



ANALYSIS

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1966, No.16

An Act to amend the Cook Islands Co-operative Societies Regulations 1953

(14 February 1967)

BE IT ENACTED by the Legislative Assembly of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Cook Islands Co-operative Societies Regulations 1953 Amendment Act 1966.

2. Act to be read with the Cook Islands Co-operative Societies Regulations 1953 - This Act shall be read together with and be deemed part of the Cook Islands Co-operative Societies Regulations 1953 (in this Act referred to as "the Regulations").

3. Arrangement of Regulations - Regulation 2 of the Regulations is hereby amended by deleting the words "Regulation 4 - Appointment of Registrar and Assistant Registrars" and substituting therefor "Regulation 4 - Department of Co-operation".

4. Interpretation - Regulation 3 of the Regulations is hereby amended by inserting between the definition of "Member" and "Officer" the following new definition:-

"Minister" means the Minister of Co-operation duly appointed under Article 13 of the Constitution as contained in the Second

Schedule to the Cook Islands
Amendment Act 1965.

5. Department of Co-operation - Regulation 4 of the Regulations is hereby revoked and the following new regulation substituted therefor:

"Department of Co-operation

4. (1) There is hereby constituted a Department of Co-operation which shall be the same Department as that existing under that name at the commencement of this Act.

(2) The Minister shall have the control and direction of the Department and, subject to the provisions of these regulations, shall generally administer these regulations.

(3) There shall from time to time be appointed under the Public Service Act 1965 a Registrar of Co-operative Societies who shall be the administrative head of the Department.

(4) There may from time to time be appointed under the Public Service Act 1965 as officers of the Department such Assistant Registrars of Co-operative Societies, and other officers and employees as may be necessary for the purposes of these regulations.

(5) The Minister may from time to time by notice in the Gazette confer on any other person all or any of the powers of the Registrar under these regulations.

(6) There shall be paid out of moneys from time to time appropriated by the Legislative Assembly such sums as are required for the administration of the Department and the payment of salaries of those employed in the Department."

6. Deletion of High Commissioner - Except in the case of regulation one which shall remain unaltered the Regulations are hereby further amended by deleting all references to "High Commissioner" as inserted by subsection (4) of section 3 of the Cook Islands Amendment Act 1965 (amending subsection (3) of section 57 of the Cook Islands Amendment Act 1964) and substituting therefor -

- (a) in subregulation (3) of regulation 31 a reference to "Registrar"; and
- (b) in every other case a reference to "Minister".

7. By-laws of a Registered Society - Subregulation (1) of regulation 10 of the Regulations is hereby amended by adding the following provision:-

- "(k) The mode in which the liability of members of a Society to contribute to the Society's assets in the event of the Society being wound up is to be limited."

8. Winding up due to lack of membership or failure to carry on operations, etc. - Regulation 41 of the Regulations is hereby amended by deleting subregulations (2) and (3) and adding the following provisions:-

- "(2) Before the order takes effect, the Registrar shall give not less than two calendar months' notice of the order to the Society affected, setting out in the notice with sufficient particularity the grounds of the order.
- (3) Any member of a Society receiving notice of an order as aforesaid may, at any time before the date on which the order takes effect, appeal in the prescribed manner to the Minister, and the decision of the Minister on any such appeal shall be final.
- (4) If an appeal is not made, or, if made is dismissed by the Minister the order shall take effect as from the date specified by the Registrar in his order."
- (5) Where the Registrar makes an order under subregulation (1) of this regulation for the winding up of a Society, he may make such further order as he thinks fit for the custody of the books and documents and the protection of the assets of the Society until the winding up order takes effect.

9. Completion of Liquidation and Dissolution of Society - Regulation 47 of the Regulations is hereby amended by

- (a) Deleting from subregulation (1) the words "whose registration has been cancelled";
- (b) Inserting after the words "has been completed" in subregulation (2) the words "the Registrar shall cancel the registration of the Society and";
- (c) Adding a new subregulation (4) as follows:
 - "(4) Where a liquidator has not been appointed the Registrar shall make an order that the registration of the Society be cancelled upon

the date the winding up order takes effect, and be publicly notified by the Registrar in such manner as he thinks proper and as from the date of the notification the Society shall be deemed to be dissolved and shall cease to be a body corporate."

10. Rules - Subregulation (1) of regulation 52 of the Regulations is hereby further amended by inserting the words "and revoke or alter any such rules" after the words "all such rules" and before the words "as he considers necessary".

11. Annual Report - (1) The Registrar shall, before the thirtieth day of June in each year, present to the Minister a report upon the progress and condition of co-operative societies in the Cook Islands during the year ending the thirty-first day of March immediately preceding.

(2) A copy of the report shall be laid before the Legislative Assembly within twenty-eight days after the date on which it is presented to the Minister, if the Legislative Assembly is then in Session, and, if not, then within twenty-eight days after the date of the commencement of the next ensuing session.
