



ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p> <p>2. Amendments and repeals consequential on provisions of Niue Act 1966</p>	<p>3. Further amendments and repeals consequential on provisions of Cook Islands legislation</p> <p>4. Security for housing advances</p> <p>5. Application of Act to Cook Islands Schedules</p>
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1966, No. 39

An Act to amend the Cook Islands Act 1915

[7 October 1966

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 and commencement—(1) This Act may be cited as the Cook Islands Amendment Act 1966, and shall be read together with and deemed part of the Cook Islands Act 1915 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the first day of January, nineteen hundred and sixty-seven.

2. Amendments and repeals consequential on provisions of Niue Act 1966—(1) The principal Act is hereby amended in the manner indicated in the First Schedule to this Act.

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

(3) The enactments specified in the Third Schedule to this Act are hereby repealed.

3. Further amendments and repeals consequential on provisions of Cook Islands legislation—(1) Section 76 of the Cook Islands Amendment Act 1957 is hereby amended by repealing the definitions of the terms “Cook Islands Public Service” and “employee”, and substituting the following definitions:

“‘Cook Islands Public Service’ means the Cook Islands Public Service constituted by Article 72 of the Constitution:

“‘Employee’, in relation to the Cook Islands Public Service, means a person who is an employee of that Service under the law for the time being in force in the Cook Islands:”.

(2) The following enactments are hereby repealed:

(a) Sections 77, 78, 79, 80, 81, 82, 83A, 84, and 84A of the Cook Islands Amendment Act 1957:

(b) Section 17 of the Cook Islands Amendment Act 1962:

(c) Section 55 of the Cook Islands Amendment Act 1964:

(d) So much of the Second Schedule to the Cook Islands Amendment Act 1965 as relates to the following provisions of the Cook Islands Amendment Act 1957:

(i) The definition of the term “Cook Islands Public Service” in section 76:

(ii) Sections 77, 78, 80, 81, 82, and 83A.

4. Security for housing advances—Section 8 of the Cook Islands Amendment Act 1960 is hereby amended by omitting from the proviso to subsection (1) the words “two hundred pounds”, and substituting the words “four hundred pounds”.

5. 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.

SCHEDULES

FIRST SCHEDULE

Section 2 (1)

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF NIUE ACT 1966

Section Amended	Amendment
Section 2 (1)	<p>By omitting from the definition of the term "the Constitution" (as inserted by section 3 (1) of the Cook Islands Amendment Act 1965) the words "in relation to the Cook Islands other than Niue".</p> <p>By adding to the definition of the term "the Cook Islands" the words "but does not include the Island of Niue".</p> <p>By omitting from the definition of the term "High Commissioner" (as inserted by section 3 (1) of the Cook Islands Amendment Act 1965) the words "in relation to the Cook Islands other than Niue".</p> <p>By repealing the definition of the term "Medical Officer" (as substituted by section 95 (1) of the Cook Islands Amendment Act 1957), and substituting the following definition: "Medical Officer" means the Chief Medical Officer of the Cook Islands; and includes any Medical Officer who is an employee of the Cook Islands Public Service."</p> <p>By repealing the definition of the term "Ordinance" (as substituted by section 95 (1) of the Cook Islands Amendment Act 1957), and substituting the following definition: "Ordinance" means an Ordinance of the Legislative Assembly."</p> <p>By repealing the definition of the term "Resident Commissioner" (as substituted by section 3 (1) of the Cook Islands Amendment Act 1965).</p>
Section 2 (2) (as added by section 3 (1) of the Cook Islands Amendment Act 1965)	<p>By repealing this subsection, and substituting the following subsection: "(2) In this Act, unless the context otherwise requires,— References to a Minister are references to a Minister of the Government of the Cook Islands; References to a Department are references to a Department of the Government of the Cook Islands."</p>

FIRST SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
NIUE ACT 1966—*continued*

Section Amended	Amendment
Section 108	By repealing this section.
Section 109	By omitting from subsection (1) the words "not less than two", and substituting the words "one or more".
Section 126 (1)	By repealing subsection (2). By omitting from subsection (3) the words "Another Registrar", and substituting the words "One of those Registrars".
Section 152	By repealing paragraph (ee) (as enacted by section 3 (1) of the Cook Islands Amendment Act 1965).
Section 157	By omitting the words "a Resident Commissioner", and substituting the words "the High Commissioner".
Section 158 (as substituted by section 4 of the Cook Islands Amendment Act 1956 and amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By repealing this section. By omitting the words "No appeal under Article 61 of the Constitution or under section 157 of this Act", and substituting the words "No appeal under Article 61 of the Constitution".
Section 162	By repealing this section.
Section 169	By repealing this section.
Section 170	By repealing this section.
Section 274 (as amended by section 7 of the Cook Islands Amendment Act 1963)	By omitting the words "and subject to any Ordinance passed by the Legislative Assembly of the Cook Islands or by the Niue Island Assembly, as the case may be", and substituting the words "and subject to the provisions of any enactment in that behalf".
Section 275 (as substituted by section 7 of the Cook Islands Amendment Act 1956 and amended by section 95 (1) of the Cook Islands Amendment Act 1957)	By omitting from subsection (1) and also from subsection (4) the words "a Resident Commissioner", and substituting in each case the words "the High Commissioner".
Section 275A (as inserted by section 7 of the Cook Islands Amendment Act 1962)	By omitting from subparagraph (ii) of paragraph (b) of subsection (1), and also from subsections (3) and (6), the words "Resident Commissioner", and substituting in each case the words "High Commissioner".

FIRST SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF NIUE ACT 1966—*continued*

Section Amended	Amendment
Section 278 (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting the words “the Resident Commissioner of Niue, any Resident Agent”, and substituting the words “any Resident Agent”.
Section 295 (2) (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting 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 High Commissioner, by warrant published in such manner as he directs”, and substituting the words “by the High Commissioner, by warrant published in such manner as he directs”.
Section 297 (as amended by section 95 (1) of the Cook Islands Amendment Act 1957 and by section 57 (5) of the Cook Islands Amendment Act 1964)	By omitting the words “and the Governor-General or the High Commissioner, as the case may be”, and substituting the words “and the High Commissioner”.
Section 310 (as amended by section 95 (1) of the Cook Islands Amendment Act 1957 and by section 57 (5) of the Cook Islands Amendment Act 1964)	By omitting the words “the Cook Islands Government Account or the Niue Assembly Account, as the case may require”, and substituting the words “the Cook Islands Government Account”.
Section 310A (1) (as inserted by section 9 of the Cook Islands Amendment Act 1962)	By omitting the words “the Cook Islands Government Account or the Niue Assembly Account, as the case may require”, and substituting the words “the Cook Islands Government Account”.
Section 313 (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting the words “Resident Commissioner”, and substituting the words “High Commissioner”.
Section 313 (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting the words “Attorney-General 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”, and substituting the words “Minister in charge of the Justice Department”.
Section 314B (as substituted by section 3 (1) of the Cook Islands Amendment Act 1965)	By repealing this section, and substituting the following section: “314B. Pardon and remission of sentence—(1) When any person has been convicted of an offence by the High

FIRST SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
NIUE ACT 1966—*continued*

Section Amended	Amendment
Section 314B— <i>continued</i>	<p data-bbox="520 378 1003 669">Court, whether before or after the commencement of this section, the High Commissioner, acting with the concurrence of the Executive Council of the Cook Islands, may, by warrant signed by him, 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 data-bbox="520 678 1003 1283">“(2) Any such pardon or remission may be made subject to such conditions as the High 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 High Commissioner, with such concurrence as aforesaid, thinks fit, a condition that, until a date specified by the High Commissioner (being, in the case of an offender undergoing a sentence of life imprisonment, such date as the High Commissioner, with such concurrence as aforesaid, 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 High Commissioner, and shall comply with the directions of that person with respect to such matters as the High Commissioner, with such concurrence as aforesaid, specifies.</p> <p data-bbox="520 1292 1003 1370">“(3) For the purposes of this section, cumulative terms of imprisonment shall be treated as one term.</p> <p data-bbox="520 1379 1003 1512">“(4) The High Commissioner, with such concurrence as aforesaid, may in like manner pardon any offender who has given evidence which leads to the conviction of an accomplice.</p> <p data-bbox="520 1521 1003 1619">“(5) Where any person is granted a free pardon under this section, that person shall be deemed never to have committed the offence:</p>

FIRST SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
NIUE ACT 1966—*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 consequence of anything unlawfully done before it is granted.</p> <p>“(6) Nothing in this section shall affect the prerogative of mercy.”</p>
Section 349A (as inserted by section 18 (1) of the Extradition Act 1965)	<p>By omitting from subsection (1) and also from subsection (2) the words “and Niue”.</p> <p>By omitting from paragraph (a) of subsection (2) the words “or to Niue, as the case may require”.</p> <p>By omitting from paragraph (c) of subsection (2) the words “and, in relation to Niue, as a reference to the Minister of Justice of New Zealand acting with the concurrence of the Minister of Island Territories of New Zealand”.</p> <p>By omitting from paragraph (d) of subsection (2) the words “or in Niue, as the case may be”.</p>
Section 350 (as inserted by section 32 (1) of the Crown Proceedings Act 1950 and amended by section 95 (1) of the Cook Islands Amendment Act 1957 and by section 3 (1) of the Cook Islands Amendment Act 1965)	<p>By omitting from paragraph (d) of subsection (2) the words “the Resident Commissioner of the Cook Islands, the Resident Commissioner of Niue”, and substituting the words “the High Commissioner”.</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 High Commissioner”.</p> <p>By omitting from paragraph (f) of subsection (2) the words “and to the Registrar of the High Court of the Cook Islands at Niue”.</p> <p>By omitting from paragraph (h) of subsection (2) the words “Cook Islands Government Account or the Niue Assembly Account, as the case may require”, and substituting the words “Cook Islands Government Account”.</p>
Section 351	By repealing this section.
Section 355 (as substituted by section 3 (1) of the Cook Islands Amendment Act 1965)	<p>By repealing this section, and substituting the following section:</p> <p>“355. Grants of Crown land—(1) Subject to any enactment for the time being in force in that behalf, the High Commis-</p>

FIRST SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
NIUE ACT 1966—*continued*

Section Amended	Amendment
Section 355— <i>continued</i>	<p>sioner 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 Seal of the Cook Islands, and every other grant shall be made by warrant of the High Commissioner, or in such other manner as may be prescribed by any enactment.”</p>
Section 356 (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	<p>By repealing this section, and substituting the following section:</p> <p>“356. Reserves of Crown land for public purposes—Any Crown land in the Cook Islands may, by warrant of the High Commissioner, 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 (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	<p>By repealing this section, and substituting the following section:</p> <p>“357. Taking of land for public purposes—The High Commissioner may, by warrant, take any land in the Cook Islands for any public purpose specified in the warrant, and it shall thereupon become absolutely vested in Her Majesty as from the date of the warrant, or from any later date specified therein in that behalf, free from all estates, rights, and interests of any other person therein, save so far as any such estates, rights, or interests are expressly saved by the warrant.”</p>
Section 358 (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	<p>By repealing this section, and substituting the following section:</p> <p>“358. Revocation of warrant taking land—(1) If any such warrant so taking land as aforesaid is made in error, or if the land so taken or any part thereof is found not to be required for the purpose</p>

FIRST SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
NINE ACT 1966—*continued*

Section Amended	Amendment
Section 358— <i>continued</i>	<p>for which it was taken, the High Commissioner may, by warrant, at any time before compensation has been awarded or paid in respect thereof, revoke the first-mentioned warrant either wholly or as to any part of the land so taken.</p> <p>“(2) A warrant so revoked shall, so far as revoked, be deemed never to have been made, and the land shall accordingly be deemed to have remained vested in the persons formerly entitled thereto or their successors in title.</p> <p>“(3) Any person interested in the land and suffering loss or damage by the making and revocation of any such warrant taking the land shall be entitled to compensation in the same manner, with all necessary modifications, as in the case of compensation for land taken.”</p>
Section 359 (as amended by section 95 (1) of the Cook Islands Amendment Act 1957 and by section 3 (1) of the Cook Islands Amendment Act 1965)	<p>By repealing subsections (2) and (3), and substituting the following subsections:</p> <p>“(2) Such compensation shall be assessed and awarded by the High Court either on the application of any Minister or of any person claiming the compensation or any share therein.</p> <p>“(3) The compensation so awarded to any person shall constitute a debt due to him by the Crown, and shall be payable out of the Cook Islands Government Account.”</p>
Section 360 (1) (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	<p>By repealing this subsection, and substituting the following subsection:</p> <p>“(1) The High Commissioner may at any time, by warrant, resume for any public purpose specified in the warrant any Crown land held under lease or otherwise subject to any right, title, or interest in any other person, and every such lease, right, title, or interest shall, in accordance with the tenor of the warrant, determine accordingly, save so far as expressly preserved thereby.”</p>

FIRST SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF NIUE ACT 1966—*continued*

Section Amended	Amendment
Section 361 (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By repealing this section, and substituting the following section: "361. Reservation of land so taken or resumed —Any land so taken or resumed for any public purpose shall be deemed to be set apart and reserved for that purpose, but the High Commissioner may at any time, by warrant, cancel any such reservation."
Section 362 (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By repealing this section, and substituting the following section: "362. Purchase of land for public purposes —The High Commissioner may, for any public purpose, for and in the name of Her Majesty, purchase any Native freehold or European land in the Cook Islands or any undivided interest therein, or acquire by grant or assignment any lease, easement, or other limited right, title, estate, or interest in any such land."
Section 363	By omitting the words "Any Resident Commissioner", and substituting the words "The High Commissioner".
Section 364 (as amended by section 95 (1) of the Cook Islands Amendment Act 1957)	By omitting the words "other than Niue or of the Government of Niue".
Section 371 (1) (as amended by section 95 (1) of the Cook Islands Amendment Act 1957)	By repealing this subsection, and substituting the following subsection: "(1) There shall be one or more Registrars of the Land Court, to be appointed under the provisions of Part III of the Cook Islands Amendment Act 1957."
Section 379	By omitting the words "a Resident Commissioner", and substituting the words "any Minister".
Section 390A (as inserted by section 16 of the Cook Islands Amendment Act 1950 and amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting from subsection (8) the words "the Governor-General in Council where the order relates to land situated in Niue, and the consent of the High Commissioner, where the order relates to any other land", and substituting the words "the High Commissioner".
	By omitting from subsection (9) the words "the Governor-General in Council where the application relates to land situated in Niue, or the High Commissioner, where

FIRST SCHEDULE—*continued*

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF NIUE ACT 1966—*continued*

Section Amended	Amendment
Section 390A— <i>continued</i>	the application relates to any other land”, and substituting the words “the High Commissioner”.
Section 407	By omitting the words “a Resident Commissioner”, and substituting the words “the High Commissioner”.
Section 409A (3) (b) (as inserted by section 11 of the Cook Islands Amendment Act 1963)	By omitting the words “Resident Commissioner”, and substituting the words “High Commissioner”.
Section 410 (1) (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting the words “Governor-General where the property is situated in Niue, and the High Commissioner, in the case of any other property”, and substituting the words “High Commissioner”.
Section 417 (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By repealing this section, and substituting the following section: “417. Declaring land to be free from customary title —When the High Commissioner is satisfied that any land vested in Her Majesty is free from the Native customary title, whether because it has never been subject thereto or because that title has been extinguished, he may, by warrant, declare the land to be Crown land free from Native customary title, and that warrant shall, so long as it remains in force, be conclusive proof of the fact so declared.”
Section 441 (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By repealing this section, and substituting the following section: “441. Exchange for Crown land —The consent of Her Majesty to any such exchange of Crown land may be given by the High Commissioner.”
Section 461 (2) (as added by section 91 (1) of the Cook Islands Amendment Act 1957)	By repealing this subsection.
Section 475 (2)	By omitting the words “the High Commissioner, a Resident Commissioner, a”, and substituting the words “the High Commissioner, a”.

FIRST SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF NIUE ACT 1966—*continued*

Section Amended	Amendment
Section 487 (as substituted by section 92 of the Cook Islands Amendment Act 1957 and amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting from subsection (1) and also from subsection (2) the words "the Governor-General in the case of land situated in Niue, may, by Order in Council, and the High Commissioner, in the case of any other land, may, by warrant", and substituting in each case the words "the High Commissioner may, by warrant".
Section 488 (as substituted by section 92 of the Cook Islands Amendment Act 1957 and amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting from subsection (3) and also from subsection (5) the words "Order in Council or warrant", and substituting in each case the word "warrant". By repealing subsection (1), and substituting the following subsection: "(1) On the recommendation of a Judge of the Land Court, any Order in Council made before the commencement of the Cook Islands Amendment Act 1965 or warrant of the High Commissioner constituting a Native reservation or including land in a Native reservation may be at any time revoked by the High Commissioner, by warrant, or may at any time be varied in like manner, whether as to the boundaries of the land included in the reservation or as to the purposes thereof."
Section 490 (as substituted by section 3 (1) of the Cook Islands Amendment Act 1965)	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 be as prescribed by an Act of the Legislative Assembly or by Ordinance."
Section 510 (a) (as substituted by section (3) (1) of the Cook Islands Amendment Act 1965)	By repealing this paragraph, and substituting the following paragraph: "(a) Any Resident Agent:"
Section 511 (as amended by section 95 (1) of the Cook Islands Amendment Act 1957)	By repealing this section, and substituting the following section: "511. Appointment of marriage officers —(1) The High Commissioner may, by warrant under his hand and the Seal of the Cook Islands, appoint as a marriage officer for the Cook Islands any minister of religion or other person whom he believes to be a fit and proper person to be so appointed.

FIRST SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
NIUE ACT 1966—*continued*

Section Amended	Amendment
Section 511— <i>continued</i>	“(2) Any such appointment may be at any time revoked by the High Commissioner, by warrant under his hand and the Seal of the Cook Islands.”
Section 513 (3) (as amended by section 95 (1) of the Cook Islands Amendment Act 1957 and by section 57 (5) of the Cook Islands Amendment Act 1964)	By omitting the words “Cook Islands Government Account or the Niue Assembly Account, as the case may require”, and substituting the words “Cook Islands Government Account”.
Section 517	By repealing this section, and substituting the following section: “517. Transmission of record —The record of every marriage shall be forthwith delivered by the marriage officer to the Registrar of the High Court at Rarotonga, and shall be preserved by him in the same manner as if it were a record of the High Court.”
Section 573 <i>b</i> (as inserted by section 14 of the Cook Islands Amendment Act 1963 and amended by section 3 (1) of the Cook Islands Amendment Act 1965)	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 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.”
Section 575 (as substituted by section 12 (1) of the Cook Islands Amendment Act 1956)	By repealing this section, and substituting the following section: “575. Medical certificates as to persons of unsound mind —No such order shall be made except on examination of the person alleged to be of unsound mind, and upon production to the Court of a certificate by two Medical Officers, or by one Medical Officer and a graduate of the Fiji School of Medicine, that the person in respect of whom the order is to be made is of unsound mind and that his detention in medical custody is necessary in his own interest or for the safety of other persons.”
Section 579	By omitting the words “Resident Commissioner”, and substituting the words “High Commissioner”.

FIRST SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF NIUE ACT 1966—*continued*

Section Amended	Amendment
Section 583 (as substituted by section 12 (2) of the Cook Islands Amendment Act 1956)	By repealing this section, and substituting the following section: "583. Conditions of removal —No such warrant shall be issued unless the Court is satisfied, on the certificate by two Medical Officers, or by one Medical Officer and a graduate of the Central Medical School at Suva, Fiji, and on the examination of the person alleged to be of unsound mind, that his removal from the Cook Islands to New Zealand is necessary in his own interest or for the safety of other persons."
Section 585 (as substituted by section 12 (3) of the Cook Islands Amendment Act 1956)	By repealing this section, and substituting the following section: "585. Persons so removed to New Zealand to be brought before a Magistrate —On the arrival in New Zealand of any such person, he shall be forthwith brought before a Magistrate, together with a warrant for his removal to New Zealand and a certificate, authenticated by seal of the High Court, by two Medical Officers, or by one Medical Officer and a graduate of the Central Medical School at Suva, Fiji, certifying that the person so committed is of unsound mind, and setting forth such particulars as to the physical and mental condition of that person as the person or persons giving the certificate think necessary."
Section 589 (1) (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting the words "the Resident Commissioner of Niue or before a Resident Agent or before any officer", and substituting the words "a Resident Agent or any officer".
Section 590 (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting the words "High Commissioner or the Resident Commissioner as the case may require or (where the charge is one of murder or manslaughter brought in the High Court in Niue) the pleasure of the Governor-General is known", and substituting the words "High Commissioner is known".
Section 592 (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting from subsection (1) the words "Resident Commissioner", and substituting the words "High Commissioner".

FIRST SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF
NIUE ACT 1966—*continued*

Section Amended	Amendment
Section 592— <i>continued</i>	By repealing subsection (2), and substituting the following subsection: “(2) In the case of a charge of murder or manslaughter, any person so detained may be at any time discharged by the High Commissioner.”
Section 593 (2) (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By repealing this subsection, and substituting the following subsection: “(2) An order of medical custody so made shall supersede the order for detention during the pleasure of the High Commissioner.”
Section 606 (1) (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting the words “The Minister in the case of land situated in Niue, and the High Commissioner, in the case of any other land”, and substituting the words “The High Commissioner”.
Section 607 (1) (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By repealing this subsection, and substituting the following subsection: “(1) The High Commissioner may, by warrant, proclaim any Crown, European, or Native land as a road.”
Section 611 (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting from subsection (3) the words “The Minister in the case of land situated in Niue, and the High Commissioner, in the case of any other land”, and substituting the words “The High Commissioner”. By omitting from subsection (4) the words “High Commissioner, or the Resident Commissioner, as the case may require”, and substituting the words “High Commissioner”.
Section 613 (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting the words “The Minister in the case of a road situated in Niue, and the High Commissioner, in the case of any other road”, and substituting the words “The High Commissioner”.
Section 614 (as substituted by section 3 (1) of the Cook Islands Amendment Act 1965)	By repealing this section, and substituting the following section: “614. Warrants as to roads to be gazetted—Every warrant of the High Commissioner 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.”

FIRST SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF NIUE ACT 1966—*continued*

Section Amended	Amendment
Section 619 (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting from subsection (1) the words "Subject, in relation to the Cook Islands other than Niue, to the provisions of the Constitution", and substituting the words "Subject to the provisions of the Constitution".
Section 626 (3)	By omitting from subsection (2) the words "but subject, in relation to the Cook Islands other than Niue, to the provisions of the Constitution", and substituting the words "but subject to the provisions of the Constitution".
Section 627 (2) (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By repealing this subsection, and substituting the following subsection: "(3) Instruments in respect of goods situated in any part of the Cook Islands shall be registered in the office of the Registrar of the High Court at Rarotonga."
Section 635 (2) (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By repealing this subsection.
Section 651 (as substituted by section 3 of the Cook Islands Amendment Act 1952)	By repealing this subsection.
Section 653 (1) (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By omitting from subsection (1) the words "other than Niue". By repealing subsection (2).
Section 657A (as inserted by section 94 of the Cook Islands Amendment Act 1957 and amended by section 3 (1) of the Cook Islands Amendment Act 1965)	By repealing paragraphs (b) and (h) of subsection (5). By repealing paragraph (a) of subsection (6). By repealing paragraph (d) of subsection (6), and substituting the following paragraph: "(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

FIRST SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON PROVISIONS OF NIUE ACT 1966—*continued*

Section Amended	Amendment
Section 657A— <i>continued</i>	<p>Court or the High Commissioner, or before any other person specified by the High Commissioner in any particular case.”</p> <p>By repealing paragraph (e) of subsection (6).</p>
Second Schedule (as amended by section 3 (1) of the Cook Islands Amendment Act 1965)	<p>By omitting the words “High Commissioner of the Cook Islands, Resident Commissioner of Niue”, and substituting the words “High Commissioner of the Cook Islands”.</p>

Section 2 (2)

SECOND SCHEDULE

AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF NIUE ACT 1966

Enactment Amended	Amendment
1921, No. 14—The Cook Islands Amendment Act 1921 (Reprinted 1958, Vol. 2, p. 1036)	<p>By inserting in section 10, after subsection (1), the following subsection:</p> <p>“(1A) For the purposes of subsection (1) of this section, a domicile in Niue at any time before the commencement of the Niue Act 1966 shall be deemed to be a domicile in the Cook Islands.”</p>
1946, No. 30—The Cook Islands Amendment Act 1946 (Reprinted 1958, Vol. 2, p. 1038)	<p>By repealing section 15 (as substituted by section 3 (2) of the Cook Islands Amendment Act 1965), 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 and any planters in the Cook Islands for the sale by that Minister on behalf of those planters of copra and other products of the Cook Islands, and for the carrying out and enforcing of such agreements.”</p> <p>By repealing subsection (2) of section 54, and substituting the following subsection:</p> <p>“(2) The Land Court may by order direct that any land shall be no longer subject to the provisions of this Part of this Act, and thereupon the Minister responsible for agriculture shall cease to have any right of control in respect thereof, but without releasing the land or any of the parties from any antecedent liability incurred to or by the Minister, and the Minister may, notwithstanding the order of the Court, continue to exercise his powers of creation and enforcement of charges hereunder so long as any such liability remains.”</p>
	<p>By omitting from subsection (1) of section 55 (as amended by section 3 (2) of the Cook Islands Amendment Act 1965) 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”, and</p>

SECOND SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF NIUE ACT 1966—*continued*

Enactment Amended	Amendment
<p>1946, No. 30—The Cook Islands Amendment Act 1946, etc.—<i>continued</i></p>	<p>substituting the words “the Minister responsible for agriculture (in this Part of this Act referred to as the Minister)”.</p> <p>By omitting from subsection (2) of section 55 (as so amended), and also from subsections (3), (4), (5), (6), (7), (8), (9), and (10) of that section, the words “Minister or the Resident Commissioner, as the case may be” wherever they occur, and substituting in each case the word “Minister”.</p> <p>By omitting from subsection (3) of section 55 (as so amended) 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”, and substituting the words “to the control of the Secretary of the Premier’s Department”.</p> <p>By omitting from section 56 (as amended by section 3 (2) of the Cook Islands Amendment Act 1965) the words “Minister or the Resident Commissioner, as the case may be” wherever they occur, and substituting in each case the word “Minister”.</p> <p>By repealing section 57, and substituting the following section: “57. Money to be paid out of Cook Islands Government Account—(1) All money expended or advanced by the Minister under this Part of this Act shall be paid out of the Cook Islands Government Account. “(2) All money received by the Minister under this Part of this Act shall be paid into the Cook Islands Government Account.”</p> <p>By repealing section 58, and substituting the following section: “58. Minister may delegate powers— (1) Subject to the provisions of any enactment, the Minister may from time to time delegate any of his powers or functions under this Part to any officer of the Cook Islands Public Service, and any</p>

SECOND SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF NIUE ACT 1966—*continued*

Enactment Amended	Amendment
<p>1946, No. 30—The Cook Islands Amendment Act 1946, etc.—<i>continued</i></p>	<p>such officer may, subject to the control of the Minister, exercise or perform those powers or functions accordingly.</p> <p>“(2) All things done by an officer of the Cook Islands Public Service pursuant to any delegation under this section shall be as valid and effective as if they had been done by the Minister, and accordingly shall, where necessary, be deemed to have been so done.”</p> <p>By omitting from subsection (1) of section 59 (as amended by section 3 (2) of the Cook Islands Amendment Act 1965), and also from subsections (2) and (4), the words “Minister or the Resident Commissioner, as the case may require” wherever they occur, and substituting in each case the word “Minister”.</p>
<p>1950, No. 92—The Cook Islands Amendment Act 1950 (Reprinted 1958, Vol. 2, p. 1041)</p>	<p>By repealing section 60.</p> <p>By repealing section 3, and substituting the following section:</p> <p>“3. High Commissioner may acquire Native antiquities—The High Commissioner may acquire on behalf of Her Majesty for the benefit of the people of the Cook Islands such Native antiquities as he thinks expedient, and may provide for their safe custody.”</p> <p>By repealing section 4, and substituting the following section:</p> <p>“4. Native antiquities to be offered for sale before exportation—It shall not be lawful to remove from the Cook Islands any Native antiquities without first offering them for sale to the High Commissioner on behalf of Her Majesty for the benefit of the people of the Cook Islands.”</p> <p>By omitting from subsection (1) of section 6 (as amended by section 3 (2) of the Cook Islands Amendment Act 1965) the words “Minister, exports from Niue or, without the consent of the High Commissioner, exports from the Cook Islands other than Niue”, and substituting the words “High Commissioner, exports from the Cook Islands”.</p>

SECOND SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF NIUE ACT 1966—*continued*

Enactment Amended	Amendment
1950, No. 92—The Cook Islands Amendment Act 1950, etc.— <i>continued</i>	<p>By repealing the proviso to subsection (3) of section 6 (as so amended), and substituting the following proviso:</p> <p>“Provided that the High Commissioner may, after inquiry, cancel the forfeiture if he thinks fit.”</p> <p>By repealing section 7, and substituting the following section:</p> <p>“7. Power to remove antiquities in certain cases—Nothing in this Part of this Act shall be deemed to prevent any person who has offered any Native antiquities for sale as provided by section 4 of this Act from removing those Native antiquities from the Cook Islands, if he has previously obtained the permission in writing of the High Commissioner.”</p> <p>By omitting from subsection (1) of section 8 (as amended by section 3 (2) of the Cook Islands Amendment Act 1965) the words “the Minister or, as the case may be, the High Commissioner may, if he thinks fit”, and substituting the words “the High Commissioner may, if he thinks fit”.</p> <p>By omitting from the same subsection the words “the Minister or, as the case may be, the High Commissioner directs”, and substituting the words “the High Commissioner directs”.</p> <p>By omitting from section 9 (as amended by section 3 (2) of the Cook Islands Amendment Act 1965) the words “the Minister in the case of an article in Niue, and by the High Commissioner in any other case”, and substituting the words “the High Commissioner”.</p>
1957, No. 103—The Cook Islands Amendment Act 1957 (Reprinted 1958, Vol. 2, p. 1049)	<p>By repealing section 10.</p> <p>By repealing the definition of the term “administering authority” in section 76 (which definition was inserted by section 3 (2) of the Cook Islands Amendment Act 1965).</p> <p>By repealing section 83, and substituting the following section:</p> <p>“83. Payment of salary and allowances—</p> <p>(1) Subject to the provisions of any enactment in that behalf for the time being</p>

SECOND SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF NIUE ACT 1966—*continued*

Enactment Amended	Amendment
<p>1957, No. 103—The Cook Islands Amendment Act 1957, etc.—<i>continued</i></p>	<p>in force, employees of the Cook Islands Public Service shall receive such pay and allowances as the Secretary of the Premier's Department thinks fit.</p> <p>“(2) The pay and allowances of employees of the Cook Islands Public Service shall be paid from the Cook Islands Government Account out of money appropriated by the Legislative Assembly of the Cook Islands.”</p> <p>By omitting from subsection (1) of section 84B (as inserted by section 56 of the Cook Islands Amendment Act 1964) the words “other than Niue”.</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 (2) of the Cook Islands Amendment Act 1965), and also from subsections (4) and (6), the words “administering authority”, and substituting in each case the words “Secretary of the Premier's Department”.</p> <p>By omitting from subsection (3) of section 85A (as inserted by section 19 of the Cook Islands Amendment Act 1962 and amended by section 3 (2) of the Cook Islands Amendment Act 1965) the words “administering authority”, and substituting the words “Secretary of the Premier's Department”.</p> <p>By repealing section 85B (as inserted by section 29 of the Cook Islands Amendment Act 1960).</p> <p>By repealing section 91.</p> <p>By repealing subsections (2) and (5) of section 95.</p> <p>By repealing so much of the Second Schedule as relates to the following enactments:</p> <p>(a) The definitions of the terms “Medical Officer” and “Ordinance” in section 2 of the principal Act:</p> <p>(b) Sections 275, 297, 310, 350, 359, 364, 371, 511, and 513 of the principal Act.</p>

SECOND SCHEDULE—*continued*AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROVISIONS OF NIUE ACT 1966—*continued*

Enactment Amended	Amendment
1961, No. 15—The Cook Islands Amendment Act 1961	<p>By repealing the definitions of the terms “the Cook Islands” and “Resident Commissioner” in section 3.</p> <p>By omitting from subsection (1) of section 4 the words “and the Niue Island Assembly, as the case may be, may, by Ordinance”.</p> <p>By omitting from paragraph (a) of subsection (1) of section 4 the words “other than Niue or, as the case may be, in Niue” wherever they occur.</p> <p>By omitting from paragraph (b) of the same subsection the words “Resident Commissioner”, and substituting the words “High Commissioner”.</p> <p>By omitting from paragraph (c) of the same subsection the words “other than Niue or in Niue, as the case may be”.</p> <p>By omitting from subsection (2) of section 4 (as amended by section 3 (2) of the Cook Islands Amendment Act 1965) the words “the Minister 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”, and substituting the words “the Premier of the Cook Islands”.</p> <p>By omitting from subsection (1) of section 7 the words “Resident Commissioner”, and substituting the words “High Commissioner”.</p> <p>By omitting from the same subsection the words “or the Niue Island Treasury, as the case may be”.</p> <p>By omitting from subsection (1) of section 9 the words “Resident Commissioner” wherever they occur, and substituting in each case the words “High Commissioner”.</p> <p>By omitting from subsection (2) of section 12 the words “Resident Commissioner”, and substituting the words “High Commissioner”.</p>

Section 2 (3)

THIRD SCHEDULE

ENACTMENTS REPEALED

PART I

Provisions of Cook Islands Amendment Act 1965 Repealed

- 1965, No. 1—The Cook Islands Amendment Act 1965—
- (a) So much of the First Schedule as relates to the following provisions of the principal Act:
 - (i) The definition of the term “Resident Commissioner” in section 2 (1):
 - (ii) Subsection (2) of section 2, and sections 108, 157, 158, 162, 169, 170, 278, 295, 313, 314B, 350, 351, 355 to 362, 390A, 410, 417, 441, 475, and 487, subsection (1) of section 488, sections 490, 510, 573D, 589, 590, 592, 593, 606, 607, 611, 614, 619, 627, 635, and 653, paragraph (h) of subsection (5) and paragraphs (a) and (d) of subsection (6) of section 657A, and the Second Schedule:
 - (b) So much of the Second Schedule as relates to the following enactments:
 - (i) Section 15 of the Cook Islands Amendment Act 1921:
 - (ii) Sections 54 to 60 of the Cook Islands Amendment Act 1946:
 - (iii) Sections 3 and 4 and sections 6 to 10 of the Cook Islands Amendment Act 1950:
 - (iv) Sections 76 to 78, sections 80 to 83, sections 83A and 85, and subsection (3) of section 85A of the Cook Islands Amendment Act 1957:
 - (v) Section 20 of the Cook Islands Amendment Act 1960:
 - (vi) Subsection (2) of section 4 of the Cook Islands Amendment Act 1961.

PART II

Other Enactments Repealed

- 1956, No. 27—The Cook Islands Amendment Act 1956: Sections 3 and 12. (Reprinted, 1958, Vol. 2, p. 1049.)
- 1960, No. 32—The Cook Islands Amendment Act 1960: Sections 20 and 29.
- 1962, No. 40—The Cook Islands Amendment Act 1962: Section 14.
- 1963, No. 132—The Cook Islands Amendment Act 1963: Section 7, paragraph (b) of section 15, and section 16.
- 1964, No. 70—The Cook Islands Amendment Act 1964: Part I and the First Schedule.
- 1965, No. 44—The Extradition Act 1965: Subsection (2) of section 18.
- 1965, No. 45—The Narcotics Act 1965: Subsection (3) of section 24.
- 1965, No. 50—The Republic of Zambia Act 1965: Subsection (2) of section 3.

THIRD SCHEDULE—*continued*ENACTMENTS REPEALED—*continued*

- 1965, No. 51—The Republic of Kenya Act 1965: Subsection (2) of section 3.
- 1965, No. 56—The Cook Islands Amendment Act (No. 2) 1965.
- 1966, No. 3—The Republic of Tanzania Act 1966: Subsection (2) of section 5.
- 1966, No. 4—The Republic of Singapore Act 1966: Subsection (2) of section 3.
- 1966, No. 16—The Republic of Malawi Act 1966: Subsection (2) of section 3.
- 1966, No. 25—The International Finance Agreements Amendment Act 1966: Subsection (2) of section 6.
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This Act is administered in the Department of Island Territories.
