

Reprint
as at 20 September 2007

**Cook Islands Patriotic Purposes
Regulations 1940**

(SR 1940/157)

Cook Islands Patriotic Purposes Regulations 1940: revoked, on 20 September 2007, by section 7(2) of the Cook Islands Amendment Act 2007 (2007 No 49).

PURSUANT to the Cook Islands Act 1915, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

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Preliminary

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

These regulations are administered in the Department of External Affairs.

1

These regulations may be cited as the Cook Islands Patriotic Purposes Regulations 1940.

2

These regulations shall not be in force in the Island of Niue.

3

These regulations shall come into force on the date of notification hereof in the New Zealand Gazette.

4

In these regulations, unless inconsistent with the context,—
Moneys includes the securities upon which moneys are invested and all interest accruing thereon

Patriotic Fund means any fund raised or goods or articles collected wholly or in part by private subscription or public appeal for purposes that comprise or include any patriotic purpose

Patriotic purpose or **purpose** means any purpose in connection with the war, and in particular any of the following purposes—

- (a) The relief of distress occasioned by the war, whether in the Cook Islands or elsewhere in the British dominions, or in any territory under His Majesty's protection or mandate or in the territory of any State allied to His Majesty' whether such territory is in enemy occupation or not:
- (b) The supply or provision of comforts, conveniences, amenities, or special equipment to members of His Majesty's Naval, Military, or Air Forces:
- (c) The relief, assistance, or support of members of the said Forces who may be sick, wounded, disabled, or out of employment, or for the relief, assistance, or support of their dependents or of the dependents of members who may lose their lives directly or indirectly in or in connection with the war:

Minister means the Minister for the Cook Islands

2

Resident Commissioner means the Resident Commissioner of Rarotonga

Island Council means the Island Council of any island forming part of the Cook Islands (other than Niue), established by the Governor-General in Council under the Cook Islands Act 1915

The war means any war in which His Majesty's predecessors or His Majesty has at any time prior to the coming into force of these regulations been engaged and any war in which His Majesty or His Majesty's successors may at any time during the continuance of these regulations be engaged.

The war: this definition was substituted, as from 11 October 1944, by regulation 3 Cook Islands Patriotic Purposes Regulations 1940, Amendment No 1 (SR 1944/142).

5

These regulations shall apply in respect of moneys and personal property raised or solicited in the Cook Islands for patriotic purposes.

Patriotic Committees: general powers

6

There shall for each island be a Patriotic Committee to be called "The [*Name of island*] Patriotic Committee", which shall consist of the persons from time to time for the time being holding office as members of the Island Council, including the *ex officio* members referred to in section 69 of the Cook Islands Act, 1915.

7

Every Patriotic Committee shall keep proper minutes of its proceedings, and may provide as it thinks fit for the summoning and conduct of its meetings and generally for the carrying-out of its functions under these regulations.

8

Every Patriotic Committee may from time to time appoint such sub-committees as it thinks fit to assist it in the discharge of

its functions under these regulations, and may at any time and from time to time appoint as members of any such sub-committee or authorize any such sub-committee to appoint as members thereof persons who are not members of the Patriotic Committee.

9

Every Patriotic Committee may at any time and from time to time discharge, alter, continue, or reconstitute any sub-committee, or discharge from membership of a sub-committee any person whether or not a member of the Patriotic Committee and whether appointed to the sub-committee by the Patriotic Committee or by the sub-committee.

10

Every Patriotic Committee may refer to a sub-committee any matter for consideration or inquiry and report, and may also give powers to a sub-committee to approve purposes and authorize persons under clause 12 hereof, and may also give power to a sub-committee to direct the investment, application, or disposal of Patriotic Funds under clause 14 hereof.

Patriotic Funds

11

Every Patriotic Committee may raise a Patriotic Fund, and no person shall in any island raise a Patriotic Fund except with the approval of the Patriotic Committee signified by resolution thereof.

12

It shall not be lawful for any person in any island to raise money or to take up collections in money or goods for any patriotic purpose or to solicit gifts in money or goods or in any way to hold himself out as willing to receive gifts in money or goods for any patriotic purpose unless—

- (a) Such purpose is approved by resolution of the Patriotic Committee; and

4

- (b) Such person is authorized by resolution of the Patriotic Committee to collect money and goods for patriotic purposes.

13

Any approval given under the last preceding clause hereof may be subject to such qualifications, restrictions, and conditions as the Patriotic Committee thinks fit to impose, and may by resolution of the Patriotic Committee at any time be modified or withdrawn.

14

The Patriotic Fund raised in any island shall be applied for such patriotic purposes or purposes incidental thereto, including the management thereof, and at such times and in such manner as the Patriotic Committee may from time to time by resolution decide.

15

The Patriotic Fund raised in any island shall be vested in Rarotonga jointly in the Resident Commissioner for the time being and the Treasurer of the Cook Islands for the time being, and in any other island in the Resident Agent for the time being, and shall be invested, applied, and disposed of by the persons or person in whom the same is vested as the Patriotic Committee may from time to time by resolution direct.

16

Unless the Patriotic Committee otherwise directs, the moneys for the time being belonging to a Patriotic Fund shall be deposited in the Post Office Savings-bank in an account to be called "The [*Name of island*] Patriotic Fund".

17

The persons or person in whom a Patriotic Fund is vested shall have power when so directed by a resolution of the Patriotic Committee to sue in any Court of competent jurisdiction for the recovery of any money or property belonging to the Patri-

otic Fund or to seek any other remedy in respect of such money or property and shall sue in their official names on behalf of the Patriotic Committee.

18

The persons or person in whom a Patriotic Fund is vested may be sued in any Court of competent jurisdiction in their official names on behalf of the Patriotic Committee in respect of any money or property belonging to the Patriotic Fund.

19

The persons or person in whom a Patriotic Fund is vested shall be entitled to be indemnified out of the Fund against all expenses, actions, and costs (including legal costs as between solicitor and client) arising out of any proceedings threatened or taken by or against them or him in connection with the Patriotic Fund, or arising out of any liability, whether contractual or otherwise, incurred by such persons or person by reason of such vesting of the Patriotic Fund, or incurred with the authority express or implied of the Patriotic Committee in any manner in connection with the Patriotic Fund.

20

No Court, bank, or other person shall be concerned to inquire whether any suit or action or any proceeding therein or any investment, application, or disposal of Patriotic Funds or any negotiable instrument or other document of the persons or person in whom a Patriotic Fund is vested, signed, or made for the purpose of any of the matters aforesaid has been duly directed by a Patriotic Committee or not.

21

The persons in whom a Patriotic Fund is vested shall keep proper accounts of the same and from time to time lay the

accounts before the Patriotic Committee, and such accounts shall be audited in the same way as public moneys.

War Funds of 1914-18

22

All moneys raised in Rarotonga for patriotic purposes in connection with the war in which His Majesty was engaged during the years 1914 to 1918 and the investments for the time being representing the same shall be deemed to be part of the Patriotic Fund raised by the Rarotonga Patriotic Committee, and are hereby vested without the need of any assurance, transfer, or delivery in the persons in whom the Patriotic Fund raised in Rarotonga is by these regulations declared to be vested, and may be recovered and shall be dealt with accordingly.

Penalties

23

Any person guilty of an offence against these regulations is liable to a fine not exceeding £50 or to imprisonment for a period not exceeding three months.

C A JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act 1936.
Date of Notification in *Gazette*: 25th day of July, 1940.

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Notes**1 General**

This is an eprint of the Cook Islands Patriotic Purposes Regulations 1940. It incorporates all the amendments to the Cook Islands Patriotic Purposes Regulations 1940 as at 20 September 2007. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 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(2)
