

Serial Number 1944/19



THE COOK ISLANDS IMPORT CONTROL REGULATIONS 1944

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 16th day of
February, 1944

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to the Customs Act, 1913, in its application to the Cook Islands, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

PRELIMINARY

1. These regulations may be cited as the Cook Islands Import Control Regulations 1944.

2. (1) These regulations shall come into force in the Cook Islands, other than the Island of Niue, on the day following the date on which they are first publicly notified by the Resident Commissioner of Rarotonga, and shall come into force in the Island of Niue on the day following the date on which they are first publicly notified by the Resident Commissioner of Niue.

(2) The public notification of these regulations by the Resident Commissioner of Rarotonga or the Resident Commissioner of Niue, as the case may be, may be made in such manner as that Resident Commissioner thinks fit.

3. In these regulations—

“ License ” means a license issued under the authority of these regulations :

“ Licensing officer ” means a licensing officer acting under the authority of these regulations :

“ Minister ” means the Minister of Island Territories :

“ Resident Agent ” means a Resident Agent holding office under section 12 of the Cook Islands Act, 1915.

LICENSING OFFICERS

4. (1) The following persons shall be licensing officers for the purposes of these regulations, namely :—

- (a) In respect of the Cook Islands, other than the Island of Niue, the Resident Commissioner of Rarotonga and the Collector of Customs at Rarotonga, and also, in respect of any island for which a Resident Agent has been appointed, that Resident Agent :
- (b) In respect of the Island of Niue, the Resident Commissioner of Niue and the Collector of Customs at Niue.

(2) Every licensing officer shall, in the exercise of his functions under these regulations, be subject to any general or specific directions that may be given by the Minister in relation thereto.

RESTRICTIONS ON IMPORTATION OF GOODS INTO COOK ISLANDS

5. (1) Except as provided in the next succeeding subclause, no person shall, after the commencement of these regulations in any part of the Cook Islands, import any goods into that part of the Cook Islands except pursuant to a license issued under these regulations.

(2) A license under these regulations shall not be required in respect of the importation into the Cook Islands of—

- (a) Any goods of a kind or class specified in the First Schedule hereto ; or
- (b) Any goods of a kind or class that may, in accordance with a direction given by the Minister, be notified by the Resident Commissioner of Rarotonga or of Niue, as the case may be, as being exempt from the requirement of a license under these regulations ; or
- (c) Any goods which, having been ordered before the 1st day of January, 1944, for importation into any part of the Cook Islands, are imported into that part within three months after the commencement of these regulations therein.

GRANT OF LICENSES

6. (1) Licenses for the importation of goods in accordance with these regulations into any part of the Cook Islands may, on application in accordance with the next succeeding regulation, be granted by a licensing officer having authority as such in respect of that part of the Cook Islands.

(2) Any license under these regulations may be granted subject to such terms and conditions (if any) as the licensing officer, by direction of the Minister, may impose.

(3) Any license under these regulations may fix a limit of time within which any goods to which the license relates may be imported under the authority of that license.

APPLICATION FOR LICENSES

7. (1) Every application for a license under these regulations shall be made in quadruplicate, in the form in the Second Schedule hereto or to the effect thereof, and shall be sent or delivered to an appropriate licensing officer.

(2) In addition to the particulars referred to in the Second Schedule hereto, the applicant shall furnish such further particulars (if any) in relation to the application as the licensing officer may require.

REVOCATION OR AMENDMENT OF LICENSES

8. Any licensing officer, by notice in writing given to the licensee or his agent or representative, may, and if so directed by the Minister shall, revoke any license under these regulations, either absolutely or in its application to any specified goods or to goods of a specified kind or class, or may in like manner amend any such license :

Provided that no license shall, except with the concurrence of the licensee, be revoked or amended in its application to any goods after those goods have been placed on board any ship or aircraft for carriage to the Cook Islands.

APPEALS TO MINISTER FROM DECISIONS OF LICENSING OFFICER

9. (1) Any person who is aggrieved by the decision of a licensing officer in respect of an application for a license under these regulations may appeal to the Minister from the decision, and in any such case the decision of the Minister shall be final.

(2) Every appeal under these regulations shall be in writing and shall set forth the grounds on which the appeal is based.

(3) Any such appeal may be sent to the Minister direct, or may be delivered or sent to any licensing officer for transmission to the Minister.

OFFENCES

10. Every person commits an offence against the Customs Acts and shall be liable accordingly who imports any goods into the Cook Islands contrary to the provisions of these regulations, or who, in or in relation to any application for a license under these regulations, makes or causes or permits to be made any statement that is false or misleading in any material particular.

SCHEDULES

FIRST SCHEDULE

LIST OF GOODS EXEMPT FROM THESE REGULATIONS

Bona fide gifts.

Goods, not exceeding £5 in value (New Zealand currency) in respect of any one importation, imported by post by any person for his own use and not for the purposes of sale or business.

Goods being the property of the Crown in respect of the Government of New Zealand or of the Cook Islands.

Goods being the produce of the Cook Islands or samples of duty-paid goods which have been sent out of the Cook Islands and which are being re-imported.

Goods which have been temporarily exported for the purpose of repair.

Goods imported from New Zealand, except such goods as, in accordance with a direction given by the Minister, may be notified by the Resident Commissioner of Rarotonga or of Niue, as the case may be, as being subject to the requirement of a license under these regulations.

Goods included under the following items of the New Zealand Customs Tariff :—

- 433 Heirlooms not exceeding in value £100 (New Zealand currency), on such conditions as may be approved by the Minister.
- 435 Natural history specimens and such ethnological or similar specimens as may be approved by the Minister.
- 438 Passengers' baggage and effects, which are not intended for any other person or persons or for sale.

SECOND SCHEDULE

APPLICATION FOR A LICENSE TO IMPORT GOODS INTO THE COOK ISLANDS

(The application must be lodged in quadruplicate)

The Licensing Officer,

I (We), [*Name, occupation, and address of applicant*], hereby apply for a license to import the following goods into during the period

(1)	(2)	(3)	(4)	(5)	(6)
New Zealand Tariff Item No.	Full Description of Goods.	*Country or Countries from which it is desired to import.	Quantity and c.i.f. Value (N.Z. Currency).	Quantity and c.i.f. Value (N.Z. Currency) of Similar Goods imported by the Applicant, during	Quantity and Value c.i.f. (N.Z. Currency) for which a License to import is granted.

*If more than one country, show quantity and values in respect of each country in columns (4) and (5).

Particulars as to manner of payment for the goods by applicant for license, including name of bank in New Zealand or agent through which payment is to be arranged (*if payment is to be made otherwise than directly to supplier of the goods, give name and address of person, firm, or company to whom payment is to be made*):

I hereby declare that the particulars contained in this application are true and correctly stated in every respect.

Date:

Signature of applicant:

(The application should be signed by the applicant or by some responsible servant of the applicant on his behalf.)

LICENSE

A license to import the above-mentioned goods to the extent shown in column (6) is hereby granted.

Date:

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Licensing Officer.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 17th day of February, 1944.

These regulations are administered in the Department of Island Territories.