
Cook Islands Amendment Act 1957

COOK ISLANDS

THE COOK ISLANDS AMENDMENT ACT 1957 1957, No. 103

An Act to amend the Cook Islands Act 1915

[25 October 1957]

1. Short Title and commencement - (1) This Act may be cited as the Cook Islands Amendment Act 1957, and shall read together with and deemed part of the Cook Islands Act 1915 (hereinafter referred to as the principal Act).

(2) Parts I, II, and III and sections 95 and 96 of this Act shall come into force on a date to be appointed for the commencement thereof by the Governor-General by Proclamation, and different dates may be so appointed for the purpose of different sections and Parts of this Act.

This section and certain other sections of this Act came into force on 1 September 1958; see S.R. 1958/119.

Sections 3-31, 95 and 96(1) came into force on 1 April 1959; see S.R. 1959/62.

PART 1 THE GOVERNMENT OF THE COOK ISLANDS

[2. Interpretation - In this Part of this Act, unless the context otherwise requires,-

"The Cook Islands" means all the islands and territory situate within the boundary lines specified in the First Schedule to the principal Act; but does not include the Island of Niue:
"Cook Islands Public Service" has the meaning assigned thereto by section 76 of this Act:
References to a Minister are references to a Minister of the Government of the Cook Islands.]
This section was substituted for the original s. 2 by s. 3 (2) of the Cook Islands Amendment Act 1965.

The original s. 2 came into force on 1 September 1958; see S.R. 1958/119.

The Executive Government of the Cook Islands

3-14. Repealed by s. 58 of the Cook Islands Amendment Act 1964.

The Public Revenues of the Cook Islands

15. Repealed by s. 58 of the Cook Islands Amendment Act 1964.

16. Loans to Cook Islands Government Account - (1) The Minister of Finance may from time to time, under the authority of and in accordance with an authorising Order in Council, pay by way of loan into [the Cook Islands Government Account] money required for public purposes in the Cook Islands.

(2) The money required by the Minister of Finance to enable him to make any such payment by way of loan shall be paid out of money appropriated by Parliament for the purpose.

(3) Every such authorising Order in Council shall specify the purpose and amount of the loan, the rate of interest payable, and the terms of repayment, and may provide for the establishment and maintenance by the Treasurer of the Cook Islands of a sinking fund sufficient to pay off the loan within the period within which the loan is to be repaid.

(4) All money payable out of [the Cook Islands Government Account] in pursuance of this section shall be a first charge on that Account after the payment of such salaries and allowances of the Cook Islands Public Service as are payable from that Account.

In subss. (1) and (4) the references to the Cook Islands Government Account were substituted for references to the Cook Islands Assembly Account by s. 57 (5) of the Cook Islands Amendment Act 1964.

This section came into force on 1 April 1959; see S.R. 1959/62.

17-19. *Repealed by s. 58 of the Cook Islands Amendment Act 1964.*

20. Traders' deposit accounts-(1) Notwithstanding anything in this Part of this Act, the [Secretary of the Premier's Department] may accept money deposit from any trader established in the Cook Islands.

(2) Where the [Secretary of the Premier's Department] holds any money on deposit for a trader under this section, the [Secretary of the Premier's Department] may disburse the money by paying the whole or any part thereof to the trader or by applying the whole or any part thereof, with the authority of the trader, in discharge of any liability of the trader to the Crown, and the [Secretary of the Premier's Department] shall not disburse any money so held in any other manner.

(3) All money which the [Secretary of the Premier's Department] accepts on deposit for any trader as aforesaid, and all disbursements of that money, shall be recorded in a special deposit account in [the Cook Islands Government Account], and shall not form part of the ordinary revenue or expenditure of [the Cook Islands Government Account].

Cf. 1951, No. 78, s. 39

In subss. (1), (2), and (3) the words "Secretary of the Premier's Department" were substituted for the words "Resident Commissioner" by s. 3 (2) of the Cook Islands Amendment Act 1965.

In subs. (3) the references to the Cook Islands Government Account were substituted for references to the Cook Islands Assembly Account by s. 57 (5) of the Cook Islands Amendment Act 1964.

This section came into force on 1 April 1959; see S.R. 1959/62.

21. Repealed by s. 58 of the Cook Islands Amendment Act 1964.

Public Health

22. Chief Medical Officer of the Cook Islands - (1) There shall be appointed under the provisions of Part **III** of this Act a Chief Medical Officer of the Cook Islands.

(2) The Chief Medical Officer of the Cook Islands shall be charged, subject to the control of the [Minister in Charge of the Department of Health], with the administration in the Cook Islands of all laws relating to public health, quarantine, insanity, hospitals, and medical aid. Cf. 1915, No. 40, s. 38

In subs. (1) the words "the Public Service Act 1965" have been substituted for the words "Part **III** of this Act" (so far as it affects the law in the Cook Islands) by s. 53 (1) (b) of the Public Service Act 1965, (No. 9) (as enacted by the Legislative Assembly of the Cook Islands).

In subs. (2) the words in square brackets were substituted for the words "Resident Commissioner" by s 3 (2) of the Cook Islands Amendment Act 1965.

Sections 22-311 came into force on 1 April 1959; see [S.R. 1959/62](#).

23. Qualification of Medical Officers - (1) No person shall be qualified for appointment as a Medical Officer or to practise medicine or surgery in the Cook Islands, unless -

(a) He is duly registered in New Zealand as a medical practitioner under [the Medical Practitioners Act 1968]; or

(b) He is registered in accordance with the Acts regulating the registration of medical practitioners in any other country that is a member of the Commonwealth or in the Republic of Ireland; or

(c) He is the holder of a certificate issued under the hand of the Secretary to the Medical Council of New Zealand to the effect that, in the opinion of that Council, he has attained a standard of practice in medicine and surgery equivalent to the standard required for registration in New Zealand as a medical practitioner under [the Medical Practitioners Act 1968]:

Provided that, notwithstanding anything in the foregoing provisions of this subsection, a graduate of the Central Medical School at Suva, Fiji, may practise medicine and surgery in the Cook Islands as an employee of the Cook Islands Public Service subject to the general control of the Chief Medical Officer of the Cook Islands, or in such other circumstances and subject to such conditions as may be prescribed by Ordinance, and not otherwise.

(2) Every one commits an offence and shall be liable to a fine not exceeding [\$20] for every day on which the offence continues who, not being qualified or entitled to practise medicine or surgery as provided in subsection (1) of this section, practises medicine or surgery or any branch of medicine or surgery, under the style or title of a physician, surgeon, doctor, licentiate in medicine or surgery, bachelor of medicine, or medical practitioner, or under any

name, title, addition, or description implying that he holds any diploma or degree in medicine or surgery or in any branch of medicine or surgery, is otherwise specially qualified to practise medicine or surgery or any branch of medicine or surgery.

Cf. 1915, No. 40, s. 41; 1952, No. 32, s. 2

In subs. (1)(a) and (c) the Medical Practitioners Act 1968, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Medical Practitioner Act 1950.

See: the last note to s. 22 of this Act.

24. Duties of Chief Medical Officer of the Cook Islands - (1) It shall be the duty of the Chief Medical Officer of the Cook Islands to provide for all persons in the Cook Islands such medical aid and attendance as may be reasonably required and is reasonably practicable.

(2) Medical and surgical aid and attendance provided by Chief Medical Officer shall, in the case of Natives, be gratuitous and shall, in the case of all other persons, be subject to the payment of such fees (if any) as may be prescribed by the [Minister in charge of the Department of Health]; and all fees so prescribed shall form part of the public revenues of the Cook Islands ...

(3) No liability shall be incurred by the Crown in respect of any neglect to provide any such medical or surgical aid or attendance, or in respect of any negligence or wrongful act or omission of a Medical Officer or of a graduate of the Central Medical School at Suva, Fiji, who is duly authorised to practise medicine and surgery in the Cook Islands.

Cf. 1915, No. 40, s. 42

In subs. (2) the words in the square brackets were substituted for the words "Resident Commissioner" by s. 3 (2) of the Cook Islands Amendment Act 1965, and the words "and be paid into the Cook Islands Assembly Account or into the Cook Islands Supplementary Account, as the Minister directs" were omitted by that section and Act.

See the last note to s. 22 of this Act.

25. Hospitals and other institutions of public health - The [Minister in charge of the Department of Health] may establish and maintain in the Cook Islands such hospitals and other institutions as he may deem necessary for the public health, and all institutions so established shall be under the control of the Chief Medical Officer of the Cook Islands.

Cf. 1915, No. 40, s. 43

The words in square brackets were substituted for the words "Resident Commissioner" by s. 3 (2) of the Cook Islands Amendment Act 1965.

See the last note to s. 22 of this Act.

26. Compulsory transfer of lepers - (1) Every person who at any time is found in the Cook Islands to be suffering from leprosy may, by Warrant under the hand of [the High Commissioner] and the Seal of the Cook Islands, be transferred to another place within the Cook Islands or to Fiji for treatment in the leper hospital maintained by the Government of Fiji in the Island of Makogai, as may be directed in the Warrant.

(2) In pursuance of any such Warrant every person named therein in that behalf maybe placed onboard any ship belonging to Her Majesty in right of New Zealand or any ship registered in New Zealand or, with the consent of the master, any other ship, to be taken to the place directed in the Warrant.

(3) Every person transferred to Fiji pursuant to this section shall be delivered, together with the Warrant of [the High Commissioner], to the Superintendent or other person having charge of the aforesaid leper hospital.

(4) No person transferred pursuant to this section shall be entitled to be returned to the place in the Cook Islands from which he was transferred, except on the certificate of a medical officer, who is either an employee of the Cook Islands Public Service or an officer of the aforesaid leper hospital.

(5) All expenses incurred in connection with the transfer of a person who is suffering from leprosy or with the return of person as aforesaid shall be a charge on the public revenues of the Cook Islands

Cf. 1925, No. 2, s. 2

In subs. (1) and (3) the references to the High Commissioner were substituted for references to the Resident Commissioner by s. 57 (3) of the Cook Islands Amendment Act 1964.

In subs. (5) the words "and shall be debited to the Cook Islands Assembly Account or to the Cook Islands Supplementary Account as the Minister directs" were omitted by s. 3 (2) of the Cook Islands Amendment Act 1965.

See the last note to s. 22 of this Act.

Prisons and Police

27-30. *Repealed by s. 2 (1) (c) of the Cook Islands Amendment Act 1970.*

Education

31. *Repealed by s. 6 (b) of the Cook Islands Amendment Act 1967.*

The Legislative Government of the Cook Islands

32-50. *Repealed by s. 58 of the Cook Islands Amendment Act 1964.*

Miscellaneous

51. Island Councils-(1) The constitution, membership, functions, and powers of an Island Council established in any island of the Cook Islands, pursuant to any enactment (whether established before the commencement of this subsection by Ordinance or established after the

commencement this [subsection by](#) Act of Legislative Assembly) [shall be](#) as described from time to time by enactment.

(2) Any bylaw of an Island Council made pursuant to powers so conferred which is in any respect repugnant to the provisions of any enactment (not being a bylaw) in force in the Cook Islands (whether made before or after the bylaw), shall be read subject to that enactment, and shall, to the extent of that repugnancy and not otherwise, be and remain absolutely void and inoperative:

Provided that, except to the extent to which is repugnant to any such enactment, no bylaw and no provision of any bylaw shall be deemed to be repugnant for the purposes of this subsection solely on the ground that it deals with a matter already dealt with by any such enactment or is repugnant to the law of England as established in the Cook Islands by section 615 of the principal Act.

(3) No bylaw made by an Island Council shall become law until it has been assented to by the High Commissioner, who, in relation to any such bylaw presented to him for his assent, shall have the same powers as are conferred on the High Commissioner by Article 44 of the Constitution in relation to Bills passed by the Legislative Assembly, and the provisions of that Article and of Article 45 of the Constitution, as far as they are applicable and with the necessary modifications shall apply as if references in those Articles to a Bill or to an Act were references to a bylaw, and as if references in Article 44 to the Legislative Assembly were references to an Island Council.]

(4) *Repealed by s. 3(2) of the Cook Islands Amendment Act 1965.*

(5) All Island Ordinances made by the Island Council for any island under section 70 of the principal Act and in force at the commencement of this Part of this Act shall ensure for the purposes of this Part of this Act and the principal Act and its amendments as if they were bylaws made by the Island Council for that island constituted under this section, and accordingly shall, where necessary, be deemed to have been so made.

[(6) The Legislative Assembly may, by Ordinance, revoke any bylaw, whether made before or after the commencement of this subsection.]

Cf. 1915, No. 40, ss. 59-100; 1946, No. 30, s. 18

Subss. (1)-(3) were substituted for the original subss. (1)-(4) by s. 3 (2) of the Cook Islands Amendment Act 1965.

Subs. (6) was added by s. 63 of the Cook Islands Amendment Act 1964.

As to the validation of the bylaws of an Island Council passed before 25 October 1963, see s. 6 (2) of the Cook Islands Amendment Act 1963.

As to subs. (5), Part I of this Act came into force on 1 September 1958, see S.R. 1958/119.

52. High Commissioner may assent to Island Council bylaws by telegram-[(1) Any bylaw made by an Island Council may be presented to the High Commissioner for assent by transmitting to him by telegram a true copy thereof.

(1A) The High Commissioner may, by telegram to the Resident Agent, exercise in relation to any bylaw made by an Island Council any of the powers conferred on the High Commissioner by Article 44 of the Constitution, as applied by section 51 of this Act.]

(2) Where under [subsection (1A)] of this section [the High Commissioner] has assented to a bylaw by telegram, the bylaw shall have effect as if it had been duly assented to in the manner provided in [Article 44 of the Constitution] as so applied, but as soon as practicable the bylaw shall be presented to [the High Commissioner] for his assent, and he shall assent thereto in the manner provided in [that Article].

(3) In this section the term "telegram" has the same meaning as in section 146 of the Post and Telegraph Act 1928.

Subss. (1) and (1A) were substituted for the original subs. (1) by s. 3 (2) of the Cook Islands Amendment Act 1965.

In subs. (2) the words in the first set of square brackets were substituted for the words "paragraph (b) of subsection (1)", the words in the third set of square brackets were substituted for the words "section 42 of this Act", and the words in the fifth set of square brackets were substituted for the words "that section", by s. 3 (2) of the Cook Islands Amendment Act 1965.

In subs. (2) the references to the High Commissioner were substituted for references to the Resident Commissioner by s. 57 (3) of the Cook Islands Amendment Act 1964.

In subs. (3) the Post and Telegraph Act 1928 has been repealed and replaced by the Post Office Act 1959 but without a corresponding definition of the term "telegram".

See [S.R. 1958/119](#).

53, 54. *Repealed by s. 2(1)(c) of the Cook Islands Amendment Act 1970.*

PART II THE GOVERNMENT OF NIUE

55 - 75. *Repealed by s. 53(a) of the Cook Islands Amendment Act 1964.*

PART III THE COOK ISLANDS PUBLIC SERVICE

This Part came into force on 1 September 1958; see [S.R. 1958/119](#).

76. Interpretation - In this Part of this Act, unless the context otherwise requires, -

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["Cook Islands Public Service" means the Cook Islands Public Service constituted by Article 72 of the Constitution:

"Employee", in relation to the Cook Islands Public Service, means a person who is an employee of that Service under the law for the time being in force in the Cook Islands:]

"New Zealand controlling authority" means, in respect of a person employed in any branch of the New Zealand Government Service to which [the State Services Act 1962] applies, [the State Services Commission], and, in respect of a person employed in any other branch of the New Zealand Government Service, the Minister in charge of that branch:

"New Zealand Government Service" means the service of Her Majesty in respect of the Government of New Zealand, not being honorary service; and includes service which is education service within the meaning of [the Government Superannuation Fund Act 1956].

"Administering authority": A definition of this term was inserted by s. 3 (2) of the Cook Islands Amendment Act 1965 and repealed by s. 2 (2) of the Cook Islands Amendment Act 1966.

"Cook Islands Public Service" and "employee": These definitions were substituted for the original definitions (the first definition having been amended by s. 3 (2) of the Cook Islands Amendment Act 1965) by s. 3 (1) of the Cook Islands Amendment Act 1966.

"New Zealand controlling authority": The State Services Act 1962, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Public Service Act 1912; and the reference to the State Services Commission was substituted for a reference to the Public Service Commission by s. 3 (10) of the State Services Act 1962.

"New Zealand Government Service": The Government Superannuation Fund Act 1956, being the corresponding enactment in force at the date of this reprint, has been substituted for the former Superannuation Act 1956.

77-82. Repealed by s. 3 (2) (a) of the Cook Islands Amendment Act 1966.

[83. Payment of salary and allowances - (1) Subject to the provisions of any enactment in that behalf for the time being in force, employees of the Cook Islands Public Service shall receive such pay and allowances as the Secretary of the Premier's Department thinks fit.

(2) The pay and allowances of employees of the Cook Islands Public Service shall be paid from the Cook Islands Government Account out of money appropriated by the Legislative Assembly of the Cook Islands.]

This section was substituted for the original s. 83 (as amended by s. 3 (2) of the Cook Islands Amendment Act 1965) by s. 2 (2) of the Cook Islands Amendment Act 1966.

83A. This section was inserted by s. 17 of the Cook Islands Amendment Act 1962 and repealed by s. 3 (2) (a) of the Cook Islands Amendment Act 1966.

84. Repealed by s. 3 (2) (a) of the Cook Islands Amendment Act 1966.

84A. This section was inserted by s. 55 of the Cook Islands Amendment Act 1964 and repealed by s. 3 (2) (a) of the Cook Islands Amendment Act 1966.

[84B. Superannuation rights of employees of Cook Islands Public Service appointed as Ministers - (1) Where any member of the Legislative Assembly (in this section referred to as the contributor), being a member of the Cook Islands Public Service and a contributor to the Government Superannuation Fund (in this section referred to as the Fund), is at any time after

the first general election of the Assembly held after the commencement of this section and before the 1st day in January 1966, appointed to be a Minister of the Government of the Cook Islands . . . , and on that appointment vacates his office as a member of the Service pursuant to the provisions of Article 13 of the Constitution -

(a) He may elect to postpone the acceptance by him of a refund of the contributions made by him to the Fund or the other benefits to which he may be entitled from the Fund and the making of any election which he may be entitled to make in respect of those benefits; and
(b) The period of postponement shall expire not later than 13 months after the contributor ceases to be a Minister or the expiration of the period of 4 years after the appointment of the contributor as a Minister, whichever first occurs. The period may be at any time terminated by the contributor by notice in writing addressed to the Superintendent of the Fund. The period shall be deemed to commence on the date of the contributor's appointment as a Minister, and is in this section referred to as the period of postponement.

(2) If the contributor is during the period of postponement appointed (whether permanently or temporarily) to the Cook Islands Public Service, the period of his contributory service after that appointment shall for the purposes of [[the Government Superannuation Fund Act 1956]] be deemed to be continuous with the period of his contributory service before his appointment as a Minister.

(3) The contributor shall be deemed to continue to be a contributor to the Fund during the period of postponement:

Provided that no contributions shall be payable by the contributor to the Fund, and no payments shall be made to the contributor for his own benefit out of the Fund, in respect of the period of postponement or any part thereof, and no part of that period shall be regarded as part of the period of his contributory service.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section, where the contributor has resumed employment in the Cook Islands Public Service, he may, with the consent of the Government Superannuation Board, elect to contribute to the Fund, at such rate as that Board determines, in respect of the period during which he was a Minister; and if he does so that period shall be regarded as part of his contributory service.

(5) Where any contributor ceases to be a Minister during the period of postponement, and at the time when he ceases to be a Minister or thereafter during the period of postponement he is or becomes medically unfit for further duty within the meaning of subsection (4) of section 36 of [[the Government Superannuation Fund Act 1956]] he shall be entitled to receive from the Fund an annual retiring allowance computed as provided in section 35 of that Act.

(6) The provisions of subsections (2), (2A), (3), and (5) of section 36 of [[the Government Superannuation Fund Act 1956]] shall apply as if any retiring allowance payable under this section were payable under the said section 36.

(7) Where any contributor dies during the period of postponement, the provisions of sections 45, 46, and 47 of [[the Government Superannuation Fund Act 1956]] shall apply as if the contributor's death had occurred immediately before his appointment as a Minister.]

This section was inserted by s. 56 of the Cook Islands Amendment Act 1964.

In subs. (1) the words "other than Niue" were omitted by s. 2 (2) of the Cook Islands Amendment Act 1966.

In subss. (2), (5), (6), and (7) the Government Superannuation Fund Act 1956, being the corresponding enactment in force at the date of this reprint, has been substituted for the former Superannuation Act 1956.

[85. Employment in New Zealand and Cook Islands Public services - (1) Any person permanently employed in the New Zealand Government Service may, with the consent of the New Zealand controlling authority, be appointed to any position in the Cook Islands Public Service in all respects as if he were an employee thereof; but, until he is appointed to a position in the Cook Islands Public Service, no such person shall have any right of appeal against any determination of the [[Secretary of the Premier's Department]] in relation to any appointment, promotion, or transfer in or to the Cook Islands Public Service.

(2) Any employee of the Cook Islands Public Service may be appointed to any position in the New Zealand Government Service in all respects as if he were permanently employed therein; but, until he is appointed to a position in the New Zealand Government Service, no such person shall have any right of appeal against any determination of the New Zealand controlling authority in relation to any appointment, promotion, or transfer in the New Zealand Government Service. For the purposes of this subsection, the seniority of any such person shall be determined with reference to his grading (if any) in the New Zealand Government Service.

(3) Any person appointed to a position in the Cook Islands Public Service under subsection (1) of this section or to a position in the New Zealand Government Service under subsection (2) of this section may hold positions concurrently in both services, and in such a case -

(a) His status, rights, and liabilities in each service shall be unaffected by the fact that he holds a position in the other service; and

(b) In respect of each position he shall be subject to the laws governing the service to which that position belongs, irrespective of his tenure of a position in the other service; and

(c) He shall in respect of each service be qualified for promotion, increase of salary, and appointment to any other position as if he held no position in the other service.

(4) So long as any person so holds positions concurrently in both services, he shall be deemed to be absent on leave without pay from the New Zealand Government Service or, as the case may be, from the Cook Islands Public Service, unless the New Zealand controlling authority or, as the case may be, the [[Secretary of the Premier's Department]] otherwise directs.

(5) When an employee of the New Zealand Government Service is appointed to a position in the Cook Islands Public Service, and then or thereafter ceases to hold a position in the New Zealand Government Service, he shall not be deemed for that reason to have retired from the New Zealand Government Service, but shall become a supernumerary employee of that service, and, unless he sooner resigns from the New Zealand Government Service, shall so remain until he ceases to be employed in the Cook Islands Public Service and for such further period, not exceeding 6 months, as the New Zealand controlling authority may from time to time in any case allow.

(6) When an employee of the Cook Islands Public Service is appointed to a position in the New Zealand Government Service, and then or thereafter ceases to hold a position in the Cook Islands Public Service, he shall not be deemed for that reason to have retired from the Cook Islands Public Service, but shall become a supernumerary employee of that service, and, unless he sooner resigns from the Cook Islands Public Service, shall so remain until he ceases to be employed in the New Zealand Government Service and for such further period, not exceeding 6 months, as the [[Secretary of the Premier's Department]] may from time to time in any case allow.

(7) A supernumerary employee shall receive no pay in respect of the service of which he is a supernumerary employee, but shall for all other purposes be deemed to remain an employee of that service.

(8) Any employee of the Cook Islands Public Service may, with the consent of the New Zealand controlling authority, be attached to the New Zealand Government Service for training or experience, and during the period of his service in New Zealand that employee shall be paid such salary and allowances as may be determined by the New Zealand controlling authority.]

This section was substituted for the original s. 85 by s. 18 of the Cook Islands Amendment Act 1962.

In subss. (1), (4), and (6), the words in double square brackets were substituted for the words "administering authority" (as substituted by s. 3 (2) of the Cook Islands Amendment Act 1965) by s. 2 (2) of the Cook Islands Amendment Act 1966.

[85A. Contribution to Government Superannuation Fund by employees of the Cook Islands Public Service - (1) The provisions of subsections (2) and (3) of section 50 of [[the Government Superannuation Fund Act 1956]] shall not apply to any permanent employee of the Cook Islands Public Service who was not ordinarily resident in the Cook Islands immediately before his appointment to the Cook Islands Public Service, unless at any time, by notice in writing to the Superintendent of the Government Superannuation Fund, he elects to become a contributor to that Fund; and, if he so elects, -

(a) He shall be a contributor to that Fund from the dates specified in subsection (2) or subsection (3), as the case may be, of the said section 50, or from such date as he may elect pursuant to the provisions of section 22 of [[the Government Superannuation Fund Act 1956]]; and

(b) He shall have the right, pursuant to section 28 of that Act, to cease to be a contributor.

(2) While any employee to whom subsection (1) of section 85 of this Act applies holds positions concurrently in both services, or is a supernumerary employee of the New Zealand Government Service in accordance with the provisions of subsection (5) of that section, and is a contributor to the Government Superannuation Fund, the salary together with increments, if any, that in the opinion of the New Zealand controlling authority he would have been entitled to receive in respect of his employment in the New Zealand Government Service had he not been appointed to the Cook Islands Public Service shall be deemed to be his salary for the purposes of [[the Government Superannuation Fund Act 1956]]:

Provided that, when any such employee has held a position in the Cook Islands Public Service for a continuous period of 6 years, he may, at any time after the expiration of that period while he still holds a position in that service, or if he is transferred to or returns to employment in the New Zealand Government Service, within one year after the termination of service in the Cook Islands, elect to contribute on the salary received by him in respect of his employment in the Cook Islands Public Service (exclusive of any special allowance received by him in respect of his residence in the Cook Islands) with effect from the date of his appointment in the last-mentioned service.

(3) While any person to whom subsection (2) of section 85 of this Act applies hold positions concurrently in both services or is a supernumerary employee of the Cook Islands Public Service under subsection (6) of section 85 of this Act, or is attached to the New Zealand Government Service under subsection (8) of that section, the salary together with increments, if any, that in the opinion of the [[Secretary of the Premier's Department]] he would have been entitled to receive in respect of his employment in the Cook Islands Public Service had he not been appointed to a position in or been attached to the New Zealand Government Service shall be deemed to be his salary for the purposes of [[the Government Superannuation Fund Act 1956]]:

Provided that, when any such employee has held a position in the New Zealand Government Service for a continuous period of 6 years, he may, at any time after the expiration of that period while he still holds a position in that service, or if he is transferred to or returns to employment in the Cook Islands Public Service, within one year after the termination of service in New Zealand, elect to contribute on the salary received by him in respect of his employment in the New Zealand Government Service with effect from the date of his appointment in the last-mentioned service.

(4) Upon any such election, there shall be payable by the employee to the Fund, within such time and in such manner as the Government Superannuation Board determines, such sum as the Board fixes in respect of the excess of his salary during the past period as an employee of the Cook Islands Public Service or of the New Zealand Government Service, as the case may be, over the amount deemed to be his salary during that period under the foregoing provisions of this subsection.

(5) In this section the term "employee" includes -

[[a) The High Commissioner of the Cook Islands:]]

(b) A Judge of the High Court of the Cook Islands:

(c) A Judge of [[the Land Court]] of the Cook Islands:

[[cc) The Secretary of the Premier's Department:

(ccc) A member of the staff of the High Commissioner of the Cook Islands:]]

(d) The holder of any position specified in a declaration made pursuant to section 78 of this Act:

(e) The holder of any position specified in a notice given pursuant to paragraph (e) of subsection (9) of section 50 of [[the Government Superannuation Fund Act 1956]] (as enacted by section 2 of [[the Government Superannuation Fund Amendment Act 1958]]).]

This section was substituted for the original s. 85A (as inserted by s. 6 of the Cook Islands Amendment Act 1958) by s. 19 (1) of the Cook Islands Amendment Act 1962.

In subs. (1), (2), (3), and (5) (e) the Government Superannuation Fund Act 1956, being the corresponding enactment in force at the date of this reprint, has been substituted for the former Superannuation Act 1956.

In subs. (3) the words in the first set of double square brackets were substituted for the words "administering authority" (as substituted by s. 3 (2) of the Cook Islands Amendment Act 1965) by s. 2 (2) of the Cook Islands Amendment Act 1966.

In subs. (5), para. (a) was substituted for the original para. (a) by s. 3 (2) of the Cook Islands Amendment Act 1965.

In subs. (5) (c) the reference to the Land Court was substituted for a reference to the Native Land Court by s. 57 (4) of the Cook Islands Amendment Act 1964.

In subs. (5), paras. (cc) and (ccc) were inserted by s. 3 (2) of the Cook Islands Amendment Act 1965.

In subs. (5) (e) the Government Superannuation Fund Amendment Act 1958, being the corresponding enactment in force at the date of this reprint, has been substituted for the former Superannuation Amendment Act 1958.

85B. *This section was inserted by s. 29 of the Cook Islands Amendment Act 1960 and repealed by s. 2 (2) of the Cook Islands Amendment Act 1966.*

PART IV MISCELLANEOUS PROVISIONS

86. *Repealed by s. 58 of the Cook Islands Amendment Act 1964.*

87, 88. *Repealed by s. 2 (2) (d) of the Cook Islands Amendment Act 1970.*

89. (1) *Repealed by s. 2 (2) (d) of the Cook Islands Amendment Act. 1970.*

(2) *This subsection inserted definitions of the terms "aerodrome" and "aircraft" in s. 2 (1) of the principal Act.*

90. *Repealed by s. 2 (2) (d) of the Cook Islands Amendment Act 1970.*

91. *Repealed by s. 2 (2) of the Cook Islands Amendment Act 1966.*

92. *This section substituted new sections for ss. 487 and 488 of the principal Act.*

93. (1) *This subsection amended s. 619 of the principal Act.*

(2) *This subsection amended s. 620 of the principal Act.*

94. *This section inserted a new heading and s. 657A in the principal Act.*

95. *Consequential amendments - (1) The principal Act is hereby amended in the manner indicated in the Second Schedule to this Act.*

(2) *Repealed by s. 2 (2) of the Cook Islands Amendment Act 1966.*

(3) *Repealed by s. 58 of the Cook Islands Amendment Act 1964.*

(4) All references to the Legislative Council of the Cook Islands in any Act, regulation, Ordinance, order, or other enactment, or in any agreement, deed, instrument, application, licence, notice, or other document whatsoever shall be read hereafter as references to the Legislative Assembly of the Cook Islands, and all proceedings, resolutions, and other acts of authority of the Legislative Council of the Cook Islands shall be deemed to be proceedings, resolutions, and acts of authority of the Legislative Assembly of the Cook Islands.

(5) *Repealed by s. 2 (2) of the Cook Islands Amendment Act 1966.*

This section came into force on 1 September 1958; see [S.R. 1958/119](#), [S.R. 1959/62](#) and [S.R. 1959/148](#).

96. Repeals, revocation, and savings - (1) The enactments specified in the Third Schedule to this Act are hereby repealed.

(2) The regulations as to the Cook Islands Public Service made by Order in Council on the 5th day of June 1916 and published in the *Gazette* on the 8th day of June 1916 at page 1910 are hereby revoked.

(3) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal or revocation of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting and in force at the time of the repeal or revocation and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

(4) Every Island Council (except the Island Council of Niue) constituted under Part II of the principal Act at the date of the commencement of Part I of this Act shall be deemed to have been duly constituted by an Ordinance under section 51 of this Act, but any Ordinance made under that section may abolish any such Island Council or alter its constitution or any of its powers or functions. Until the coming into force of any such Ordinance, the provisions of sections 62 to 72, section 74, sections 76 to 78, and sections 92 to 100 of the principal Act and of any regulations thereunder relating to that Island Council shall, notwithstanding the repeal of Part II of the principal Act, continue to apply with respect to that Island Council as if those provisions were contained in an Ordinance made under section 51 of this Act, and as if the references to Island Ordinances in those sections or in any such regulations were references to bylaws, and as if the reference in section 63 of the principal Act to the Cook Islands Treasury were a reference to the Cook Islands Assembly Account.

Subs. (1) of this section came into force on 1 September 1958; see [S.R. 1958/119](#), [S.R. 1959/62](#), and [S.R. 1959/148](#).

SCHEDULES

FIRST SCHEDULE

Sections 39 (2) (a),
70 (2) (a)

RESERVED ENACTMENTS

This Schedule was repealed by s. 58 of the Cook Islands Amendment Act 1964.

Section 95 SECOND SCHEDULE

SECTIONS OF PRINCIPAL ACT AMENDED

The amendments specified in this Schedule have been incorporated in the principal Act, where they appear in this reprint.

Parts of this Schedule were repealed by the following enactments:

Cook Islands Amendment Act 1961, s. 16 (1) (c).

Malaysia Act 1963, s. 4 (2) (b).

Cook Islands Amendment Act 1964, s. 58.

Cook Islands Amendment Act 1966, s. 2 (2).

Cook Islands Amendment Act 1970, s. 2 (2) (d).

Section 96 THIRD SCHEDULE

ENACTMENTS REPEALED

1915, No. 40-The Cook Islands Act 1915: Parts I and II. (1931 Reprint, Vol. II, p. 658.)

1921, No. 14-The Cook Islands Amendment Act 1921: Section 3. (1931 Reprint, Vol. II, p. 786.)

1923, No. 9-The Cook Islands Amendment Act 1923: Subsection (2) of section 4. (1931 Reprint, Vol. II, p.790)

1925, No. 2-The Cook Islands Amendment Act 1925. (1931 Reprint, Vol. II, p. 790.)

1926, No. 21-The Cook Islands Amendment Act 1926. (1931 Reprint, Vol. II, p. 791.)

1931, No. 5-The Finance Act 1931 (No. 2): Section 19. (1931 Reprint, Vol. II, p. 880.)

1933, No. 41-The Finance Act 1933 (No. 2): Section 55.

1946, No. 16-The Finance Act 1931 (No. 2): Section 55.

1946, No. 1630-The Cook Islands Amendment Act 1946: Part I and section 32.

1949, No. 47-The Samoa Amendment Act 1949: Sections 39.

1951, No. 78-The Finance Act 1951: Section 39.

1952, No. 32- The Cook Islands Amendment Act 1952: Sections 2 and 4.

1956, No. 27 The Cook Islands Amendment Act 1956: Section 2.
