



## ANALYSIS

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1980, No. 18

An Act to amend the provisions of the Cook Islands Amendment Act 1961 to allow, subject to certain conditions, the importation by passengers of intoxicating liquor and the use on ships or other vessels of intoxicating liquor

(3 December 1980)

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 Act, 1980 and shall be read together with and deemed part of the Cook Islands Amendment Act 1961 (hereinafter referred to as "the Act").
2. Importation of intoxicating liquor - Sub-section (1) of section 6 of the Act (as amended by the Cook Islands Amendment Act 1973-74) is hereby further amended by deleting the words "section 7 and section 7A" and substituting the words "sections 7, 7A, 7B and 7C".
3. Passenger may import intoxicating liquor - Section 7A of the Act (as amended by the Cook Islands Amendment Act 1973-74) is hereby repealed and the following new section substituted:

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"7A. (1) It shall be lawful for any passenger aged 18 years of age or more, arriving in the Cook Islands to bring with him intoxicating liquor of the following quantity and type: not more than -

- (a) two litres of spirits, spirit-strength liqueurs, wine or wine-strength liqueurs; or
- (b) four and a half litres of beer.

(2) Where a passenger brings intoxicating liquor in excess of the quantities specified in sub-section (1) of this section, there shall be payable on arrival such customs duties, import levies and use tax as are applicable at the time of importation.

(3) For the purposes of this section, a member of the crew of any aircraft who disembarks from that aircraft for the purposes of remaining in the Cook Islands for more than 24 hours shall be regarded as a passenger".

4. Use of intoxicating liquor on board ships and other vessels - The Act is further amended by the insertion, after section 7A, of the following new section:

"7B. (1)(a) The master and crew of any ship or other vessel arriving in the Cook Islands from a place outside of the Cook Islands, other than a ship or vessel that:

- (i) is licensed pursuant to the provisions of the Cook Islands Shipping Licence Ordinance 1963; or
- (ii) intends to remain in the Cook Islands for a period in excess of one month;

shall be permitted to retain in their possession for consumption on board that ship or vessel such quantities of intoxicating liquor as the Minister of Customs may prescribe in writing.

(b) On arrival in the Cook Islands the master and crew of every ship or vessel shall declare in such form as the proper officer of Customs boarding may approve all intoxicating liquor in his possession provided that where intoxicating liquor in his possession is carried as ships stores, or for use in any ward-room or mess or by any Club or other organisation or group on that ship or vessel the master shall make a declaration as to the quantities so carried for these purposes.

(c) The master of any ship or vessel carrying intoxicating liquor in excess of the quantity that the Minister of Customs has prescribed shall provide such compartments, cupboards or other lockable space as the proper officer of Customs may require for the purposes of storing all excess intoxicating liquor carried on that ship or vessel and to enable him to seal that compartment, cupboard or other space or in any manner as he may deem fit.

(d) It shall be an offence against this sub-section for any person to land from any ship or other vessel any intoxicating liquor and any person found guilty of this offence shall on conviction be liable to a fine not exceeding two hundred dollars.

(e) Where any intoxicating liquor is found in excess of that declared at the time of arrival or is landed off any ship or other vessel contrary to the provisions of this sub-section that liquor shall be forfeited to the Crown and shall be dealt with as if they were restricted goods within the meaning of the Customs Act 1913.

(f) Where any seal is broken on any compartment, cupboard or lockable space where intoxicating liquor has been stored and sealed by the proper officer of Customs, the master of that ship or vessel shall be responsible for the payment of all customs duties and import levies applicable on intoxicating liquor removed and the Collector of Customs shall not grant a certificate of clearance to that ship or vessel until those duties and levies are paid.

(2) The master and crew of any ship or vessel arriving in the Cook Islands from a place outside of the Cook Islands, and where that ship or vessel intends to remain in the Cook Islands for a period of one month or more, or are on a ship licensed pursuant to the provisions of the Cook Islands Shipping Licence Ordinance 1963 shall be regarded as passengers importing intoxicating liquor and the provisions of section 7A shall apply to them duly modified provided that the Minister of Customs shall prescribe in writing the maximum quantity any such master or crew member may so import".

5. Certain sections of the Cook Islands Amendment Act 1961 deemed to form part of the Customs Acts - The Act is further amended by the insertion, after section 7B, of the following new section:

"7C. Sections 6, 7A and 7B of this Act shall be deemed to form part of the Customs Act as defined in section 3 of the Customs Act 1913".

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This Act is administered in the Customs Department.