

2007-09-20
Cook Islands Amendment Act 1960

Public Act 1960 No 32
Date of assent 17 October 1960

Cook Islands Amendment Act 1960: repealed, on 20 September 2007, by section 7(1) of the Cook Islands Amendment Act 2007 (2007 No 49).

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Part 3
Miscellaneous amendments

An Act to amend the Cook Islands Act 1915

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1 Short Title

This Act may be cited as the Cook Islands Amendment Act 1960, and shall be read together with and deemed part of the Cook Islands Act 1915 (hereinafter referred to as the principal Act).

**Part 1
Housing improvement**

2 Interpretation

In this Part of this Act, unless the context otherwise requires,—

Advance means an advance made under this Part of this Act out of the Housing Improvement Fund

Board means the Housing Improvement Board constituted under this Part of this Act

Director of Social Development means the officer of the Cook Islands Public Service holding the office of Director of Social Development; and includes any person for the time being authorised to exercise or perform any of the powers, duties, or functions of the Director of Social Development

Housing Improvement Fund or **Fund** means the fund established by section 3 of this Act

Housing purpose means any purpose specified in subsection (2) of section 4 or in section 19 of this Act

Occupation order means an order of the Land Court of the Cook Islands granting a right of occupation made under section 50 of the Cook Islands Amendment Act 1946

Occupation order: The words “the Land Court” were substituted, as from 4 August 1965, for the words “the Native Land Court” by section 57(4) Cook Islands Amendment Act 1964 (1964 No 70). See regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

Society means the Cook Islands Co-operative Thrift and Loan Society Limited (a body corporate constituted and registered under the Cook Islands Co-operative Societies Regulations

1953); and includes any other body corporate constituted and registered under those regulations

Treasurer means the officer of the Cook Islands Public Service holding the office of Financial Secretary; and includes any person for the time being authorised to exercise or perform any of the powers, duties, or functions of the Treasurer

Treasurer: amended, as from 7 June 1965, by section 3(2) Cook Islands Amendment Act 1965 (1965 No 1) by substituting the words “the officer of the Cook Islands Public Service holding the office of Financial Secretary” for the words “the Treasurer of the Cook Islands appointed under section 17 of the Cook Islands Amendment Act 1957”.

Vesting order means an order of the Land Court of the Cook Islands made under Part 2 of this Act.

Vesting order: The words “the Land Court” were substituted, as from 4 August 1965, by section 57(4) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

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Section 3 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

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Section 4 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

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Section 5 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

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Section 6 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

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Section 7 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

8

Section 8 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

9

Section 9 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

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Section 10 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

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Section 11 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

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Section 12 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

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Section 13 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

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Section 14 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

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Section 15 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

16

Section 16 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

17

Section 17 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

18

Section 18 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

19

Section 19 was repealed, as from 27 November 1970, by section (1)(d) Cook Islands Amendment Act 1970 (1970 No 56).

20

Section 20 was repealed, as from 1 January 1967, by section 2(3) Cook Islands Amendment Act 1966 (1966 No 39).

21**22 Repeals**

Sections 7 to 10 and subsections (1) and (4) of section 11 of the Cook Islands Amendment Act 1958 are hereby repealed.

Part 2

Vesting orders

23 Vesting orders

- (1) The Land Court may in its discretion, on application being made to it by an owner of any estate or interest in any Native freehold land, make an order (hereinafter referred to as a vesting order) for the transfer of any such Native freehold land to a Native or a descendant of a Native to provide him with a site for a dwelling. A vesting order may be made in favour of 2 or more persons as joint tenants.
- (2) No vesting order shall be made vesting any area exceeding one-third of an acre in any one person or in 2 or more persons as joint tenants:
Provided that the Court may make a vesting order in respect of a larger area in any case where it is satisfied that the nature of the land is such that it is unsuitable for subdivision into lots that will enable a vesting order to be made in respect of an area of not more than one-third of an acre.
- (3) In the making of a vesting order, the Court shall determine the value of the land or of the interest in land comprised therein, and the value so determined shall for the purposes of this Part of this Act be final and conclusive.

In subsection (1) the words "The Land Court" were substituted, as from 4 August 1965, for the words "The Native Land Court" by section 57(4) Cook Islands Amendment Act 1964 (1964 No 70). See regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

24 Duty on vesting orders

- (1) No stamp duty shall be payable in respect of any vesting order if the value of the land or of the interest in land comprised therein, as determined by the Court, does not exceed the sum of \$200.
- (2) Where the value of the land or interest in land comprised in any vesting order exceeds the sum of \$200, conveyance duty shall be payable thereon as if the vesting order was an instrument of conveyance within the meaning and for the purposes of the Cook Islands Stamp Duties Regulations 1931.

25 Court may cancel vesting order

- (1) Where the Court has made a vesting order, and it is shown to the satisfaction of the Court that the land has not been used and continued to be used as a site for a dwelling within 5 years after the date of the order, the Court may, in its discretion and with the consent of any mortgagee or other encumbrancer, make an order cancelling the vesting order.
- (2) On the cancellation of any vesting order as aforesaid, the Court may, if it thinks fit, make an order vesting the estate or interest in the former owner, or in any other person whom the Court deems to be justly entitled thereto.

26 Succession to interest under vesting order

The persons entitled on the death of a Native or a descendant of a Native to succeed to any interest acquired under a vesting order in any land shall be the same persons who would, under Native custom, be entitled to succeed to any interest owned by the deceased in the same land before the making of the vesting order:

Provided that, where the Land Court is satisfied that the land or interest in land could be more conveniently or economically held by one or more owners, the Court may, with the consent of the majority of the persons beneficially entitled to the interest owned by the deceased, make an order vesting the interest of the deceased in one or more of the persons beneficially entitled thereto:

Provided further that, if the person to whom any land is transferred under a vesting order did not at the time the vesting order was made have any beneficial interest therein, the Land Court shall determine the succession to that land in the manner prescribed by section 446 of the principal Act.

The words “The Land Court” were substituted, as from 4 August 1965, for the words “The Native Land Court” by section 57(4) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

27 Land subject to mortgage or encumbrance

- (1) No order shall be made under this Part of this Act in respect of any land or interest in land that is subject to any mortgage, charge, or other encumbrance, without the consent of the mort-

gagee or person entitled to the benefit of the charge or encumbrance.

- (2) In any such case the Court may make such order as it thinks proper for the apportionment or adjustment of the rights and obligations of any person under any such mortgage, charge, or other encumbrance, and every order of apportionment or adjustment shall have effect accordingly and may be registered or recorded as the Court directs.

Part 3

Miscellaneous amendments

28

Section 28 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

29

Section 29 was repealed, as from 1 January 1967, by section 2(3) Cook Islands Amendment Act 1966 (1966 No 39).

30

Section 30 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

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Notes**1 *General***

This is an eprint of the Cook Islands Amendment Act 1960. It incorporates all the amendments to the Cook Islands Amendment Act 1960 as at 20 September 2007. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 18 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 *About this eprint*

This eprint has not been officialised. For more information about officialisation, please see "Making online legislation official" under "Status of legislation on this site" in the About section of this website.

3 *List of amendments incorporated in this eprint (most recent first)*

Cook Islands Amendment Act 2007 (2007 No 49): section7(1)
