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An Act to amend the Judicature Act 1980-81 (6 December 2012)

The Parliament of the Cook Islands enacts as follows—

- 1 Title**
This Act is the Judicature Amendment Act 2012.
- 2 Commencement**
This Act comes into force on the day after the day on which it is assented to by the Queen's Representative.
- 3 Principal Act amended**
This Act amends the Judicature Act 1980-81.
- 4 Election for Specified Offences**
 - (1) Section 15A(1) is amended by inserting the following paragraph after paragraph (b):
“(ba) an offence against section 263 of the Crimes Act 1969,”.
 - (2) Section 15A(1)(c) is amended by deleting “paragraphs (a) or (b)” and substituting “any of paragraphs (a) to (ba)”.
- 5 Validity of certain actions in respect of charges of offences against section 263 of Crimes Act 1969**
 - (1) The following must be treated as being (and having always been) as valid and effectual as they would be (and would have been) if this Act had come into force on the commencement of the section 15A of the principal Act—
 - (a) every action to which subsection (2) or subsection (4) applies, and

- (b) every event to which subsection (3) applies.
- (2) This subsection applies to—
- (a) every action taken (before the commencement of this Act), by any person, in respect of, or as a preliminary step before,—
 - (i) the trial or sentencing of any person for burglary; or
 - (ii) the conviction or acquittal of any person of burglary; and
 - (b) every action taken (whether before or after the commencement of this Act), by any person, by virtue of or as a consequence of the sentencing before the commencement of this Act of any person for burglary; and
 - (c) the making by any Justices (before the commencement of this Act) of any order under section 113 of Criminal Procedure Act 1980-81 that a person convicted of burglary come up for sentence if called upon; and
 - (d) every action taken (after the commencement of this Act), by any person, in respect of, or as a preliminary step before the sentencing for burglary of any person in respect of whom Justices have (before the commencement of this Act) made an order under section 113 of Criminal Procedure Act 1980-81 that he or she come up for sentence for the burglary concerned if called upon; and
 - (e) every action taken, by any person, by virtue of or as a consequence of the sentencing for burglary (after the commencement of this Act) of any person in respect of whom Justices have (before the commencement of this Act) made an order under section 113 of Criminal Procedure Act 1980-81 that he or she come up for sentence for the burglary concerned if called upon.
- (3) This subsection applies to every event occurring by operation of law (whether before or after the commencement of this Act) as a consequence of—
- (a) any action or actions to which subsection (2) or subsection (4) applies,
 - (b) any event or events to which this subsection applies, or
 - (c) any combination of one or more actions to which subsection (2) or subsection (4) applies and one or more actions events to which this subsection applies.
- (4) This subsection applies to every action taken, by any person, by virtue of or as a consequence of any event to which subsection (3) applies.
- (5) In this section, **burglary** means an offence against section 263 of the Crimes Act 1969.

This Act is administered by the Ministry of Justice.

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