Prohibition of Leases) Amendment Act 1989-90	30 March 1990
Rarotonga Waterworks Amendment Ordinance 1964	1 January 1964
Te Aponga Uira O Tumu-Te-Varovaro Act 1991	18 July 1991
Transport Amendment Act 1967	25 October 1967
Transport Amendment Act 1992	22 September 1992”

## Schedule 2

### Consequential amendments

#### Evidence Act 1968

In section 2, insert in their appropriate alphabetical order:

“LSA means the Legislative Service Act 1968-69

“**published under the LSA**, in relation to an Act of Parliament or another instrument,—

“(a) means a version of the Act or instrument that is published under the LSA; and

“(b) includes a printed copy of the Act or instrument that is produced in the way described in section 35F(2) of the LSA”

Replace the heading to section 27 with “**Certain copies or versions of public Acts to be evidence**”.

In section 27, number the first subsection as subsection (1).

In section 27, insert as subsections (2) to (4):

“(2) A public Act of Parliament that is published under the LSA is evidence of the public Act and of its contents.

“(3) A document purporting to be a public Act of Parliament published under the LSA is deemed to be one unless the contrary is proved.

“(4) Subsections (2) and (3) do not limit section 35F of the LSA.”

Replace the heading to section 28 with “**Certain copies or versions of private Acts, etc, receivable in evidence**”.

After section 28(2), insert:

“(3) An Act (other than a public Act) or another instrument that purports to be published under the LSA must be admitted as evidence of the Act or instrument by all courts and persons acting judicially, without proof that it was published under the LSA being given.

“(4) Subsection (3) does not limit section 35F of the LSA.”

After section 29(1)(b), insert:

“(ba) by the production of such Proclamation, Order in Executive Council, order, regulation, or other instrument purporting to be published under the LSA:”

#### Regulations Act 1971-72

Repeal section 2(2).

Replace section 3(1) with:

“(1) All regulations must be forwarded to the Clerk as soon as practicable after they are made.

“(1A) The Clerk must arrange for the regulations to be—

“(a) numbered; and

“(b) published under this Act or the Legislative Service Act 1968-69.

“(1B) The Legislative Service may charge a fee to provide regulations in printed form in order to cover the costs of preparing the printed copy of the regulations.

“(1C) The Minister of Justice may exempt from the application of this section any specified class of regulations if, in the Minister’s opinion, it is unnecessary or undesirable for them to be printed under this Act.”

In the heading to section 6, after “**this Act**”, insert “**or the Legislative Service Act 1968-69**”.

In section 6, replace “of the regulations having been made and of the place” with “that the regulations have been made, whether or not the regulations have been published under the Legislative Service Act 1968-69, and of the place”.

### Schedule 3 Other amendments

#### Crimes Act 1969

Replace section 188(2)(f) with:

“(f) section 141 (sexual violation):”

#### Ministry of Planning and External Affairs Act 1977

In section 1, replace “Planning and External Affairs” with “Statistics”.

#### Transport Act 1966

In the heading to section 3, replace “**infrastructure manager**” with “**Secretary**”.

In section 3(1), after “responsibilities of”, insert “the Secretary”.

In section 5(2), replace “ten pounds” with “\$20”.

In section 13(7), replace “twenty pounds” with “\$40”.

In section 13(7), replace “five pounds” with “\$10”.

In section 22, replace “£20 (Twenty pounds)” with “\$40”.

In section 24, replace “twenty pounds (£20)” with “\$40”.

In section 32(1), replace “£20” with “\$40”.

In section 32(2), replace “one hundred pounds (£100)” with “\$200”.

In section 37(4), replace “five hundred pounds” with “\$1,000”.

In section 37(5), replace “one hundred pounds” with “\$200”.

In section 55(2), replace “ten pounds” with “\$20”.

In section 63(4), replace “ten pounds” with “\$20”.

In section 85A(1)(a), replace “the Schedule to the Transport Amendment Act 2007” with “Schedule 6”.

In section 85A(1)(b), replace “the Schedule” with “Schedule 6”.

In section 86A(4)(a), replace “the Schedule to the Transport Amendment Act 2007” with “Schedule 6”.

In section 124(4), replace “fifty pounds” with “\$100”.

After Schedule 5, insert, as Schedule 6, the Schedule of the Transport Amendment Act 2007.

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This Act is administered by the Legislative Service.

Printed under the authority of the Cook Islands Parliament—2023.

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