



ANALYSIS

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1998, No. 8

An Act to amend the Judicature Act 1980-81

(26 August 1998)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by authority of the same, as follows:

1. **Short Title and commencement** – (1) This Act may be cited as the Judicature Amendment Act 1998 and shall be read together with and deemed part of the Judicature Act 1980-81 (hereinafter referred to as “the principal Act”).

(2) This Act shall come into force on the 1st day of September 1998.

2. **Interpretation** – Section 2 of the principal Act is hereby amended by adding to the definition of the term “Judgment” the words “or land” after the word “criminal.”

3. **Right to elect in certain cases** – (1) Section 16 (2) of the principal Act is hereby amended by inserting after the word “Court” and before the word “shall” the words “or the Registrar.”

(2) Section 16 (3) of the principal Act is hereby amended by inserting after the word “Court” which appears in the second sentence of this subsection and before the word “to” the words “or the Registrar.”

4. **Jurisdiction of High Court presided over by a Justice** – (1) Section 19 of the principal Act is hereby amended by deleting the word “months” in paragraph (c) and substituting thereof the word “years.”

(2) Section 19 of the principal Act is hereby further amended by deleting altogether the words “that are unopposed” after the word “orders” in paragraph (f).

(3) Section 19 of the principal Act is hereby further amended by inserting after paragraph (i) the following:

“(j) In proceedings under Part XV of the Cook Islands Act 1915 (relating to adoption of children by natives):

“(k) In proceedings under Part XXA of the Cook Islands Act 1915 (relating to adoption of children by Europeans and native spouses of Europeans):

“(l) In proceedings under section 50 of the Cook Islands Amendment Act 1946, to make Occupation Right orders:

“(m) Any application for an order under section 54 of the Land (Facilitation of Dealings) Act 1970 (relating to confirmation of resolution of meeting of assembled owners).”

5. **Affidavits in the Cook Islands** - Section 30 (1) (f) of the principal Act is hereby amended by deleting the word “Administration” after the word “Chief” and substituting thereof the word “Executive.”

6. **General right of appeal to Judge** – Section 76 (1) of the principal Act is hereby amended by inserting after the word “criminal” which appears in the third sentence of this subsection and before the word “by” the words “or land.”

This Act is administered by the Ministry of Justice.