



PARLIAMENT OF THE COOK ISLANDS

JUDICATURE (VALIDATION OF NOTIFICATION OF LAND DIVISION APPLICATIONS) BILL 2021

EXPLANATORY NOTE

The purpose of this Bill is to validate irregularities in the public notification of applications to the Land Division of the High Court.

- Clause 1** sets out the Title of the Bill.
- Clause 2** provides for the Bill to come into force on the day after the date that it is assented to by the Queen's Representative.
- Clause 3** provides that the Bill binds the Crown.
- Clause 4** sets out definitions of terms used in the Bill.
- Clause 5** applies the provisions of the Bill to applications to the Land Division of the High Court set down for hearing and notified, or required to be notified, under rule 332 of the Code of Civil Procedure of the High Court 1981 (the **Code**) as that provision read before it was amended by the Civil Procedure (Notification of Land Division Applications) Amendment Rules 2021 (the **Amendment Rules**). The provisions only affect court applications that were required to be heard publicly at the time of the public hearing. They do not affect other court applications.
- Clause 6** validates applications that were not publicly notified in accordance with the requirements of rule 332(3) of the Code, as that provision read before the Amendment Rules came into force.

Judicature (Validation of Notification of Land Division Applications) Bill 2021

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An Act to validate irregularities in the public notification of applications to the Land Division of the High Court

The Parliament of the Cook Islands enacts as follows—

- Title**
This Act is the Judicature (Validation of Notification of Land Division Applications) Act 2021.
- Commencement**
This Act comes into force on the day after the date that it is assented to by the Queen's Representative.
- Act binds the Crown**
This Act binds the Crown.
- Interpretation**
In this Act, unless the context otherwise requires,—
Amendment Rules means the Civil Procedure (Notification of Land Division Applications) Amendment Rules 2021
Code means the Code of Civil Procedure of the High Court 1981 made under section 102 of the Judicature Act 1980-81
Court means the High Court exercising the jurisdiction of the Land Division of that Court, as provided by Articles 48(2) to (4) of the Constitution and section 18 of the Judicature Act 1980-81.

5 Application

This Act applies to applications to the Court that, before the commencement of the Amendment Rules, were—

- (a) set down for hearing under rule 332(1) of the Code; and
- (b) notified, or required to be notified, under rule 332(3) of the Code.

6 Validation of notification

An application must not be treated as invalid only because it was not notified in accordance with rule 332(3) of the Code (as that subclause read before the commencement of the Amendment Rules).

This Act is administered by the Ministry of Justice.
Printed under the authority of the Cook Islands Parliament—2021.
