Constitution Amendment 2003/15 (No. 26)

ANALYSIS

Title

2003, No. 15

An Act to amend the Constitution

(10September 2003

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, by the authority of the same, and in accordance with Article 41(1) of the Constitution of the Cook Islands, as follows:

1.   Short Title and commencement   – (1) This Act may be cited as the Constitution Amendment (No.26) Act 2003 and shall be read together with and deemed part of the Constitution of the Cook Islands (herein referred to as "the Constitution").

(2)   This Act shall come into force on the date that it is assented to by the Queen's Representative.

2.   Interpretation – Article 1 of the Constitution is amended by omitting the definition of " To reside".

3.   The Parliament of the Cook Islands - Article 27 of the Constitution is
amended by –

(a)   Omitting from subclause (2) the number "25" and
substituting the number "24";

(b)   Omitting paragraph (k) of subclause (2);

(c)   Omitting from subclause (3) the expression "28A, 28B, and
28C and 28D", and substituting the following expression:

"and 28B".

4.   Qualification of electors — Article 28 of the Constitution is repealed, and
substituted with the following Article:

"Qualification of electors

28   (1)   No person shall be qualified to be an elector for the election
of a Member of Parliament unless-

(a)   The person is a Cook Islander (as defined in an Act
prescribing the qualifications of electors), a New
Zealand citizen or has the status of a permanent
resident of the Cook Islands (as provided for by
Article 76A); and

(b)   The person has at some time resided continuously in
the Cook Islands for a period of not less than 12
months.

(2)   A person who meets the qualifications imposed by subclause
(1) (or re-qualifies under subclause (3)) is disqualified from
being an elector for the election of a Member of Parliament if
the person is subsequently absent from the Cook Islands for a
continuous period of 3 months or more.

(3)   A person disqualified under subclause (2) shall re-qualify to
be an elector for the election of a Member of Parliament if
the person returns to the Cook Islands and at any time
thereafter remains in the Cook Islands for a continuous
period of not less than 3 months.

(4)   The following shall not be regarded or treated as a period of
absence from the Cook Islands for the purposes of subclause
(2):

(a)   Any continuous period not exceeding 4 years spent
by a person outside the Cook Islands for the purpose
of–

(i)   Receiving education, technical training, or
technical instruction; or

(ii)   Receiving medical treatment;

(b)   Any period spent by a person outside the Cook Islands as-

    (i)   A member of a Cook Islands diplomatic or consular mission; or

    (ii)   A spouse, partner, or member of the household of a person referred to in subparagraph (i) of this paragraph.

(5)   Nothing in this Article limits the provisions of any law prescribing additional qualifications to be (or additional disqualifications from being) an elector for the election of a member of Parliament, insofar as the law is not inconsistent with any provision of this Constitution."

5.   Consequential repeals – Articles 28A, 28C, and 28D are repealed.

6.   Savings – (1) Notwithstanding the abolition of the Overseas Constituency by section 3 of this Act, the person (if any) who is the member of Parliament for that constituency immediately before the commencement of this Act shall continue to hold office as, and shall be, the member of Parliament for that constituency as if that constituency had not been abolished by this Act.

(2)   Subsection (1) has effect only until, and expires on, the earlier of-

(a)   The seat of the member of Parliament for the Overseas Constituency becoming vacant pursuant to any Act; or

(b)   The Queen's Representative dissolving Parliament under Article 37 of the Constitution.