



ANALYSIS

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| | Title | |
| 1. | Short Title | 3. Protection of rights and interests |
| 2. | Rehearings | 4. Private Act |

1980, No. 1 - Private

An Act to provide for the rehearing by the Land Court of title to certain lands in Rarotonga

(30 October 1980)

WHEREAS by orders of the Cook Islands Land Titles Court made in 1908 the ownership of certain lands in the District of Takitumu, Island of Rarotonga known as Te Puna Sections 50A and 50B were determined

AND WHEREAS there is widespread dissatisfaction with the said determinations of the said Court

AND WHEREAS it is desired to provide for rehearings of the said determinations;

BE IT ENACTED by the Legislative Assembly in Session, and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Rehearing of Te Puna Lands Act 1980.

2. Rehearings - (1) Any person claiming to be prejudicially affected by any order of the Cook Islands Land Titles Court made on investigation of title into the lands in the District of Takitumu Island of Rarotonga known as Te Puna Section 50A and Te Puna Section 50B (and formerly known as Pokoinu Section 50A1, Taarara Section 50A2, Te Ruau Section 50A3, Nukumaatua Section 50A4, Arekakaia Section 50A5, Namuiti Section 50A6, Namunui Section 50A7, Te Puna Section 50A8, and Tupuna Section 50B) such orders being recorded in Minute Book 4 of the said Court may apply in writing to the Land Court of the Cook Islands not later than 6 months from the commencement of this Act for the rehearing of any order made on such investigation.

(2) Notwithstanding any other provision in any other enactment, in the event of any application being made pursuant to subsection (1) hereof the Land Court of the Cook Islands shall

have jurisdiction to investigate the title to the land concerned and on such investigation to affirm, vary, or annul any former order of the Cook Islands Land Titles Court relating to the same and may exercise any jurisdiction which the said Court might have exercised on the original investigation.

3. Protection of rights and interests - No order made on a rehearing pursuant to section 2 of this Act shall take away or affect any right or interest acquired for value and in good faith under any instrument of alienation executed before the commencement of this Act but any such instrument may be perfected and confirmed as if no such order had been made. The consideration for such alienation shall, as from the date of any order made on rehearing, be deemed to belong to the person or persons entitled under that order to the share or interest affected, and all unpaid or accruing purchase money, rent, royalties, or other proceeds of such alienation, as well as any compensation payable, shall be recoverable accordingly. Any bona fide payment shall pursuant to or in reliance upon the original order of the Cook Islands Land Titles Court shall not be deemed to be invalid because that order is varied or annulled on rehearing.

4. Private Act - This Act is hereby declared to be a private Act.

This Act is administered in the Justice Department.