



ANALYSIS

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| <p>1. Title
Short Title</p> | <p>2. Amendment of title "Chief Judge" of the High Court to "Chief Justice" Schedule</p> |
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1975, No. 17

An Act to amend the Constitution

(1 October 1975)

BE IT ENACTED by the Legislative Assembly of the Cook Islands in Session assembled, in accordance with the provisions of subclause (1) of Article 41 of the Constitution of the Cook Islands and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Constitution Amendment (No. 7) Act 1975 and shall be read together with and deemed part of the Constitution of the Cook Islands as set out in the Second Schedule to the Cook Islands Constitution Amendment Act 1965 of the Parliament of New Zealand (hereinafter referred to as "the Constitution").

2. Amendment of title "Chief Judge" to the High Court to "Chief Justice" - The Constitution is hereby

amended by -

- (a) Omitting the words "Chief Judge" wherever they appear in the provisions set out in the Schedule to this Act and substituting the words "Chief Justice":

- (b) Repealing Article 50 and substituting the following Article -

"50. Acting Chief Justice of the High Court - Where any vacancy exists in the office of the Chief Justice of the High Court or the Chief Justice of the High Court is absent from the Cook Islands or is, by reason of illness or any cause other than absence from the Cook Islands, unable to perform the office or exercise any function of Chief Justice of the High Court, the High Commissioner acting on the advice of the Premier, may authorise the senior other Judge of the High Court for the time being in the Cook Islands, or, if there is no other Judge of the High Court in the Cook Islands, the Chief Judge of the Land Court, to perform that office or exercise that function until a Chief Justice of the High Court is appointed or, as the case may be, the Chief Justice of the High Court resumes that office or exercises that function."

- (c) Repealing Article 57 and substituting the following Article -

"57. Appointment of Judges and Commissioners - The Judges and Commissioners of the High Court or of the Land Court shall be appointed as follows:

- (a) The Chief Justice of the High Court and the Chief Judge of the Land Court shall be appointed by the High Commissioner, acting on the advice of the Premier:
- (b) The Judges of the High Court (other than the Chief Justice) and the Judges of the Land Court (other than the Chief Judge) and the Commissioners of the High Court or of the Land Court shall be appointed by the High Commissioner, acting on the advice of the Judicial Service Commission."

s.2(a)

SCHEDULE

Provisions of Constitution where reference to Chief Judge of the High Court substituted by reference to Chief Justice of the High Court

Article 4
 Subclauses (2) and (4) of Article 7
 Subclause (2) of Article 48
 Subclause (1) of Article 49
 Subclause (1) of Article 66
 Subclauses (1) and (2) of Article 76

This Act is administered in the Justice Department

RAROTONGA, COOK ISLANDS: Printed under the authority of the Cook Islands Government, by T. KAPI, Government Printer - 1975.