



ANALYSIS

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| 1. Title | 2. New Part |
| Short Title | |
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2004, No. 19

An Act to amend the Development Investment Act 1995-96

(14 June 2004)

BE IT ENACTED by the Parliament 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 Development Investment Amendment Act 2004 and shall be read together with and deemed part of the Development Investment Act 1995-96, (hereinafter referred to as "the principal Act").
2. New Part – The principal Act is amended by inserting after Part V, the following new Part –

“PART VA
APPEAL COMMISSION

- 23A. Appeal Commission – (1) Subject to subsection (4), there shall from time to time, be appointed an Appeal Commission, which shall exercise the duties, functions and powers of the Commission under this Part.
- (2) The Commission shall comprise 5 members appointed by Cabinet, consisting of 3 members recommended by the Minister and 2 members recommended by the Leader of the Opposition.
- (3) Cabinet shall, from amongst all persons appointed as members, appoint one of them as Chairperson of the Commission.
- (4) The Commission shall only be convened upon the Minister receiving an appeal in writing under subclause (5) and the term of appointment of the Commission shall expire upon such appeal being determined by the Commission.

(5) Any person or enterprise dissatisfied with a decision of the Board where that person has applied for registration as a foreign enterprise and for approval to carry on a particular activity or activities, may within 28 days of receiving written advice of the Board's decision, appeal in writing through the Minister to the Commission.

(6) Upon receiving notice of an appeal pursuant to subsection (1), the Commission may, if it considers the registration of that person or enterprise as a foreign enterprise in respect of the activity or activities applied for to be a matter of national importance, or of importance to a particular island or islands, reverse the decision of the Board, subject to such conditions as the Commission may in its discretion impose.

(7) A decision of the Commission made pursuant to this Part shall be conveyed in writing to the Board and where the Commission upholds the appeal, the Board shall register the person or enterprise as a foreign enterprise with approval to carry on the activity or activities approved by the Commission, subject to such conditions as the Commission may have imposed.

(8) A decision of the Commission pursuant to this Part shall be available in respect of every decision of the Board to which this section applies made after the 1st June 2003 and shall in every case have the same effect and shall be subject in all respects to the provisions of this Act, as if the decision was made by the Board pursuant Part V.

(9) Every decision of the Commission made pursuant to this Part shall be tabled in Parliament by the person appointed as Chairperson under subclause (3), within 14 days when Parliament is sitting and as soon as possible at the next Parliament session after the decision has been conveyed to the Board under subclause (7)."

This Act is administered by the Development Investment Board