

COOK ISLANDS

UNITED NATIONS (SECURITY COUNCIL RESOLUTIONS) ACT 2003

ANALYSIS

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2003, No. 2

An Act to enable the Cook Islands to give effect to resolutions of the United Nations Security Council with respect to threats to the peace, breaches of the peace, and acts of aggression

(9 April 2003)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by authority of the same as follows:

1. Short title - This Act may be cited as the United Nations (Security Council Resolutions) Act 2003.

2. Interpretation - In this Act, unless the context otherwise requires, -

"Security Council" means the Security Council of the United Nations.

3. Power to make regulations - (1) If the Security Council adopts a resolution under Chapter VII of the Charter of the United Nations calling upon all member States of the United Nations or all States to apply any measure to give effect to any decision of the Security Council, the Queen's Representative may from time to time by Order in Executive Council make all such regulations as appear to the Queen's Representative to be necessary or expedient to effectively apply that measure.

(2) Subsection (1) applies regardless -

(a) Whether the Security Council adopted the resolution before or after the coming into force of this Act; and

(b) Whether or not the Security Council's resolution or decision is binding on the Cook Islands at international law.

(3) Regulations made under subsection (1) may -

(a) Prescribe offences against the regulations; and

(b) Provide for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

(4) No regulation made under this Act may be treated or regarded as invalid because it deals with any matter already provided for by any Act or because of any repugnancy to any Act.

4. Offences - (1) Every person commits an offence against this subsection who -

(a) Commits an offence against regulations made under this Act; or

(b) Aids, abets, incites, counsels, procures, or conspires with any other person to commit an offence under paragraph (a).

(2) Nothing in this Act or in any regulation made under this Act limits or otherwise restricts the liability of any person for any offence punishable independently of this Act.

5. Publication of regulations deemed to be notice - The publication in accordance with the Regulations Act 1971-72 of any regulation made under this Act is deemed for all purposes to be notice of that regulation to every person concerned, and in any prosecution the liability of the defendant must be determined accordingly.

6. Liability of principals and agents - (1) If an offence is committed against section 4(1) by any person acting as the agent or employee of another person, that other person is, without prejudice to the liability of the first-mentioned person, liable under this Act in the same manner and to the same extent as if he or she had personally committed the offence if it is proved-

(a) That the act or omission that constituted the offence took place with his or her authority, permission, or consent; or

(b) That he or she -

(i) Knew or should have known that the offence was to be or was being committed; and

(ii) Failed to take all reasonable steps to prevent or stop it.

(2) Where any body corporate is convicted of an offence against section 4(1), every person, being a director or a person concerned in the management of the body corporate, is guilty of the same offence if it is proved-

(a) That the act or omission that constituted the offence took place with his or her authority, permission, or consent; or

(b) That he or she -

(i) Knew or should have known that the offence was to be or was being committed; and

(ii) Failed to take all reasonable steps to prevent or stop it.

7. Penalties - Every person who commits an offence against section 4(1) is liable on conviction-

(a) In the case of an individual, to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$10,000 or to both;

(b) In the case of a body corporate, to a fine not exceeding \$100,000.

8. Repeal and revocations - (1) The enactment specified in Schedule 1 is repealed.

(2) The regulations specified in Schedule 2 are revoked.

9. Savings - Notwithstanding section 8(1), the regulations specified in Schedule 3 continue in force as if made under section 3 of this Act, and may be amended and revoked accordingly.

This Act is administered in the Ministry of Foreign Affairs

SCHEDULE 1

Section 8(1)

ENACTMENT REPEALED

United Nations Act 1946

(1946 No. 7 (NZ))

SCHEDULE 2

Section 8(2)

REGULATIONS REVOKED

United Nations Sanctions (Southern Rhodesia) Regulations 1966 (SR 1966/222)

United Nations Sanctions (Southern Rhodesia) Regulations 1966
Amendment No. 1 (SR 1967/41)

SCHEDULE 3

Section 9

REGULATIONS TO CONTINUE IN FORCE

United Nations Sanctions (Iraq and Kuwait) Regulations 1990 (Reg 1990/12)
