

New Zealand.



ANALYSIS.

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| <p style="text-align: center;">Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Principal Act made permanent. 3. Power to take lands for specified purposes. | <ol style="list-style-type: none"> 4. Regulation of reserves for pearl-shell, &c., fisheries. 5. Arikis' Courts abolished on appointment of Resident Agent. 6. Constitution of Island Councils. |
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1904, No. 22.

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| Title. | <p>AN ACT to amend "The Cook and other Islands Government Act, 1901." [26th October, 1904.]</p> <p>BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—</p> |
| Short Title. | <p>1. The Short Title of this Act is "The Cook and other Islands Government Act Amendment Act, 1904"; and it shall form part of and be read together with "The Cook and other Islands Government Act, 1901" (hereinafter referred to as "the principal Act").</p> |
| Principal Act made permanent. | <p>2. Notwithstanding anything to the contrary in "The Cook and other Islands Government Act Amendment Act, 1902" (limiting the duration of the principal Act), the principal Act and its amendments shall continue in force and be deemed to have continued in force as if such limit had not been imposed.</p> |
| Power to take lands for specified purposes. | <p>3. (1.) The Governor may from time to time, by notice in the <i>Cook Islands Gazette</i>, take any lands in the said Islands required for townships, landing-places, public fisheries, or any public work within the meaning of "The Public Works Act, 1894."</p> <p>(2.) On the gazetting of such notice the land referred to therein shall, by virtue of this Act, vest absolutely in His Majesty as lands of the Crown, freed and discharged from all claims, estates, and interests of any other person, and shall be held and administered for the purposes specified in the notice.</p> <p>(3.) A copy of such notice shall be filed in the office of the Registrar of the Cook and other Islands Land Titles Court.</p> <p>(4.) The Registrar shall give notice to every person who appears or is known to be the owner of the land so taken that a sitting of the said Court will be held, at a time and place specified in the notice, to</p> |

determine the owners of the land, and the amount of compensation, if any, payable to them.

(5.) Such sitting of the Court shall not be held sooner than one month after the giving of such notice.

(6.) Any person who claims to be the owner of the land shall, before the date specified in the notice as aforesaid, file with the Registrar a statement in writing of the nature of his interest in the land, and the amount of compensation claimed for the same.

(7.) On the day specified as aforesaid the Court shall proceed to determine the owners of the land and the amount of compensation payable to them, and such compensation shall be payable out of the public revenues of the said Islands.

(8.) The Governor may from time to time make regulations prescribing the mode of making and assessing such compensation claims, and generally whatever he thinks necessary in order to give full effect to this section.

(9.) For the purposes of this section the term "owner" shall be deemed to include every person having any estate or interest in the land.

(10.) All lands taken under this section for townships shall be dealt with in manner prescribed by regulations to be made by the Governor.

4. With respect to any Crown lands proclaimed under section fifteen of the principal Act as a reserve for public pearl-shell fishing or public turtle fishing the following provisions shall apply:—

Regulation of reserves for pearl-shell, &c., fisheries.

(a.) The persons administering the reserve may from time to time make regulations—

(i.) Regulating the use of diving-machines, and prescribing the conditions under which licenses may be granted for the use of such machines;

(ii.) Fixing a close season during which it shall not be lawful to fish for pearl-shell or for turtle over the reserve;

(iii.) Prohibiting fishing for pearl-shell or for turtle by any person other than the holder of a license granted by or under the authority of the persons administering the reserve;

(iv.) Prescribing the form of such licenses, and the conditions under which they are issued;

(v.) Fixing the several license fees payable on any such license by aboriginal natives and by other persons: Provided that no license fee shall be payable by any aboriginal native of the island wherein the reserve is situate;

(vi.) Providing for the cancellation of any such license for the breach of any such regulation.

(b.) Such regulations may impose a fine not exceeding five pounds in respect of any breach thereof.

(c.) Such regulations shall not come into operation until approved by the Governor, and when so approved shall be published in the *Cook Islands Gazette*.

Arikis' Courts
abolished on
appointment of
Resident Agent.

5. (1.) On and after the thirty-first day of March, one thousand nine hundred and five, the Arikis' Courts in any of the said Islands to which a European Resident Agent has been appointed by the Governor shall be abolished.

(2.) The jurisdiction and powers of the Arikis' Courts or a Judge thereof in any such island shall thereafter be exercised by such Resident Agent therein.

(3.) All references in any Ordinances of the said Islands to the Arikis' Court or a Judge thereof shall in any such island be deemed to be references to such Resident Agent therein.

(4.) The foregoing provisions shall, on and after a date to be fixed by the Governor, apply to any of the said Islands to which a European Resident Agent is appointed after the coming into operation thereof.

Constitution of
Island Councils.

6. (1.) On and after the thirty-first day of March, one thousand nine hundred and five, each of the existing Island Councils shall consist of nine members, and shall be constituted as follows:—

(a.) The Resident Agent shall be *ex officio* a member and President thereof;

(b.) The Arikis of the island shall be *ex officio* members thereof;

(c.) The remaining members shall be elected by the adult Natives of the island for a term not exceeding three years.

(2.) This section shall not apply to the Island of Niue.