



## ANALYSIS

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1971-72, No. 9

An Act to make provision for the printing and publication of statutory regulations and matters incidental thereto

(15 March 1972)

1. Short Title - This Act may be cited as the Regulations Act 1971-72.

2. Interpretation - (1) In this Act, unless the context otherwise requires -

"Act" includes -

- (a) An Act or Ordinance of the Legislative Assembly of the Cook Islands;
- (b) An Act of the Parliament of New Zealand, or any provision thereof, extended to the Cook Islands and forming part of the law of the Cook Islands;
- (c) Any Regulations or Orders in Council of the New Zealand Executive Council, or any provision thereof, extended to the Cook Islands and forming part of the law of the Cook Islands.

"Appropriate authority" means the High Commissioner in Executive Council or the

Executive Council or Minister of the Crown or any other authority empowered to make regulations as the case may be:

"High Commissioner" means Her Majesty's representative in the Cook Islands and shall include a deputy or any other person lawfully acting as such:

"Clerk of the Legislative Assembly" or "Clerk" means the Clerk of the Legislative Assembly or, if he is absent or the office is vacant, the Clerk-Assistant, or other person for the time being performing the duties of the Clerk with the approval of the Speaker:

"Minister of Justice" means the Minister responsible under the provisions of the Constitution for the Department of Justice of the Public Service:

"Originating department" means the department or office in which any proposed regulations will be administered following their making:

"Regulations" means and includes -

- (a) Regulations, rules, or by-laws made under the authority of any Act by the High Commissioner in Executive Council or by any Minister of the Crown or any other authority empowered in that behalf;
- (b) Orders in Executive Council, Proclamations, notices, warrants and instruments of authority made under any Act which extend or vary the scope or provisions of any Act;
- (c) Regulations or rules made under the authority of any Act prior to the fourth day of August 1965 by the Resident Commissioner or any other authority empowered in that behalf.

(2) For the purposes of the Legislative Service Act 1968-69 the term "Statutory instrument" appearing therein shall have the same meaning as the term "regulations" as defined in this Act.

(3) If any question arises as to whether any instrument is a regulation for the purposes of this Act or the Legislative Service Act 1968-69, that question shall be decided by the Minister of Justice.

3. Printing and sale of regulations - (1) All regulations made after the commencement of this Act shall forthwith after they are made be forwarded to the Clerk of the Legislative Assembly, and shall be numbered and printed by him and made available for sale at the offices of the Legislative Service at prices determined in accordance with the Legislative Service Act 1968-69:

Provided that the Minister of Justice may, by writing under his hand, exempt any specified class of regulations from the operation of this section if in his opinion it is unnecessary or undesirable that they should be printed under this Act.

(2) Regulations made prior to the commencement of this Act shall be deemed to be regulations for the purposes of this Act and shall, subject to the provisions of this Act, be numbered, printed and sold.

4. Form of regulations - (1) The Minister of Justice may from time to time give directions as to the form in which regulations shall be printed and published under this Act.

(2) Directions given under this section may provide for the printing of all or any regulations with the omission of such signatures and formal or introductory parts as the Minister of Justice or any person authorised by him in that behalf from time to time directs:

Provided that in every case there shall be printed references to the Act or other authority pursuant to which the regulations were made, the date upon which they were made, and the date (if any) on which they are expressed to come into force.

(3) Verbal or formal amendments may be made by the Clerk and clerical or typographical errors may be corrected in any part of the regulations provided that where a doubt exists as to whether any proposed amendment or correction affects the meaning of the regulations that question shall be decided by the Minister of Justice.

(4) All regulations purporting to be printed under this Act shall be deemed to be copies for the purposes of the Evidence Act 1968.

5. Approval as to form - (1) Notwithstanding anything contained in any other enactment, no regulations shall be made unless and until a final draft thereof has been submitted to the Clerk of the Legislative Assembly for approval as to form and the Clerk has given such approval in writing to the appropriate authority.

(2) Where with respect to any proposed regulations the approval required by subsection (1) hereof is withheld the draft thereof shall be returned to the originating department for alteration following which the provisions of subsection (1) hereof shall again apply.

6. Publication under this Act - (1) Sufficient compliance with directions to be published in Gazette - Where any regulations are required by any Act to be published or notified in the Cook Islands Gazette, a notice in the Gazette of the regulations having been made and of the place where copies of them can be purchased shall be sufficient compliance with that requirement.

7. Incorporation of amendments in reprints - (1) Where any regulations have, whether before or after the commencement of this Act, been amended by -

- (a) the revocation or omission of any words or figures; or
- (b) the substitution of any words or figures in lieu of any revoked or omitted words or figures; or
- (c) the insertion of any words or figures,

then in any reprint of the regulations by the Clerk, the regulations may be printed as so amended.

(2) In every reprint where amendments are incorporated reference shall be made in a footnote or otherwise to the instrument of authority by which each amendment is made.

(3) Before any such reprint is made the Minister of Justice shall certify a copy of the regulations as so amended and the reprint shall be in accordance with the copy so certified and shall contain a statement that it is reprinted under this section.

(4) All regulations purporting to be reprinted under this section and the amendments incorporated in the reprint shall be deemed to be copies for the purposes of the Evidence Act 1968.

8. Regulations to be laid before the Legislative Assembly - All regulations made after the commencement of this Act and printed and published pursuant to this Act shall, unless the Act under which they are made otherwise expressly provides, be laid before the Legislative Assembly within twenty-eight days after the date of the making thereof if the Legislative Assembly is then in Session, and, if not, shall be laid before the Legislative Assembly within twentyeight days after the date of the commencement of the next ensuing session.

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This Act is administered in the Legislative Service.