



## Infrastructure Regulations 2019

Sir T. Marsters, KBE

Queen's Representative

### Order in Executive Council

At Avarua, Rarotonga this 25<sup>th</sup> day of June 2019

Present:

### His Excellency the Queen's Representative in Executive Council

Pursuant to section 64 of the Infrastructure Act 2019, His Excellency the Queen's Representative, acting on the advice and with the consent of the Executive Council, makes the following regulations—

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**Schedule  
Forms**

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**Regulations**

- 1 Title**  
These regulations are the Infrastructure Regulations 2019.
- 2 Commencement**  
These regulations come into force on 1 July 2019.
- 3 Interpretation**  
In these regulations, unless the context otherwise requires,—  
**Act** means the Infrastructure Act 2019  
**Court** has the same meaning as in section 6 of the Act  
**ICI** means the Infrastructure Cook Islands  
**infrastructure manager** has the same meaning as in section 6 of the Act
- 4 Responsibilities of infrastructure managers**
- (1) An infrastructure manager carrying out work within the road corridors in any Island of the Cook Islands must comply with the *Code of Practise for Utility Operators, Works within the Road Corridor 2019*, issued by ICI.
- (2) A copy of this document—
- (a) is available on the Internet site maintained by ICI; and
- (b) may be purchased in hard copy at the head office of ICI.

*Requests for permissions*

- 5 Requests for permissions**
- (1) A person who requests permission from an infrastructure manager under section 33(2) of the Act to do anything must make their request in form 1 of Schedule 1.
- (2) An infrastructure manager who requests permission under section 35(1) of the Act to dig up a road or an accessway that is formed with an engineered surface must make the request in form 2 of Schedule 1 to the relevant infrastructure manager.

*Applications*

- 6 Applications to the Court under section 34(3) of Act**  
A person who applies to the Court under section 34(3) of the Act for an order allowing the carrying out of works must make an application in form 3 in Schedule 1.
- 7 Applications to Court for orders authorising trimming and removal of specified vegetation**  
An infrastructure manager who applies to the Court under section 40(1) of the

Act for an order authorising the trimming or removal of vegetation must make the application in form 4 of Schedule 1.

- 8 Applications to Court for infrastructure orders**  
An infrastructure manager who applies to the Court under section 44(2) or 46 of the Act for an infrastructure order must make the application in form 5 of Schedule 1.
- 9 Appeal to Court**  
A person who appeals to the Court under section 49(3) of the Act against a decision of an infrastructure manager on an application to relocate infrastructure must appeal in **form 6 of Schedule 1**.
- 10 Application to Court for order relating to access, work, conditions, or declaration that work unnecessary**  
A person who applies to the Court under section 50 of the Act for an order relating to access, the work to be carried out, conditions, or a declaration that work is unnecessary must make the application in form 7 in Schedule 1.
- 11 Application to Court for compensation**  
A person who applies to the Court under section 53(2) of the Act for compensation must make the application in form 8 of Schedule 1.

*Orders*

- 12 Order granting permission**  
An order granting permission under section 34(4) of the Act must be in form 9 of Schedule 1.
- 13 Order granting permission to dig up road or accessway**  
An order granting permission to dig up road or accessway granted under section 35(5) of the Act must be in form 10 of Schedule 1.
- 14 Order permitting trimming and removal of vegetation**  
An order permitting the trimming and removal of vegetation made under section 40(2) of the Act must be in form 11 of Schedule 1.
- 15 Order as to Infrastructure**  
An order as to infrastructure made under section 47 of the Act must be in form 12 of Schedule 1.
- 16 Order to prevent access, work to impose or enforce conditions, or to declare work unnecessary**  
An order preventing access, work, or to impose or enforce conditions or to declare work unnecessary made under section 51(1) of the Act must be in form 13 of Schedule 1.
- 17 Order for compensation**  
An order for compensation made under section 53(2) of the Act must be in form 14 of Schedule 1.

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**Schedule  
Forms**

**Form 1**

**Request for permission**  
*Section 33(2), Infrastructure Act 2019*

To *[name]*, infrastructure manager

I *[name]* apply to *[name]* for permission to do *[specify]*.

The reasons I am applying for are permission *[specify and continue on a separate page if necessary]*.

Name of applicant:

Signature:

Date:

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**Form 2****Request for permission to dig up roads and sealed accessways**  
*Section 35(1), Infrastructure Act 2019*To *[name]*, infrastructure manager

1. I, *[name]* apply to *[name of infrastructure manager]* for permission to dig up *[specify name and location of road or accessway]*.
2. The reason I am applying for this permission is *[specify and continue on a separate page if necessary]*.

Name of applicant:

Signature:

Date:

**Form 3**

**Application to Court for order allowing certain works**  
*Section 34(3), Infrastructure Act 2019*

Take notice that this application will be heard at [*time, date, and place of hearing to be inserted by Registrar*].

- 1 I, [*name*], apply for an order granting permission for\* the following works [*specify*]/ \*granting permission for the following works [*specify*], subject to the following conditions [*specify*]:
  
- 2 I require an order allowing me to carry out works because: [*explain why the conditions set out in section 34(3) of the Act as a precondition for making the order you are seeking are satisfied*]

\*Delete if inapplicable.

**I say on oath that** [*set out the background to the application. Continue on a separate page if necessary*]:

**Sworn/affirmed by:**

Signature:

Witnessed by: [*name*]

Signature of witness:

On: [*date*]

At: [*place*]

This form must be served on [*name of person*] at [*address*].

*Note to person completing the form*

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace, or by the Registrar or Deputy Registrar of the Court.

**Form 4**

**Application to Court for order authorising the trimming and removal of specified vegetation**

*Section 40(1), Infrastructure Act 2019*

Take notice that this application will be heard at *[time, date, and place of hearing to be inserted by Registrar]*.

I, *[name]*, apply for an order enabling me to trim and remove the following vegetation: *[specify the location and details of the vegetation]*:

**I say on oath that** *[set out the background to the application. Continue on a separate page if necessary]*:

**Sworn/affirmed by:**

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

This form must be served on *[name of person]* at *[address]*.

*Note to person completing the form*

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace, or by the Registrar or Deputy Registrar of the Court.

**Form 5****Application to Court for Infrastructure order**  
*Section 44(2) and 46, Infrastructure Act 2019*

Take notice that this application will be heard at *[time, date, and place of hearing to be inserted by Registrar]*.

I, *[name]*, apply for an order to *[specify the nature of the order sought (as described in sections 44(2)(a) to (d) or 46(1))]*:

**I say on oath that** *[set out the background to the application. Continue on a separate page if necessary]*:

**Sworn/affirmed by:**

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

This form must be served on *[name of person]* at *[address]*.

***Note to person completing the form***

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace, or by the Registrar or Deputy Registrar of the Court.



**Form 6****Notice of appeal (decision of infrastructure manager being appealed)**  
*Section 49(3), Infrastructure Act 2019*

Take notice that this application will be heard at *[time, date, and place of hearing to be inserted by Registrar]*.

I, *[name]*, wish to appeal to the Court against the decision of the infrastructure manager *[set out the decision appealed against and the date of the decision]* in relation to the removal or relocation of infrastructure described below, on the grounds set out below:

*[specify decision and grounds of appeal]*

Signature:

On: *[date]*

At: *[place]*

This form must be served on *[name of person]* at *[address]*.

*Note to person completing the form*

This form may be signed by the applicant's Counsel.

**Form 7****Application to Court for order relating to access, work to be carried out, conditions, or declaration that work is unnecessary***Section 50(1), Infrastructure Act 2019*

Take notice that this application will be heard at [*time, date, and place of hearing to be inserted by Registrar*].

I, [*name*], apply for an order to [*specify the order sought under section 50(1)*]:

**I say on oath that** [*set out the background to the application. Continue on a separate page if necessary*]:

**Sworn/affirmed by:**

Signature:

Witnessed by: [*name*]

Signature of witness:

On: [*date*]

At: [*place*]

This form must be served on [*name of person*] at [*address*].

***Note to person completing the form***

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace, or by the Registrar or Deputy Registrar of the Court.

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**Form 8****Application to Court for order for compensation***Section 53(2), Infrastructure Act 2019*

Take notice that this application will be heard at *[time, date, and place of hearing to be inserted by Registrar]*.

- 1 I, *[name]*, apply for an order for compensation in the following amount *[specify]*:
- 2 The following persons have interests in the land in respect of which compensation is sought *[specify, use a separate page if necessary]*.
- 3 The value of the interests held by those persons is *[specify as a percentage of total value, use a separate page if necessary]*.

**I say on oath that** *[set out the background to the application. Continue on a separate page if necessary]*:

**Sworn/affirmed by:**

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

This form must be served on *[name of person]* at *[address]*.

*Note to person completing the form*

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace, or by the Registrar or Deputy Registrar of the Court.

**Form 9**

**Order granting permission**  
*Section 34(4), Infrastructure Act 2019*

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*

On: *[date]*

Permission is granted to *[name of applicant]* to do *[specify]*

\*The permission is granted subject to the following conditions: *[specify]*

\*Delete if inapplicable.

By the Court:

Judge:

Sealed on: *[date]*

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**Form 10**

**Order granting permission to dig up road or accessway**  
*Section 35(5), Infrastructure Act 2019*

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*

On: *[date]*

Permission is granted to *[name of infrastructure manager]* to dig up *[details of road or accessway to be dug up]*

\*The permission is granted subject to the following conditions *[specify]*

\*Delete if inapplicable.

By the Court:

Judge:

Sealed on: *[date]*

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**Form 11**

**Order permitting trimming and removal of vegetation**

*Section 40(2), Infrastructure Act 2019*

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*

On: *[date]*

The Court orders that *[name of infrastructure manager]* may trim and remove the following vegetation: *[specify the location and description the vegetation]*

\*The order is subject to the following conditions: *[specify]*

\*Delete if inapplicable.

By the Court:

Judge:

Sealed on: *[date]*

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**Form 12**

**Infrastructure order**  
*Section 47, Infrastructure Act 2019*

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*

On: *[date]*

The Court makes the following order about infrastructure *[specify details of order]*

\*The order is subject to the following conditions *[specify]*

\* *[Name of person to be served]* must be served with this order and service is to be effected in the following way: *[specify]*

\*Delete if inapplicable.

By the Court:

Judge:

Sealed on: *[date]*

**Form 13**

**Order under section 51 of the Act**  
*Section 51, Infrastructure Act 2019*

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*

On: *[date]*

The Court makes the following order under *[specify whether the order is made under section 51(1)(a), (b), (c), (d), or (e)]*: *[specify]*

\*The order is subject to the following conditions: *[specify]*

\*Delete if inapplicable.

By the Court:

Judge:

Sealed on: *[date]*



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**Form 14****Order for compensation**  
*Section 53(2), Infrastructure Act 2019*

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*On: *[date]*

The Court orders that *[name of Infrastructure Manager]* pay compensation in the following amount *[specify]* to *[name of applicant]*.

This order is made—

\*on an application for compensation by the applicant; or

\*as a condition of an order made under section 51 of the Infrastructure Act 2019.

\*Delete if inapplicable.

The Court further orders that the compensation must be apportioned in the following way: *[specify how compensation is to be apportioned under section 53(6) of the Infrastructure Act 2019; use a separate page if necessary]*

By the Court:

Judge:

Sealed on: *[date]*

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**JJ Harold Browne**  
**Clerk of the Executive Council**

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These regulations are administered by Infrastructure Cook Islands.  
These regulations were made on the \_\_\_\_\_ day of \_\_\_\_\_ 2019.