

High Court of the Cook Islands.—Rules of Procedure.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 12th day of February, 1923.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred on him by section one hundred and eighteen and one hundred and thirty-one of the Cook Islands Act, 1915, and of all other powers and authorities enabling him in that behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following rules and regulations in addition to and as part of the Rules of Procedure made on the first day of March, one thousand nine hundred and sixteen, and gazetted on the ninth day of the same month; and doth hereby declare that the rules and regulations hereby made shall come into operation on the first day of March, one thousand nine hundred and twenty-three.

REGULATIONS.

APPEALS FROM COMMISSIONERS.

1. ANY party to any proceedings, whether civil or criminal, before a Commissioner of the High Court may appeal from the judgment of the Commissioner to a Judge of the High Court.
2. Notice of appeal shall be filed in Court within twenty-one days after the delivery of the judgment appealed from. Any written notice which shows an intention or desire to appeal shall be sufficient.
3. Upon the filing of such notice the Commissioner shall, unless a Judge makes an order to the contrary, grant a stay of execution of the judgment appealed from, and if the appellant is in custody shall release him therefrom on bail pending the determination of the appeal.
4. Any person so released on bail may at any time and for any reason that a Judge thinks sufficient be arrested by warrant and committed to prison there to undergo his sentence.
5. Any period during which an appellant has been so at large on bail shall not be computed as part of any term of imprisonment to which he has been sentenced.
6. Every such appeal shall be by way of rehearing.
7. Before hearing any appeal a Judge may impose such conditions as he shall think fit as to security for costs of the appeal or for performance of the judgment thereon.
8. If the appellant does not with due diligence prosecute his appeal, or perform or observe any of the conditions imposed by a Judge as mentioned in the last preceding clause, a Judge may dismiss the appeal; and the costs thereof, and any security entered into by the appellant, shall be dealt with in such manner as the Judge directs.
9. The appellant may at any time before hearing discontinue his appeal, either wholly or as to any ground thereof, by filing in Court a notice of discontinuance. If the appeal is wholly discontinued, the judgment appealed from may immediately be carried into effect.
10. The Commissioner may at any stage of the proceedings adjourn any case for hearing and determination by a Judge.
11. There shall be payable in respect of the matters hereinbefore mentioned the fees set out in the Schedule hereto.

SCHEDULE.

	£	s.	d.
(1.) Notice of Appeal	0	5	0
(2.) Hearing of Appeal	0	10	0

No fees shall be payable in respect of proceedings commenced by an officer of police or by any other officer of the Cook Islands Public Service.

F. D. THOMSON,
Clerk of the Executive Council.