



## ANALYSIS

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|---------------------------|---------------------------|
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1984, No. 20

An Act to provide for appeals to Her Majesty the Queen in Council from judgements of the Court of Appeal of the Cook Islands.

(27 December 1984)

BE IT ENACTED by the Parliament 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 Privy Council (Judicial Committee) Act 1984.
2. Order in Council extends to Cook Islands - The Order in Council dated the 10th day of January 1910 (as set out in the Privy Council (Judicial Committee) Rules Notice 1973 (S.R. 1973/181, N.Z.) regulating appeals to Her Majesty in Council from the Court of Appeal of New Zealand or from the High Court of New Zealand made pursuant to section 1 of the Judicial Committee Act 1844 of the United Kingdom Parliament (hereinafter referred to as the principal Order) is hereby declared to extend and to have extended to the Cook Islands as part of the law of the Cook Islands, with the modifications set out in section 3 of this Act and all other necessary modifications.
3. Modifications - (1) Rule 1 of the principal Order shall have effect, in relation to the Cook Islands, as if it had been amended by revoking the definitions of the terms "Court" and "Court of Appeal" and substituting the following definition:
 

"'Court of Appeal' or 'Court' means the Court of Appeal of the Cook Islands constituted by Article 56 of the Constitution of the Cook Islands (as enacted by section 7 of the Constitution Amendment (no.9) Act 1980-81 of the Parliament of the Cook Islands):"

 (2) The principal Order shall have effect, in relation to the Cook Islands, as if rule 2 had been revoked, and the following rule substituted:

"2. Appeals to Her Majesty the Queen in Council - (1) Subject to these rules, an appeal shall lie to Her Majesty the Queen in Council from a judgement of the Court of Appeal -

"(a) If in the opinion of the Court the case involves a substantial question of law as to the interpretation or effect of any provision of the Constitution of the Cook Islands:

"(b) From any final judgment of the Court, where the matter in dispute on the appeal amounts to or is of the value of five thousand New Zealand dollars or upwards, or where the appeal involves, directly or indirectly, some claim or question to or respecting property or some civil right amounting to or of the value of five thousand New Zealand dollars or upwards:

"(c) From any other judgment of the Court, whether final or interlocutory, if in the opinion of the Court the question involved in the appeal is one which, by reason of its great general or public importance or otherwise, ought to be submitted to Her Majesty in Council for decision.

4. Practice and procedure on appeal - The Judicial Committee (General Appellate Jurisdiction) Rules Order 1982 made by Her Majesty in Council pursuant to section 24 of the Judicial Committee Act 1833 of the United Kingdom Parliament (S.I. 1982/1976) (and every Order made by Her Majesty in Council under that section in amendment of or in substitution for that Order) shall extend to the Cook Islands as part of the law of the Cook Islands.

5. Transition - Every application for leave to appeal to Her Majesty in Council made to the Court of Appeal of the Cook Islands before the passing of this Act shall have effect after the passing of this Act as if this Act had been in force when the application was made.

6. Saving - Nothing in this Act shall be construed as limiting the right of Her Majesty in Council, upon the petition of any person aggrieved by any decision of the Court of Appeal of the Cook Islands, to admit his appeal therefrom upon such conditions as Her Majesty in Council thinks fit to impose.

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This Act is administered in the Department of Justice and Lands