



ANALYSIS

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1992-93, No. 20

An Act to amend the Privy Council (Judicial Committee) Act 1984

(9 June 1993)

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) Amendment Act 1992-93 and shall be read together with and deemed part of the Privy Council (Judicial Committee) Act 1984 (herein referred to as "the principal Act").

2. Interpretation - In this Act unless the context otherwise requires:-

"Chiefly office" includes the offices of Ariki, Mataiapo and Rangatira;

"principal Order" means the Order in Executive Council dated the 10th 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, as extended to the Cook Islands and modified by the principal Act.

3. Modifications - Subclause (1) of Rule 2 of the principal Order, (as substituted by section 3 of the principal Act) is hereby amended, by adding immediately after the words "Subject to these rules", the words "and to any other limitations set out in the Privy Council (Judicial Committee) Act 1984 of the Parliament of the Cook Islands".

4. Saving - Section 6 of the principal Act is amended by adding immediately before the words "Nothing in this Act", the words "Except as expressly provided,".

5. Limitation of Appeals - The principal Act is amended by the addition of the following new section -

7. Limitation of Appeals - Notwithstanding any royal prerogative, or anything contained in the Judicial Committee Act 1844 of the United Kingdom Parliament, or any Orders made pursuant thereto, no appeal shall lie to Her Majesty in Council from a decision of the Court of Appeal relating to -

- (a) the right of any person to hold any chiefly office;
- (b) the ownership of -
 - (i) any land which, or any undivided share in which, is owned by a Cook Islander or a descendant of a Cook Islander for a beneficial estate in fee simple whether legal or equitable, including any such land the fee simple of which is vested in a corporation formed pursuant to the Land (Facilitation of Dealings) Act 1970; or
 - (ii) any Ariki land or Customary land as those terms are defined or used in the Cook Islands Act 1915;

whether or not any such appeal is pending on the date of coming into force of this Act".

This Act is administered by the Justice Department.