ANALYSIS

Title
1. Short Title
2. Office of Tribunal
3. Reg. sections inserted in principal Act
4. Trade practises
5. Orders in regard to trade practises
6. Proceedings before Tribunal not to be held bad for want of form
7. New Part IIIA inserted in principal Act
8. Interpretation

PART II A - WEIGHTS AND MEASURES
9. Weights and measures to be used

22A Administration
22B Appointment of inspectors
22C Powers of inspectors
22D Inspection of scales and measuring instruments
22E Verifed weights and measures
22F Complying with standards
22G Sale and packaging of articles
6. Breach of trade practise
7. Offences under Part II A
8. General provisions as to offences
9. Act to bind the Crown
10. Revocation

1973, No. 13

An Act to amend the Control of Prices Act 1966 by adding provisions as to trade practises and weights and measures

(24 May 1973)

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

1. Short Title - This Act may be cited as the Control of Prices Amendment Act 1973 and shall be read together with and deemed part of the Control of Prices Act 1966 (hereinafter referred to as "the principal Act").
2. Office of the Tribunal - Section 12 of the principal Act is hereby repealed and the following section substituted:

"12: The Office of the Tribunal shall be at such place as may be determined by the Minister;"

3. New Sections inserted in principal Act - The principal Act is hereby further amended by inserting after section 22 the following new sections:

"22A. Trade practices - (1) At any inquiry under this section the Tribunal shall determine -
(a) Whether or not the trade practice complained of or some other trade practice of substantially the same nature, done in fact exists, and if so
(b) Whether or not the effect of the trade practice is or would be contrary to the public interest,
(c) For the purposes of this section a trade practice shall be deemed to be contrary to the public interest only if, in the opinion of the Tribunal, the effect of the practice is or would be -
(a) To increase unreasonably the costs relating to the production, manufacture, transport, storage, or distribution of goods; or
(b) To increase unreasonably the prices at which goods are sold; or
(c) To increase unreasonably the profits derived from the production, manufacture, distribution, transport, storage, or sale of goods; or
(d) To prevent or unreasonably reduce or limit competition in the production, manufacture, supply, transportation, storage, sale, or purchase of goods; or
(e) To limit or prevent the supply of goods to customers.

22B. Orders in regard to trade practices - (1) Subject to the provisions of section 31A of this Act, the Tribunal may make an order in an order in the context of the restriction orders where it is of the restriction orders that the continuance or repetition of any trade practice would be contrary to the public interest and such order may order the discontinuance or non-repetition of any trade practice or permitting its continuance or repetition subject to such conditions as may be prescribed in the order.
(2) No order shall be made under this section unless the trade practice concerned is, in the opinion of the Tribunal, substantially within one or more of the following categories:
Control of Prices Amendment

1973, No. 15

(3) Any practice which would constitute an offence against subsection (1) of section 29 of this Act:

(4) The unjustifiable exclusion from any trade association of any person carrying on, or intending to carry on, in good faith the trade in relation to which the association is formed:

(5) No order shall be made under this section in respect of any agreement or arrangement between buyers relating to goods which are bought by the buyers for consumption and not for resale.

(a) Nothing in this section shall be deemed to authorize the imposition in respect of a trade practice authorized by any enactment.

(b) The Tribunal may, before making any order under this section, permit any party so affected by the order and who has made representations in respect of such steps within such time as the Tribunal allows to ensure that the trade practice is not contrary to the public interest. If such is done to the satisfaction of the Tribunal, then they may consider not issuing an order.

(c) In any order made under this section the Tribunal may make such provision, not inconsistent with this Act, as in their opinion is necessary or desirable for the proper administration of the order or to ensure compliance with the terms thereof, and every person shall be deemed to have committed an offence against this Act who conspires a breach of or fails to comply with any obligations imposed on him by any such provision.

(7) Any order made by the Tribunal under this section may be varied or revoked by a subsequent order provided that any party directly affected by the order shall be advised of such and so such provision, or revocation shall be made unless such party has been given a full opportunity of making such representations that they think fit with respect to the amendment or revocation.

(a) Any order made under this section by the Tribunal may be general in its application or may be limited to any class of traders or to an individual trader or, to a particular class of traders, or, to particular traders, or, to a particular trader or traders, or, to a particular trade practice, or, to a particular locality.

(b) Every order made by the Tribunal under this section shall be published in the Gazette and no such order shall come into force before it has been so published.

1973, No. 15

5. New Part IIA inserted in principal Act - The principal Act is hereby further amended by inserting after Section 229 the following new section -

"PART IIA - WEIGHTS AND MEASURES"

229. Interpretation - In this part, unless the context otherwise requires -

"Inspector" means an inspector of weights and measures appointed under this Act and also includes the President;

"Mark" includes authorize, direct, cause, permit or suffer to be caused;

"Measuring instruments" includes any instrument for measuring weight, any article or liquid as well as an instrument for ascertaining any other measure referred to in the schedule to this Act;

"Pack" includes authorize one, direct, cause, permit or suffer to be packed;

"Package" includes anything by means of which any article or liquid is packed for sale, or any articles are packed for sale as a single item;

"President" means the President of the Price Tribunal.

230. Weights and measures to be used - The only denominations of weights and measures to be used in the Cook Islands shall be those specified in the schedule to this Act.

277. Administration - Subject to the control of the Minister this part of the Act shall be administered by the President.

280. Appointment of Inspector - (1) There may be from time to time be appointed under the provisions of the Public Service Act 1967, on the recommendation of the Minister, suitable persons to be inspectors of the public service for the purpose of ensuring compliance with this part of this Act.

(2) Any person appointed under this section may also with the approval of the Minister hold any other appointment in the Public Service.

(3) The President shall for the purposes of this part of this Act be deemed to be chief inspector.
(a) Every inspector shall be furnished with a certificate in writing of his appointment by the President and shall when performing any functions required by him under this Act shall produce such if so requested.

223. Powers of inspectors - (1) For the purposes of this part of this Act any inspector may at reasonable time -

(a) Enter any building or place or stop any vehicle wherein or in connection with which weights, measures, or measuring instruments are used for trade;

(b) Stop any person having in his possession a pack, basket, or other receptacle containing goods for sale and any weights, measures, or measuring instruments for use in connection with the sale of those goods;

(c) Examine and test those weights, measures, or measuring instruments and, if any such weight or measure is light or otherwise unjust or if any such measuring instrument is found to be incorrect or not in accordance with this part of this Act the inspector may seize the same;

(d) Examine and weigh or measure, or cause to be weighed or measured in the presence of the person in charge of the same, any goods kept or exposed for sale, and seize any goods in respect of which a contravention of this part of the Act has been committed.

(2) Any goods, weights, measures, and measuring instruments seized under this part of the Act shall, if the Minister directs, be forfeited or shall on forfeiture become the property of Her Majesty the Queen.

224. Inspection of scales and measuring instruments - (1) All scales and other instruments or articles used for the purpose of weighing or measuring instruments shall be checked every six months by an inspector as to the prescribed in the second Schedule to this Act shall be issued where such scales or other weighing instruments or measuring instruments reach the required accuracy.

(2) Before any certificate under subsection (1) hereof is issued a fee of $5.00 shall be paid.

(3) All fees collected under this section shall form part of the Public Revenues of the Cook Islands.

(a) All scales and other instruments or from use until rechecked, unless the President agrees to the usage subject to such conditions as he approves and notes on the prescribed certificate.

(5) For the purposes of this section, all scales or articles used for weighing purpose and measuring instruments shall be checked by an inspector as to accuracy as soon as possible after the commencement of this Act and no charges shall be made for such but a certificate in accordance with subsection (1) hereof, shall be issued.

(6) A certificate issued under this section shall be available for public inspection and shall be placed on the weighing or measuring instrument it applies to or kept in close proximity thereto.

(7) (a) The Minister may upon the recommendation of the President exempt certain types of measuring instruments from inspection under this section pursuant to such conditions as may be deemed fit;

(b) Any exemption given under this subsection shall be publicly notified in the Gazette.

225. Weights and measures - (1) The Minister may procure any verified standard weights and measures he deems necessary for the purposes of this Act.

(2) All such verified standard weights and measures shall be verified and stamped together with the letters "B.M." or "B.M." (signifying "British" or "measures") and a figure indicating the denomination of the weight or measure and any cause of any such verified standard to be placed in the custody and under the control of the President.

(3) Every verified standard in the custody and control of the President for the purposes of this Act be deemed to be of the weight or measure it purports to be.

(4) (a) For the payment of a fee of $5.00 the verified standards shall be available to any person for the purpose of ascertaining by comparison therewith, the accuracy of a weight or measure in that person's possession, at such times as the President thinks fit and under his supervision;

(b) A certificate as in the form prescribed in the third Schedule to this Act shall be issued as to accuracy;

(c) All fees collected under this section shall form part of the Public Revenues of the Cook Islands.
225. Complying with standards - All weights and measures and measuring instruments used in the Cook Islands shall comply with the standards laid down and publicly notified by the Minister.

226. Sale and packaging of articles - (1) For the purposes of this section an article shall be deemed to be prepckaged if it is packed in advance ready for sale.
(2) A reference in this section to the weight or measure of an article shall be construed as a reference to the weight or measure of the article excluding the weight or measure of the package in which the article is contained.
(3) The provisions of this section shall not apply where any article is packed and weighed or measured in the presence of the purchaser.
(4) An article sold by weight or measure shall be sold only by reference to a unit of measurement or weight specified in schedule one of this Act.
(5) A person shall not sell an article by weight or measure other than by net weight or measure or mark a package containing any article with the words "gross weight" or words to the like or sell an article in a package so marked.
(6) (a) Where any person sells by retail an article on weight or measure he shall have at the place where the sale is made a suitable instrument certified under section 221 of this Act for weighing or measuring the article and at the request of the purchaser weigh or measure the article in the presence of the said purchaser:
(b) This subsection shall not apply to articles imported into the Cook Islands already prepckaged in the exporting country and where the weight is specified therein.
(7) A person shall not pack an unprepckaged article, an article of any description unless a statement of purposed weight or measure of the article is marked in clear figures on the package containing the article.

6. Breach of trade practice restriction order - The principal Act is hereby further amended by inserting after section 28 the following new section:

"28A. Every person who acts or otherwise does anything that may be in contravention of a trade practice restriction order issued by the Tribunal, pursuant to section 22B of this Act commits an offence against this Act and shall be liable on conviction, in the case of an individual, to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding three months and in the case of a company, to a fine not exceeding two thousand dollars."
8. General provision as to offences - Section 27 of the principal Act is hereby repealed and the following section substituted:

"27. (1) Any information for any offence against this Act shall be:
   (a) laid within one year after the committing of the offence; and
   (b) served by the President in his official name or by some person authorized in that behalf by the President in writing.

(2) Where any offence under this Act is committed by any company every person engaged in the management of the company and responsible for the act or omission constituting the offence, shall also be guilty of an offence and any information may be laid against the company or any such person, or both, and the High Court may convict and sentence the company or any such person or both accordingly.

(3) Every person who aids, abets, counsels, or procures or is in any way knowingly concerned with the committing of an offence against this Act shall be deemed to have committed an offence against this Act."

9. Act to bind the Crown - The principal Act is hereby further amended by inserting after Section 33A the following section:

"33B. This Act shall bind the Crown and shall apply to all Departments and Agencies of the Crown."

10. Schedule - The principal Act is hereby further amended by adding the following Schedule after section 35:

"FIRST SCHEDULE

Section 22E.

PART I - MEASURES OF LENGTH

YARD
Foot, being the 1/3rd part of a yard.
Inch, being the 1/12th part of a foot.
Yard, being two yards.
Pole, being five and a half yards.
Chain, being twenty-two yards.
Link, being the 1/20th part of a chain.
Mile, being one thousand seven hundred and sixty yards.

PART II - MEASURES OF SURFACE

Square yard, being the standard yard squared.
Square foot, being the 1/9th part of a square yard.
Square inch, being the 1/144th part of a square foot.

PART III - CUBIC MEASURES

Cubic yard, being the standard yard cubed.
Cubic foot, being the 1/27th part of a cubic yard.
Cubic inch, being the 1/1/28th part of a cubic foot.

PART IV - MEASURES OF WEIGHT

POUND
Ounce, being the 1/16th part of a pound.
Dram, being the 1/48th part of an ounce.
Stone, being fourteen pounds.
Quarter, being twenty-eight pounds.
Hundredweight, being one hundred and twenty pounds.
Ton, being two thousand two hundred and forty pounds.

Provided that a ton of oatmeal or of flour, bran, pollard, shovels, emolins, wheatmeal, or other milled product of oats or wheat may consist of two thousand pounds.

Apothecaries' Weight.
Grain, being 1/1000th part of the pound avoirdupois.
Scruple, being twenty grains.
Drachma, being sixty grains or three scruples.
Apothecaries' ounce, being four hundred and eighty grains or eight drachmas.

Troy Weight.
Grain, being 1/2000th part of the pound avoirdupois.
Pennyweight, being twenty-four grains.
Ounce troy, being four hundred and eighty grains or twenty pennyweights.

PART V - CAPACITY MEASURES

Gallon, being ten pounds weight of distilled water weighed in air against bronze weights, with the water at the temperature of sixty-two degrees Fahrenheit's thermometer and the barometer at thirty inches.
Quart, being the 1/4th part of a gallon.
Pint, being half a quart or the 1/8th part of a gallon.
Gill, being the 1/16th part of a pint.

1973, No. 13 Control of Prices Amendment 11
Fluid ounce, being the 1/16th part of a fluid dram or the 1/160th part of a pint or the 1/120th part of a gallon.

Fluid dram, being the 1/16th part of a fluid ounce.

Minim, being the 1/60th part of a fluid dram.

Bushel, being eight gallons.

### Part VI - Metric System

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<td>Millimetre</td>
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### Second Schedule

**Control of Prices Act 1966**

(Section 22A)

**CERTIFICATE**

I, ____________________________, Chief Inspector of Weights and Measures do hereby certify that the ____________, as fully described hereunder has been examined and found to be accurate except as noted hereunder.

Dated at ____________________________

Date of Expiry of Certificate:

Date:

Comments:

Fee $5.00 paid on Receipt No. ______ of ________

### Third Schedule

**Control of Prices Act 1966**

(Section 22A)

**CERTIFICATE**

I, ____________________________, Chief Inspector of Weights and Measures do hereby certify that the ________, as fully described hereunder has been examined and found to be accurate except as noted.

Dated at ____________________________

Date of Expiry of Certificate:

Date:

Comments:

Fee $5.00 paid on Receipt No. ______ of ________

**DETAILS**

Full Description of Weights or Measures or Measuring Instrument Examined:

Comments:

Owner or Hirer:

Fee $5.00 paid on Receipt No. ______ of ________

**11. Revocation - The Cook Islands Weights and Measures Regulations 1954** (Serial No. 1954/24B) are hereby revoked.
With the exception of section 15 this Act is administered in the Treasury.

Section 15 is administered by the President of the Price Tribunal.

ANALYSIS

1. Short Title
2. Legal Tender

1973, No. 14

An Act to amend the Decimal Currency Act 1964

8 June 1973

BE IT ENACTED by the Legislative Assembly of the Cook Islands in session assembled, and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Decimal Currency Amendment Act 1973 and shall be read together with and deemed part of the Decimal Currency Act 1964 (hereinafter referred to as "the principal Act").

2. Legal Tender - Paragraph (a) of sub-section (1) of section 76 of the principal Act is hereby amended by inserting after the word "dollar" and before the word "for" the words "or two dollars".

3. Schedule - The Schedule to the principal Act is hereby amended by -

(a) Inserting in the column headed "Denomination of coin" before the words "One dollar" the words "Two dollars"; and

(b) Inserting in the column headed "Standard Composition" before the words "Copper and nickel" and corresponding to the words inserted by paragraph (a) of this section the words "Silver, copper and cadmium".

This Act is administered in the Treasury.