



ANALYSIS

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1970, No. 5

An Act to amend the provisions of the Cook Islands
Act 1915 relating to criminal trials by the High
Court

(28 August 1970)

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 Amendment (No. 3) Act 1970 and shall be read together with and deemed part of the Cook Islands Act 1915 (hereinafter referred to as the principal Act).

2. New sections substituted - The principal Act is hereby amended by repealing sections 290 to 293 and substituting the following sections:-

"290. Constitution of Court on criminal trials - Every criminal trial in the High Court shall take place before one Judge of that Court sitting with or without a jury in accordance with the provisions of this Act and the Juries Act 1968.

291. Judge with jury - Notwithstanding any other provision in any law, the trial of any person for any offence punishable by death or by imprisonment for more than five years shall take place in Rarotonga and shall be by the Judge with a jury.

292. Judge without jury - On the trial of any person for any offence punishable only by fine or by imprisonment for a term not exceeding six months or by both the Judge shall sit without a jury.

293. Right to elect in certain cases - (1) On the trial of any person for any offence punishable by imprisonment for a term exceeding six months the person charged may before the trial elect whether the judge shall sit with a jury or without a jury.

(2) In the event of any such person electing trial by the Judge with a jury, notwithstanding any other provision in any law the trial shall take place in Rarotonga."

3. Discharge of jury and new trial - Section 300 of the principal Act is hereby amended by -

- (a) Omitting the word "assessor" wherever it appears and substituting the word "juror":
- (b) Omitting the word "assessors" from subsection (1) and substituting the word "jury":
- (c) Omitting the word "assessors" from subsection (2) and substituting the words "a jury".

4. Further sections repealed - Sections 294 to 299 and sections 301 to 304 of the principal Act are hereby repealed.

5. Consequential amendment - Section 378 of the Crimes Act 1969 is hereby amended by inserting after the word "of" and before the word "section" the words "section 293 of the Cook Islands Act 1915 and".

6. Consequential repeal - Section 39 of the Juries Act 1968 is hereby repealed.

This Act is administered in the Justice Department.