

Reprint  
as at 16 December 1948



## Cook Islands Exchange Control Regulations 1948 (SR 1948/200)

B C Freyberg, Governor-General  
By his Deputy,  
H F O'Leary

### Order in Council

At the Government House at Wellington this 15th day of December 1948

Present:

His Excellency the Governor-General in Council

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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#### Note

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

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

**These regulations are administered by the Ministry of Foreign Affairs and Trade.**

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## Regulations

### *Preliminary*

#### 1

These regulations may be cited as the Cook Islands Exchange Control Regulations 1948.

#### 2

- (1) These regulations shall come into force in the Cook Islands other than the Island of Niue on the day following the date on which they are first publicly notified by the Resident Commissioner of Rarotonga, and shall come into force in the Island of Niue on the day following the date on which they are first publicly notified by the Resident Commissioner of Niue.
- (2) The public notification by the Resident Commissioner of Rarotonga or the Resident Commissioner of Niue, as the case may be, whether of these regulations or of any notice or direction of the Minister, public notification of which is required under these regulations, may be made in such manner as that Resident Commissioner thinks fit.
- (3) Upon the coming into force of these regulations in any part of the Cook Islands the Cook Islands Finance Emergency Regulations 1944 and the Cook Islands Finance Emergency Regulations 1944, Amendment No 1, shall in that part of the Cook Islands be revoked.

3

In these regulations, unless the context otherwise requires,—

**current rate of exchange** means a rate of exchange for the time being fixed or approved by the Reserve Bank

**fixed deposit** means money deposited with a bank or other person for a fixed term, or on condition that it will not be withdrawn before a fixed date or will not be withdrawn without at least 1 month's notice

**foreign currency** means the banknotes or other currency of any country other than New Zealand, and includes postal notes, money orders, promissory notes, bills of exchange, and any other negotiable instruments payable otherwise than in New Zealand currency

**foreign security** means any security (as hereinafter defined) which is registered, inscribed, or situated elsewhere than in the Cook Islands or New Zealand, or which creates a right (whether actual or contingent) to receive any payment elsewhere than in the Cook Islands or New Zealand or in any foreign currency or out of any funds that are to be provided elsewhere than in the Cook Islands or New Zealand

**Minister** means the Minister of Finance, and includes any person for the time being authorised by the Minister to exercise any of his powers or functions under these regulations

**money** means the banknotes and other currency of any country, and includes postal notes, money orders, promissory notes, bills of exchange, and any other negotiable instruments payable in the currency of any country

**person** includes a corporation sole and also a body of persons, whether corporate or unincorporate

**Reserve Bank** means the Reserve Bank of New Zealand, established under the Reserve Bank of New Zealand Act 1933

**securities** includes shares, stock, bonds, debentures, debenture stock, Treasury bills, or any other like securities (by whatever name they may be called) issued by the Government of New Zealand or the Government of any other country, or issued by any local governing body or authority in New Zealand or elsewhere or issued by any company or other corporation, in New Zealand or elsewhere, but does not include bills of exchange or promissory notes.

4

From every decision of any Resident Commissioner or other person acting pursuant to or in the administration of these regulations there shall be a right of appeal to the Minister, whose decision on any matter shall be final.

*Restriction on export of money and securities from Cook Islands*

## 5

- (1) Subject to the provisions of this regulation, no person in the Cook Islands shall, without the consent of the Minister, and whether in person or by agent, and whether on his own behalf or on behalf of any other person,—
  - (a) take or send any money or securities out of the Cook Islands, or permit or cause to be taken or sent out of the Cook Islands any money or securities of which he is the owner or over which he has control; or
  - (b) transfer the interest of any person in any foreign securities; or
  - (c) draw or negotiate any bill of exchange or promissory note or transfer any security or acknowledge any debt or make any payment as consideration for—
    - (i) receiving any payment or acquiring any property elsewhere than in the Cook Islands or in New Zealand; or
    - (ii) acquiring a right (whether actual or contingent) to receive any payment or to acquire any property as aforesaid; or
  - (d) create or transfer a right (whether actual or contingent) to receive any payment or acquire any property elsewhere than in the Cook Islands or New Zealand, or dispose or otherwise deal with any money, securities, or property held or payable elsewhere than in the Cook Islands or New Zealand, as consideration for—
    - (i) receiving any payment or acquiring any property in the Cook Islands or New Zealand; or
    - (ii) acquiring a right (whether actual or contingent) to receive any payment or acquire any property as aforesaid; or
    - (iii) the discharge of a debt payable in the Cook Islands or New Zealand.
- (2) The restrictions imposed by the last preceding subclause shall not apply in respect of—
  - (a) the taking or sending of money, being New Zealand currency, to New Zealand; or
  - (b) the taking by any person leaving the Cook Islands of silver coin not exceeding £2 in value in New Zealand currency; or
  - (c) any class of transaction that may, in accordance with a direction given by the Minister, be notified by the Resident Commissioner of Rarotonga or of Niue, as the case may require, as being exempt from the said restrictions.
- (3) No person in the Cook Islands shall be a party to any transaction which involves the conversion of New Zealand currency into the currency of any

other country or the conversion of the currency of any other country into New Zealand currency at a rate of exchange other than the current rate of exchange between New Zealand and that country.

- (4) For the purposes of this regulation money shall be deemed to be taken or sent out of the Cook Islands if it is so taken or sent by telegraph or post or by means of draft, letter of credit, traveller's cheque, transfer of account, or by any other means whatsoever.

## 6

- (1) For the purposes of this regulation the term **authorised officer** includes the Resident Commissioner of Rarotonga, the Resident Commissioner of Niue, any Resident Agent holding office under section 12 of the Cook Islands Act 1915, any officer of Customs within the meaning of the Customs Act 1913 (whether in the Cook Islands or in New Zealand), and any other person (whether in the Cook Islands or New Zealand) acting with the authority of the Minister or with the authority of any person acting on behalf of the Minister.
- (2) Every person of the age of 16 years or upwards who is about to leave the Cook Islands shall, immediately prior to his embarkation on the vessel or aircraft in which he proposes to leave the Cook Islands, make and deliver to an authorised officer a written statement, in such form as the authorised officer may require, as to any money or securities that he is taking with him, whether on his person or otherwise.
- (3) Any authorised officer may require any person who is about to leave the Cook Islands, or any person having charge of any person who is about to leave the Cook Islands, to produce and deliver to the authorised officer any money or securities that any such person may have with him or under his control.
- (4) For the purpose of discovering whether any person about to leave the Cook Islands has in his possession or under his control or is taking from the Cook Islands any money or securities in contravention of these regulations, any authorised officer may search that person and may examine and search any article that he is taking with him.
- (5) Any examination and search made by an authorised officer pursuant to the foregoing provisions of this regulation may be made on board any ship or aircraft that is about to leave the Cook Islands, or may be made before the person concerned has actually gone on board such ship or aircraft.
- (6) Any authorised officer may examine and search any goods consigned or otherwise taken or sent or proposed to be taken or sent from the Cook Islands to a destination outside the Cook Islands, for the purpose of ascertaining whether there are being sent with such goods any money or securities.
- (7) Any money or securities produced to or discovered by an authorised officer in accordance with this regulation shall be seized by that officer unless he is satis-

fied that the taking or sending thereof from the Cook Islands would not in the circumstances have been in contravention of these regulations.

- (8) Any money or securities seized by an authorised officer under the provisions of this regulation shall be forfeited to and shall become the property of the Crown unless the Minister otherwise directs.

*Acquisition of foreign currency and foreign securities on behalf of the New Zealand Government*

7

- (1) Every person ordinarily resident in any part of the Cook Islands who on the coming into force of these regulations in that part is, or on any later date becomes, entitled to sell or procure the sale of any foreign currency, shall, within 14 days after the commencement of these regulations in that part, or within 14 days after such later date, as the case may be, offer such foreign currency for sale or cause the same to be offered for sale in accordance with this regulation.
- (2) Any offer for sale of foreign currency under this regulation may be made to the Resident Commissioner of Rarotonga or the Resident Commissioner of Niue, or to any Resident Agent, or to the Treasurer at Rarotonga or at Niue, or to any Postmaster in the Cook Islands, or to any other person authorised in that behalf by the Minister.
- (3) Any foreign currency offered for sale pursuant to this regulation may be acquired by the Minister on behalf of the Government of New Zealand.
- (4) The value of any such foreign currency shall be determined by the Minister in accordance with the current rate of exchange between New Zealand and the country whose currency it is, and the price shall be fixed by the Minister having regard to that rate of exchange and to any other relevant factors.
- (5) Nothing in this regulation shall require any person to offer for sale any foreign currency if all the foreign currency to which he is for the time being entitled is of a value less than £5 in New Zealand currency.

8

- (1) Every person ordinarily resident in any part of the Cook Islands who on the coming into force of these regulations in that part is, or on any later date becomes, entitled to assign or to procure the assignment of any right to receive, elsewhere than in the Cook Islands or New Zealand, payment of any amount in a foreign currency in respect of any credit or balance at a bank or with any other person, shall, within 14 days after the commencement of these regulations, or within 14 days after such later date, as the case may be, do all things necessary for the purpose of assigning that right to the Minister, or to a person

specified by the Minister for the purposes of this regulation, on behalf of the Government of New Zealand:

provided that the Minister, on application by or on behalf of the person concerned or by notice published in such manner as he thinks sufficient, may exempt any person from compliance with this subclause in respect of any matter or of matters of a specified class.

- (2) The value of any rights assigned pursuant to this regulation shall be determined by the Minister in accordance with the current rate of exchange between New Zealand and the country whose currency is concerned, and the price shall be fixed by the Minister having regard to that rate of exchange and any other relevant factors.

## **9**

- (1) Every person ordinarily resident in any part of the Cook Islands who on the coming into force of these regulations is, or on any later date becomes, the owner of any fixed deposit repayable in any foreign currency shall, within 14 days after the commencement of these regulations in that part, or within 14 days after such later date, as the case may be, notify the existence of the fixed deposit to the Resident Commissioner of Rarotonga or the Resident Commissioner of Niue, as the case may be, and shall from time to time furnish to the Minister, or to a person authorised by the Minister for the purpose, such information and particulars in relation to the deposit as the Minister may from time to time require.
- (2) For the purposes of this regulation any person in whose name a fixed deposit is made or who receives or is entitled to receive (whether on his own behalf or on behalf of any other person) the amount of the deposit or interest thereon, or who has any other legal or equitable interest therein, shall be deemed to be the owner of that fixed deposit.
- (3) All such owners shall be jointly and severally liable for default in compliance with the requirements of this regulation, but compliance by one of such owners shall, to the extent thereof, absolve all of the other owners from the obligation imposed on them by this regulation.

## **10**

- (1) The Minister may from time to time, by notice, public notification of which is given by the Resident Commissioners of Rarotonga and Niue in manner hereinbefore provided, exempt any foreign currency or currencies from the operation of regulations 7, 8, and 9.
- (2) Every person who in the Cook Islands has the receipt or control or disposal of any foreign currency as agent for a person ordinarily resident in any part of the Cook Islands shall in respect of such foreign currency be liable to the same obligations as are imposed on his principal by regulations 7, 8, and 9.

- (3) It shall be a defence to any person charged with an offence of failing to comply with any requirement of regulations 7, 8, and 9 within a time thereby prescribed if he proves first that by reason of inadequate means of communication such compliance within the time so prescribed was impossible and secondly that he complied with such requirement as soon as he was reasonably able to do so.

## 11

- (1) Except with the consent of the Minister, no person shall sell, transfer, charge, or otherwise dispose of or deal with, any foreign currency to which regulation 7 applies, or any right to which regulation 8 applies, or any fixed deposit to which regulation 9 applies:  

provided that the restrictions imposed by this regulation shall not apply to the transfer of money to the Cook Islands or to New Zealand through any bank acting as the agent of the Reserve Bank.
- (2) The Minister, in his discretion, may refuse any application for his consent under this regulation, or may grant it either wholly or partly and either unconditionally or upon or subject to such conditions as he thinks fit.

## 12

- (1) This regulation shall not be in force in any part of the Cook Islands unless the Minister, by notice, public notification of which is given in manner hereinbefore provided by the Resident Commissioner having jurisdiction in that part of the Cook Islands to which the notice applies, declares that it shall come into force therein in accordance with the terms of that notice. Such notice may be at any time amended or revoked in like manner.
- (2) Every notice under the last preceding subclause shall have effect in accordance with its tenor.
- (3) While this regulation is in force in any part of the Cook Islands, regulation 7 of the Finance Emergency Regulations 1940 (No 2) (SR 1940/118) shall also be in force in that part of the Cook Islands; and references in the said regulation to New Zealand or to persons ordinarily resident in New Zealand shall, for the purposes of this regulation, be deemed to be references to that part of the Cook Islands or to persons ordinarily resident in that part of the Cook Islands.
- (4) Except as provided in the last preceding subclause, words and expressions used in the said regulation 7 shall, in the application of that regulation to any part of the Cook Islands, have the same meanings respectively as when used in the said regulation.

*Control of exports*

**13**

- (1) Nothing in this regulation shall apply with respect to goods of any of the following classes, namely:
  - (a) goods exported or proposed to be exported from the Cook Islands to New Zealand; or
  - (b) any goods exported or proposed to be exported through the Post Office otherwise than for purposes of trade, unless the Minister, by notice, public notification of which is given by the Resident Commissioners of Rarotonga and Niue in manner hereinbefore provided, determines, either generally or with respect to any specified goods, or with respect to goods of any specified class, that they shall not be exported except in accordance with this regulation; or
  - (c) any goods exported as ship's stores; or
  - (d) any other goods in respect of which the Minister, by notice, public notification of which is given by the Resident Commissioners of Rarotonga and Niue in manner hereinbefore provided, determines that they shall not be subject to this regulation.
- (2) Any notice given by the Minister for the purposes of the last preceding subclause may be at any time varied or revoked in like manner.
- (3) Except as provided in subclause (1), no goods shall be exported from the Cook Islands except by permission of the Resident Commissioner of Rarotonga or the Resident Commissioner of Niue, or of a person acting with the authority of either of those Resident Commissioners.
- (4) Application for permission to export any goods pursuant to this regulation shall be made in writing by the exporter or his agent, or by some responsible servant of the exporter, to the appropriate Resident Commissioner, in such form as that Resident Commissioner may require, and permission to export goods in accordance with the application may, in the discretion of the Resident Commissioner, be declined or may be granted in respect of all or any of the goods to which the application relates. In addition to the conditions prescribed by subclause (6), any permission under this regulation may be given subject to such conditions, if any, as the Resident Commissioner thinks fit to impose.
- (5) If the goods to which any such application relates are intended for sale, the applicant shall state in his application the amount or the estimated amount to be realised on the sale of the goods, the name of the overseas agent or bank to which payment for the goods is to be made, and where the proceeds or any of the proceeds are to be remitted to New Zealand or the Cook Islands, the name of the bank in New Zealand to which, or the agent in New Zealand or the Cook Islands to whom, payment of the proceeds or any of the proceeds of sale is to be made.

- (6) Any permission given under this regulation for the export of goods for sale shall be subject to the condition that the exporter shall cause the net proceeds of the sale of the goods (hereinafter in this regulation referred to as **foreign credit**) to be—
- (a) made available to an authorised agent of the Reserve Bank; or
  - (b) dealt with in such other manner as the Reserve Bank may from time to time in its discretion determine and subject to such conditions (if any) as it thinks fit to impose.
- (7) On payment of any foreign credit to the Reserve Bank or its agent in accordance with this regulation the Reserve Bank shall forthwith pay or cause to be paid to the exporter, at the bank in New Zealand, or to the agent in New Zealand or the Cook Islands designated by him in his application, an amount equal to the value of the foreign credit converted into New Zealand currency at a rate not less than the then current rate of exchange. If any question arises as to the current rate of exchange in relation to this subclause, it shall be determined by the Reserve Bank.
- (8) The bank in New Zealand or the agent in New Zealand or the Cook Islands shall (subject to any agreed or customary charges and to any contractual rights and liabilities as between the bank or agent and the exporter) hold the amount received from or on account of the Reserve Bank as aforesaid to the credit and subject to the directions of the exporter.

#### *Offences and penalties*

#### 14

Every person commits an offence against these regulations who—

- (a) does any act prohibited by these regulations; or
- (b) fails to comply with any requirements of these regulations or with any conditions imposed or directions given pursuant to or for the purposes of these regulations; or
- (c) makes any statement for the purposes of or in relation to these regulations which is false or misleading in any material particular, or fails to disclose anything that he is lawfully required to disclose, or otherwise misleads or attempts to mislead any person concerned in the administration of these regulations; or
- (d) obstructs or in any way interferes with any person in the exercise of any powers or functions under these regulations; or
- (e) aids, abets, counsels, or procures or is in any way knowingly concerned with the commission by any other person of an offence against these regulations.

**15**

- (1) Every person who commits an offence against these regulations shall be liable on summary conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding 12 months, or to both such fine and such imprisonment in the case of an individual, or to a fine not exceeding £1,000 in the case of a body corporate.
- (2) Without limiting the provisions of the last preceding subclause, the provisions of the Customs Act 1913 shall apply with respect to offences under these regulations in all respects as if the restrictions imposed by these regulations on the export of goods from the Cook Islands had been imposed under the authority of that Act in its application to the Cook Islands.

T J Sherrard,  
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 16 December 1948.

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**Notes****1 General**

This is a reprint of the Cook Islands Exchange Control Regulations 1948. The reprint incorporates all the amendments to the regulations as at 17 December 1948, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

**4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted

enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)

- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*