

COOK ISLANDS

LAND (FACILITATION OF DEALINGS) AMENDMENT ACT
1973, No 11

ANALYSIS

Title

1. Short Title and commencement
2. Representation of absent owners at incorporation meetings
3. Representation of absent owners at assembled owners meetings

1973, No 11

An Act to amend the Land (Facilitation of Dealings) Act 1970

(22 May 1973)

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 and commencement - (1) This Act may be cited as the Land (Facilitation of Dealings) Amendment Act 1973 and shall be read with and deemed part of the Land (Facilitation of Dealings) Act 1970 (hereinafter referred to as the principal Act).

(2) This Act shall be deemed to have come into force on the first day of November 1971.

2. Representation of absent owners at incorporation meetings -The principal Act is hereby amended by inserting after section 35 the following section:-

"35A. (1) Notwithstanding any other provision in this Part of this Act, in respect of any question submitted to a general meeting of incorporated owners an owner who is the recognised senior member of any family or branch of a family in accordance with Maori custom, shall have authority to vote on behalf of any member of that family or branch of the family who is an owner and who is not present at the meeting and who has not appointed a proxy in writing.

(2) The decision of the Chairman of a meeting of incorporated owners to whether any owner has authority to vote on behalf of another owner under this section shall be final.

(3) For the purpose of section 35 of this Act a proxy shall be deemed to include an owner authorised to vote on behalf of another owner under this section."

3. Representation of absent owners at assembled owners meetings - The principal Act is hereby further amended by inserting after section 45 the following section:-

"45A. (1) Notwithstanding any other provision in this Part of this Act in respect of any resolution submitted to an assembled meeting of owners an

owner who is the recognised senior member of any family or branch of a family in accordance with Maori custom shall have authority to vote on behalf of any member of that family or branch of the family who is an owner and who is not present at the meeting and who has not appointed a proxy in writing.

(2) The decision of the Chairman of a meeting of assembled owners as to whether any owner has authority to vote on behalf of another owner under this section shall be final.

(3) For the purpose of section 45 and section 47 of this Act a proxy shall be deemed to include an owner authorised to vote on behalf of another owner under this section."